

## VII LEGAL QUESTIONS

### The International Court of Justice<sup>1</sup>

The 16 new member states of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice, bringing the total number of parties to the Statute to 81. Japan, Switzerland, San Marino, Liechtenstein and the Federal Republic of Germany, though not members of the United Nations, are parties to the Statute of the Court.

#### Elections

The Court consists of 15 judges, each elected for a term of nine years<sup>2</sup>. Five judges retire every three years, and elections by secret ballot are held at the regular session of the General Assembly preceding the date on which the terms of office expire. To be elected, a candidate must receive an absolute majority of votes both in the General Assembly and in the Security Council. Members of the Court do not represent the states of which they are citizens; but it is intended that the main forms of civilization and the principal legal systems of the world should be represented on the Court.

Candidates are nominated by National Groups which are panels of lawyers appointed for six years by each state that is a party to the Statute of the Court. The Canadian group comprises: Mr. Justice Ivan C. Rand of the Supreme Court of Canada; Mr. F. Philippe Brais, a Montreal barrister; Dr. C. A. Wright, Dean of the School of Law at the University of Toronto; and Mr. M. H. Wershof, Legal Adviser of the Department of External Affairs. At the 1955 elections, the successful candidates for Court membership were Judge Jules Basdevant (France), and Judge José G. Guerrero (El Salvador), who were re-elected to the Court, and Professor H. Lauterpacht (United Kingdom), Dr. Moreno Quintana (Argentina), and Dr. Roberto Cordova (Mexico) who were elected to the Court for the first time. In an election to fill a vacancy caused by the death of Sir Benegal Rau of India, Sir Zafrulla Khan of Pakistan was elected over Dr. Radhabinhod Pal of India.

#### Cases

During the period under review, the Court gave an advisory opinion to the General Assembly on the voting procedure which should be followed by the Assembly on questions relating to reports and petitions concerning the territory of South West Africa<sup>3</sup>.

The following seven contentious cases were before the Court:

(1) United States v Hungary

This case concerned the treatment in Hungary of United States aircraft and military personnel. By order dated July 12, 1954, the Court indicated that it could take no further action because the Government of Hungary would not accept the jurisdiction of the Court.

(2) United States v U.S.S.R.

<sup>1</sup>For a discussion of the origin, constitution and jurisdiction of the Court, see *Canada and the United Nations 1949*, pp. 191-195.

<sup>2</sup>For the full membership of the Court, see Appendix I.

<sup>3</sup>See "South West Africa" above, pp. 86-88.