

**REPORT
OF THE
INTERNATIONAL COURT
OF JUSTICE**

1 August 1973-31 July 1974

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-NINTH SESSION

SUPPLEMENT No. 5 (A/9605)



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New York, 1974

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. COMPOSITION OF THE COURT

1. There has been no change in the composition of the Court since the five judges elected by the General Assembly and Security Council on 30 October 1972 took up their duties.
2. The President and the Vice-President of the Court are, respectively, Manfred Lachs and Fouad Ammoun, who were each elected by the Court on 8 February 1973 to a three-year term of office.
3. The other Members of the Court are, in order of seniority: I. Forster, A. Gros, C. Bengzon, S. Petrén, C. D. Onyeama, H. C. Dillard, L. Ignacio-Pinto, F. de Castro, P. D. Morozov, E. Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and J. M. Ruda.
4. In accordance with Article 29 of its Statute, the Court forms annually a Chamber of Summary Procedure. This Chamber was constituted on 25 January 1974 as follows:

Members:

President Lachs; Vice-President Ammoun; Judges Onyeama, de Castro and Jiménez de Aréchaga.

Substitute Members:

Judges Sir Humphrey Waldock and Ruda.

5. The Court learned with deep regret of the deaths on 23 December 1973 of Mr. J. E. Read, Member of the Court from 1946 to 1958; on 1 March 1974 of Mr. K. Tanaka, Member of the Court from 1961 to 1970.
6. The Registrar of the Court is Mr. S. Aquarone and the Deputy-Registrar is Mr. W. Tait.

II. JURISDICTION OF THE COURT

A. JURISDICTION OF THE COURT IN CONTENTIOUS CASES

7. On 31 July 1974 the 135 States Members of the United Nations, and also Liechtenstein, San Marino and Switzerland, were parties to the Statute of the Court.

8. In addition, the Court is open to the Republic of Viet-Nam within the scope of a declaration filed by it with the Registry of the Court on 12 November 1952 in accordance with Security Council resolution 9 (1946) of 15 October 1946.

9. On 26 November 1973 the Government of El Salvador terminated its former declaration of acceptance of the compulsory jurisdiction of the Court and deposited with the Secretary-General a fresh declaration of acceptance under Article 36, paragraph 2, of the Statute. On 2 January 1974 the French Government notified the abrogation of its declaration of acceptance of the compulsory jurisdiction of the Court.

10. There are thus now 45 States which, under Article 36, paragraph 2, of the Statute, recognize the jurisdiction of the Court as compulsory, many of them with reservations, in relation to any other State accepting the same obligation. They are: Australia, Austria, Belgium, Botswana, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Gambia, Haiti, Honduras, India, Israel, Japan, Kenya, Khmer Republic, Liberia, Liechtenstein, Luxembourg, Malawi, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Philippines, Portugal, Somalia, Sudan, Swaziland, Sweden, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

11. Since 1 August 1973, two treaties providing for the jurisdiction of the Court in contentious cases and registered with the Secretariat of the United Nations have been brought to the knowledge of the Court: Trade Agreement of 14 March 1967 between the Benelux countries and the Philippines; Treaty of Commerce of 14 July 1971 between the Benelux countries and the USSR.

12. Lists of treaties and conventions in force which provide for the jurisdiction of the Court appear in Chapter IV of the I.C.J. Yearbook 1973-1974. In addition, the jurisdiction of the Court extends to treaties or conventions in force providing for reference to the Permanent Court of International Justice (Statute, Art. 37).

B. JURISDICTION OF THE COURT IN ADVISORY PROCEEDINGS

13. The following organizations are at present authorized to request advisory opinions of the Court on legal questions: United Nations (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, Committee on Applications for Review of Administrative Tribunal Judgements); International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Bank for Reconstruction and Development; International Finance Corporation;

International Development Association; International Monetary Fund; International Civil Aviation Organization; International Telecommunication Union; World Meteorological Organization; Inter-Governmental Maritime Consultative Organization; International Atomic Energy Agency.

14. Provision for the advisory jurisdiction of the Court is also made in certain international instruments, listed in Chapter IV of the I.C.J. Yearbook 1973-1974.

III. JUDICIAL WORK OF THE COURT

15. During the period under review the Court held 14 public sittings and 68 private meetings. It delivered two Judgements and made four Orders. Decision was given on the merits of the two Fisheries Jurisdiction cases, the case concerning Trial of Pakistani Prisoners of War was removed from the list, and the Court continued its consideration of the Nuclear Tests cases.

A. FISHERIES JURISDICTION

16. These two cases had been brought against Iceland by the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany on 14 April and 5 June 1972 respectively.

17. By 1 August 1973, the time-limit fixed by Orders made on 15 February 1973, the United Kingdom and the Federal Republic of Germany had each filed a Memorial on the merits. Iceland did not file any Counter-Memorial within the time-limit of 15 January 1974 which had been fixed by the Court in the same Orders.

18. Between 25 March and 2 April 1974 the Court held four public sittings at which it heard arguments on the merits presented on behalf of the United Kingdom and of the Federal Republic of Germany. Iceland was not represented at these hearings.

