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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 five national entities which are not members of the United Nations (Switzerland, San Marino, Liechtenstein, the Federal Republic of Germany and the Republic of Vietnam) 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 to be elected "regardless of their nationality", the main forms of civilization and the principal legal systems of the world are to be represented. No elections were held during the thirteenth session of the General Assembly. Elections were held during the twelfth session to replace Mr. John E. Read of Canada, among others, who retired in February of 1958.

The function of the Court is to try cases, generally on the basis of law, in all disputes referred to it by the parties concerned, or in accordance with provisions of the Charter or of special treaties and conventions. 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 1958 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 Portuguese enclaves of Dadra and Nagar-Aveli. The Court dismissed certain preliminary objections made by India but postponed consideration of two other Indian objections until such times as it deals with the merits of the dispute. During 1958 the Court issued three orders extending the time limits for the filing of pleadings in this case.

(2) Netherlands v. Sweden (Case concerning the guardianship of infants).

On July 9, 1957 the Netherlands instituted proceedings against Sweden, alleging that certain measures taken by the Swedish authorities to protect an infant of Netherlands nationality residing in Sweden were incompatible