

9- Role of the International Court of Justice (ICJ)

In August, 1970 Canada, Argentina, Finland, Italy, Japan, Liberia, Mexico, the U.S.A. and Uruguay asked the U.N. Secretary-General to inscribe on the agenda of the General Assembly's 1970 session a new item entitled "Review of the Role of the International Court of Justice". At the 1970 Session Canada co-sponsored a draft resolution which would have established an Ad Hoc Committee of 25 experts to study the role of the Court in order to make recommendations on enhancing the Court's effectiveness. Member States, States Parties to the Statute of the Court, and the Court itself were also invited to submit their views and suggestions to the Secretary-General. The resolution was opposed by the U.S.S.R. which felt that such a study was unnecessary. France and a number of non-aligned countries proposed a compromise resolution, which was adopted unanimously, deferring consideration of the establishment of an Ad Hoc Committee until the 1971 session but, in the interim, inviting Member States to submit to the Secretary-General their comments on the role of the Court.

At the General Assembly's 1971 session, the Sixth (Legal) Committee had before it a report of the Secretary-General containing the comments submitted by 31 countries including Canada. The U.S.S.R. expressed the view that the small number of comments received indicated a lack of interest in the subject. They maintained that if countries were not making use of the Court to settle international dispute, it was due to political considerations. It was their view that countries, although under obligation to settle disputes peacefully, were not obliged to use the Court as the means of arbitration. They could see, therefore, little use in establishing a committee to study the role of the Court. Canada and other countries argued that the malaise surrounding the Court also sprang from other factors such as inaccessibility to the Court, the formality and length of proceedings, high costs involved in pleading uses before the Court, etc... They considered that if an Ad Hoc Committee could study these problems, it could perhaps come up with a number of generally acceptable recommendations, not necessarily involving formal amendments to the Statute of the Court, which would remove many of the Court's present drawbacks.

Canada and 30 other countries again presented a resolution calling for the establishment of an Ad Hoc Committee to study the role of the Court. The U.S.S.R. presented a resolution which would have postponed further consideration of the item until the Court completed its review of its rules of procedures. A French resolution deferred a decision on the establishment of an Ad Hoc Committee until the 1972 session and, in the interim, invited states which had not yet done so to submit comments to the Secretary-General. The French draft was approved after the U.S.S.R. withdrew its resolution.