19. On 25 July 1974 two Judgements given by the Court on the merits of each case by 10 votes to 4 were delivered at a public sitting. (I. C. J. Reports 1974, pp. 3 and 175).

B. NUCLEAR TESTS

20. In 1973-1974 the Court continued its consideration of the two cases brought against France on 9 May 1973 by Australia and New Zealand. By Orders of 22 June 1973 the Court had decided that the written proceedings should first be addressed to the questions of the jurisdiction of the Court to entertain the disputes and of the admissibility of the Applications and fixed 21 September and 21 December 1973 as the respective time-limits for the filing of Memorials by Australia and New Zealand and of Counter-Memorials by France.

21. Following requests by Australia and New Zealand, these time-limits were, by Orders of 28 August and 6 September 1973 (I. C. J. Reports 1973, pp. 338 and 341), extended to 23 November 1973 and 19 April 1974 in the proceedings instituted by Australia, and to 2 November 1973 and 22 March 1974 in those instituted by New Zealand. Australia and New Zealand filed Memorials within these extended time-limits. France did not file any Counter-Memorial.

22. Between 4 and 11 July 1974 the Court held eight public sittings, at which France was not represented, and at which it heard observations presented on behalf

of Australia and of New Zealand on the jurisdiction of the Court and the admissibility of the Applications. These questions are now under deliberation.

23. In a resolution of 21 March 1974 the Court drew attention to the fact that, before the reading of its Orders of 22 June 1973 indicating interim measures of protection, statements as to the probable decision of the Court had been published. The Court expressed its strong disapproval of the making, circulation or publication of all statements anticipating or purporting to anticipate or forecast the manner in which judges of the Court would cast their votes in a pending case.

C. TRIAL OF PAKISTANI PRISONERS OF WAR

24. These proceedings had been instituted on 11 May 1973 by Pakistan against India. By an Order of 13 July 1973 the Court had decided that the written proceedings in the case should first be addressed to the question of its jurisdiction to entertain the dispute and fixed 1 October and 15 December 1973 as the time-limits for the filing of a Memorial by Pakistan and a Counter-Memorial by India.

25. By an Order of 29 September 1973 (I.C.J. Reports 1973, p. 344) these time-limits were, following a request by Pakistan, extended to 15 December 1973 and 17 May 1974. Before the expiration of the first, Pakistan, in a letter of 14 December 1973, informed the Court of negotiations with India and requested it to record discontinuance of the proceedings. By an Order of 15 December 1973 (I.C.J. Reports 1973, p. 347) the case was removed from the Court's list in accordance with Article 74 of the Rules of Court.

IV. STATUTE AND RULES OF COURT AND ADMINISTRATIVE MATTERS

26. At the twenty-eighth session of the General Assembly, the Sixth Committee postponed consideration of the item on the review of the role of the Court until the following session, and, on its recommendation, the General Assembly decided, at the 2197th plenary meeting, held on 12 December 1973, to include that item in the provisional agenda of the twenty-ninth session.

27. On the proposal of the Court, the General Assembly had included in the agenda of its twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh sessions an item entitled "Amendment of Article 22 of the Statute of the International Court of Justice (Seat of the Court) and consequential amendments to Articles 23 and 28". At each of these sessions the Assembly decided to postpone consideration of the item and requested the Secretary-General to include it in the provisional agenda of the following regular session. At its 2152nd plenary meeting, held on 12 October 1973, the General Assembly decided, on the recommendation of the General Committee, not to take up that item at its twenty-eighth session, and requested the Secretary-General to include it in the provisional agenda of its twenty-ninth session.

28. On 8 and 9 July 1974, the Secretary-General of the United Nations paid an official visit to the Court. He was received at the Peace Palace, the seat of the Court, and had an extended discussion with its members.

V. PUBLICATIONS AND DOCUMENTS OF THE COURT

29. The publications of the Court are distributed to the Governments of all States entitled to appear before the Court and major law libraries throughout the world. The sale of the Court's publications is organized by the Sales Section of the United Nations Secretariat, and they may be obtained throughout the world from any bookseller selling United Nations publications. Catalogues, with annual supplements, are distributed free of charge (latest edition: 1972).

30. The publications of the Court at present comprise three annual series: Reports of Judgements, Advisory Opinions and Orders, a Bibliography of works and documents relating to the Court, and a Yearbook. The most recent volumes of the first two series are the I. C. J. Reports 1973 and the I. C. J. Bibliography No. 26.

31. The documentation of each case is published by the Court, after the end of the proceedings, under the title Pleadings, Oral Arguments, Documents. However, even before the termination of a case, the Court may, after obtaining the views of the parties, make the pleadings and documents available on request to the Government of any State entitled to appear before the Court; the Court may also, with the consent of the parties, make these documents accessible to the public.

32. The Court sends out press communiqués, bulletins and background notes to keep lawyers, university teachers and students, government officials, the press and the general public informed about its work, functions and jurisdiction.

33. More comprehensive information on the work of the Court during the period under review is contained in the I. C. J. Yearbook 1973-1974, published concurrently with the issue of the present report.

(Signed) Manfred LACHS
President of the International Court of Justice

The Hague, 2 August 1974

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