

## 56. NEED FOR GREATER USE OF THE INTERNATIONAL COURT OF JUSTICE

The question of the need for greater use of the International Court of Justice was placed on the agenda of the General Assembly on the initiative of Australia. It was stated that the Court was the only organ of the United Nations which had not then been used and this was attributed, by the Australian representative, to an indifference toward the legal aspects of situations and toward the Court as a means of peaceful adjustment of these situations. In the Legal Committee some delegations, notably those from eastern Europe, insisted that the main problems facing the United Nations were of a political nature and that it would be improper to seek legal solutions to them through the Court. The majority of the representatives, however, expressed agreement with the views of the Australian delegate.

On November 14, 1947, the Assembly adopted three resolutions.<sup>1</sup> The first, based on the Australian proposals, recommended that United Nations organs and specialized agencies should review, from time to time, the "difficult and important points of law" which arise in the course of their activities, including the interpretation of the Charter and the constitutions of agencies, and to request advisory opinions of the Court, if so authorized. The second resolution authorized the Trusteeship Council to request advisory opinions of the Court. The third resolution, based on a Franco-Iranian proposal, drew attention to the desirability of accepting the compulsory jurisdiction of the Court and of inserting arbitration clauses in treaties, for the submission to the Court of disputes arising from the interpretation of such treaties. It also recommended that States should, as a general rule, submit their legal disputes to the Court.

The second resolution was adopted in the Assembly on November 14, 1947, by a vote of 54 in favour and none against and the first

<sup>1</sup> The text of these resolutions is given in Appendix V, E, p. 261.