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LEGAL

The International Court of Justice

The International Court of Justice is the principal judicial organ of the United Nations. It functions in accordance with a statute which forms an integral part of the United Nations Charter. The International Court was constituted in 1945 as successor to the Permanent Court of International Justice, which was established under the auspices of the League of Nations in 1921. All members of the United Nations are *ipso facto* parties to the Statute of the Court. In addition, Switzerland, San Marino, Liechtenstein and the Federal Republic of Germany, although not members of the United Nations, are parties to the Statute.

Elections

The Court consists of fifteen judges chosen from a list of persons of high legal qualifications nominated by national groups in all countries which are parties to the Statute. In order to be elected a judge must obtain a majority of votes in both the Security Council and the General Assembly acting independently of each other. According to the Statute of the Court, its members are to be chosen "regardless of their nationality" but the "main forms of civilization", and "principal legal systems of the world" are to be represented. Judges are elected to the Court for a period of nine years at the conclusion of which they are eligible for re-election for a similar term.

At the twelfth session of the General Assembly, elections were held to fill vacancies to be created by the expiration, on February 5, 1958, of the term of office of five judges. Three judges were re-elected for another term: Mr. A. H. Badawi of Egypt; Mr. M. B. Winiarski of Poland; and Mr. V. K. W. Koo of China. Elected to the Court for the first time were Sir Percy Spender of Australia and Mr. J. Spiropoulos of Greece. Mr. John E. Read of Canada, who was a member of the Court from 1946 until the expiration of his current term of office on February 5, 1958, did not seek re-election.

Cases

During the period under review, the International Court had under consideration more contentious cases than during any other year since its inception. Of the following eight cases before the Court in 1957, no final decisions have as yet been handed down in cases numbered 2 to 8:

(1) France v. Norway (Norwegian Loans Case)

On July 6, 1955, France instituted proceedings against Norway concerning the payment of certain loans issued in France. On July 6, 1957, the Court, by a majority of twelve votes to three, found that it was without jurisdiction to adjudicate upon the dispute.

(2) Portugal v. India

On December 22, 1955, Portugal filed an application before the Court concerning a right of passage which it claims over Indian territory between the Portugese territory of Daman and the enclaved territories of Duda and