

VII

LEGAL

International Court of Justice

The International Court of Justice was established by the Charter as the principal judicial organ of the United Nations. It replaced the Permanent Court of International Justice, the Court which bore a similar relationship to the League of Nations. Since the Statute of the Court forms a part of the Charter, all members of the United Nations are parties to the Statute. In addition three national entities which are not members of the United Nations (Switzerland, San Marino, Liechtenstein) have become parties to the Statute.

The Statute provides that the Court shall consist of fifteen independent judges elected for nine year terms. They are elected by the General Assembly and the Security Council from a list of nominees submitted by national groups. Although the judges are elected "regardless of their nationality", the main forms of civilization and the principal legal systems of the world are represented. At the fourteenth session of the General Assembly, Dr. Ricardo J. Alfaro of Panama was elected to fill the vacancy caused by the death of Judge J. G. Guerrero of El Salvador. Judge J. E. Read of Canada served on the court from his election in 1946 until his retirement in 1958. There is no judge of Canadian nationality serving on the Court at the present time.

The function of the Court is to decide in accordance with international law the disputes which are submitted to it. As the judicial organ of the United Nations, the Court may also give advisory opinions on any legal question referred to it by the General Assembly, the Security Council or, with the consent of the Assembly, the Specialized Agencies.

Cases

During 1959 the International Court had under consideration the following cases:

(1) Portugal v. India (Case concerning right of passage over Indian territory).

On December 22, 1955 Portugal filed an application with the Court concerning a right of passage which it claimed over Indian territory to and from the Portuguese enclaves of Dadra and Nagar-Aveli. The case has now been pleaded orally and the Court has entered upon its deliberations.

(2) Switzerland v. United States (Interhandel case).

On October 1, 1957 Switzerland filed an application asking the Court to declare that the United States was under an obligation to restore certain assets to Interhandel, a company registered in Switzerland. In a judgment of March 21, 1959, the Court held that the application was inadmissible on the ground that there was no jurisdiction in the Court as Interhandel had not exhausted the local remedies available to it in the United States.

(3)-(4)-(5) Israel v. Bulgaria, the United States v. Bulgaria, the United Kingdom v. Bulgaria (Aerial incident of July 27, 1955).

On October 9, 1957 Israel instituted proceedings against Bulgaria for compensation for the destruction of an Israeli civil airliner in July 1955 by