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.

Elections

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.

Elections were held at the fifteenth session of the General Assembly, which took place in New York in the latter part of 1960 to fill five vacancies and the following were elected:

Mr. Philip C. Jessup of the United States;

Mr. Vladimir Koretsky of the Union of Soviet Socialist Republics;

Mr. Gaetano Morelli of Italy;

Mr. Jose Luis Bustamante y Rivero of Peru; and

Mr. Kotaro Tanaka of Japan.

A special election was also held to fill the vacancy created by the death of Sir Hersch Lauterpacht of the United Kingdom, which was filled by the election of Sir Gerald Fitzmaurice, also of the United Kingdom, who will serve on the Court for the balance of Sir Hersch Lauterpacht's term. Mr. Justice John E. Read, who retired in February of 1958, is the only Canadian who has served on the Court. No Canadian has since that time been put forward as a candidate.

Cases

During 1960 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