

down in Article 4.

The other case (which is still before the Court) arose from a dispute between the United Kingdom and Albanian Governments over the damaging of two British warships in the Corfu Channel in May, 1946. Since no member of the Court was of Albanian nationality, Albania took advantage of a provision of the Statute of the Court to appoint an *ad hoc* judge in the case. The Government of Albania entered a preliminary objection, to the effect that the Court did not have jurisdiction to hear the issue. Only the Albanian judge (who was not a regular member of the Court) dissented from the Court's judgment which rejected this preliminary objection. It is noteworthy that the regular members of the Court, in giving their first decision, were of one opinion on the point at issue. It is also noteworthy that the Court in giving its opinion relied strongly upon a decision of the Permanent Court of International Justice.

#### RULE OF LAW

The International Court of Justice provides an important means by which states may resolve their legal disputes by peaceful means, and at the same time build up a system of international order based on the rule of law. It is hoped that increasing use may be made of the International Court by states and by the various organs and agencies of the United Nations. It is upon such use that the contribution of the Court to the development of international law will depend. The Court will be effective in supplying solutions to end controversies amongst states only so long as the disputants are willing to live within the law. It is the primary responsibility of the Security Council to deal with situations arising when states wish to go outside the law. For this reason the contribution of the Court to the maintenance of peace will be less direct than that of the Council.



THE PALACE OF PEACE

The International Court of Justice, like the Permanent Court of International Justice established under the League of Nations Covenant, sits in the Palace of Peace at the Hague, Netherlands, but may hold sittings elsewhere. (U.N. Photo)

J.G. Guerrero of El Salvador was for nine years President of the Permanent Court and was elected the first President of the new Court. He has expressed the view that it is through decisions of the Court rather than by multilateral conventions that the best progress will be made in the clarification and development of international law. In an article appearing in the February 1947 issue of "United Nations World", he stated that:

"The jurisprudence of... the Permanent Court of International Justice, has already contributed several well defined principles and rules of law and it is permissible to consider that these have now been definitely included as a part of international law. When the International Court of Justice has also delivered a certain number of judgments and advisory opinions and has

thus confirmed the jurisprudence which already exists, the authority attaching to the decisions of both courts will suffice to endow certain rules of law with a value equal to any that could be conferred on them by reason of their incorporation in collective conventions.

"Whatever may be the degree of influence exercised by the jurisprudence of the Court upon the gradual codification of international law, it is certain that its decisions will possess the great merit of clarifying those rules of law which are the subject of divergent views, and of affirming others which are uniformly recognized by international doctrine and practice. It may be truly said, therefore, that the Court will make a generous contribution to the progress and codification of international law."