

place the judges whose terms expire at the end of three years. One of these candidates is Judge J.E. Read, who is now one of these judges. He was Legal Adviser to the Department of External Affairs in Ottawa from 1929 until 1946. The other three candidates nominated by the National Group of Canada are Judge Hsu Mo of China, Judge Abdel Hamid Badawi Pasha of Egypt and Sir Benegal Narsinga Rau of India.

#### COURT OPEN TO STATES

Only states may be parties in cases before the Court; the Court is not open to individuals or corporations as litigants. The Court is open to all states which are parties to its Statutes and under certain conditions laid down by the Security Council the Court is open to other states. International organizations are entitled to full information whenever the construction of their constitutional instrument is being considered by the Court and, generally speaking, may submit information relevant to cases before the Court.

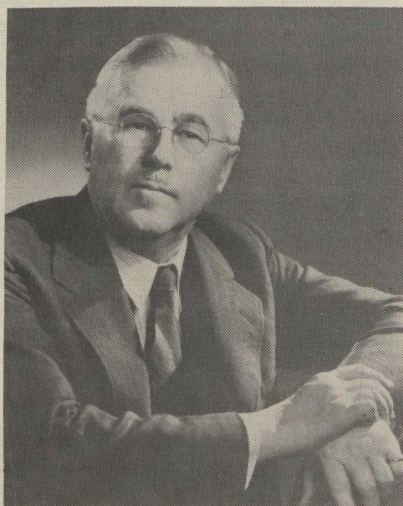
The Statute of the Court empowers it to form chambers composed of three or more judges for dealing with special categories of cases such as those relating to transit and communications or to labour questions. The Court may also form annually a chamber composed of five judges which may determine cases by summary procedure when the parties so request. As in the case of judgment by the whole Court, that given by any of the chambers is final and without appeal.

#### UNDERTAKE TO COMPLY

Membership in the United Nations carries with it an undertaking by the Member to comply with the Court's decision in any case to which it is a party. Should a state fail to honour this undertaking the other party to the case may have recourse to the Security Council which may, in turn, make recommendations or

decide upon measures to be taken to give effect to the judgment.

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in any treaties and conventions. State parties to the Statute are, however, free to entrust the solution of their differences to other tribunals. Parties to the Statute may make a declaration accepting the Court's compulsory jurisdiction in certain specified classes of legal dispute, those which can



JUDGE JOHN E. READ

Judge Read, who was born at Halifax, Nova Scotia, was elected a judge of the International Court of Justice in February, 1946. (Copyright, Karsh, Photo)

be settled by the application of rules of law. Such a declaration may be made unconditionally or on condition of reciprocity on the part of several or certain States or for a certain time. The term "compulsory jurisdiction" does not refer to the enforcement of the Court's judgment.

#### CANADA'S ACCEPTANCE

Canada accepted, with reservations, the compulsory jurisdiction of the Permanent Court by a declaration made in 1929 under the Statute of that Court. Under the new Charter and Statute, the original declaration, with its reserva-

tions and those of 1939 takes effect as if it were a declaration accepting the compulsory jurisdiction of the International Court.

The Court has the power to give advisory opinions on legal questions. These may be referred to it by either the General Assembly or the Security Council or, if so authorized by the General Assembly, by one of the organs or specialized agencies of the United Nations. The Economic and Social Council, and the specialized agencies, have been authorized to seek advisory opinions in matters within their competence. Almost one half of the cases which came before the Permanent Court were advisory matters and consideration of such matters is likely to become an increasingly important function of the new Court. Advisory opinions arrived at by judicial procedure do not, however, possess the binding force of a judgment.

Experience had shown that the absence of any provision for the amendment of the Statute of the Permanent Court of International Justice had been a weakness. It is accordingly provided that the present Statute can be amended by the same procedure as the Charter. The Court itself may propose amendments to its Statute.

#### TWO CASES HEARD

Expectations as to the extent to which the Court would be used have not yet been fully realized. Two cases have, however, been brought before it. One of these was a request, in November, 1947, by the General Assembly, for the Court to give an advisory opinion with respect to Article 4 of the Charter of the United Nations, dealing with the admission of states to membership. The Court held (with six judges dissenting) that no member may subject its affirmative vote for the admission of a certain state to the condition that another state be also admitted, or otherwise attach conditions not laid