



**REPORT
OF THE
INTERNATIONAL COURT
OF JUSTICE**

1 August 1972—31 July 1973

**GENERAL ASSEMBLY
OFFICIAL RECORDS : TWENTY-EIGHTH SESSION
SUPPLEMENT No. 5 (A/9005)**

UNITED NATIONS

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UNITED NATIONS

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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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1. The present report on the work of the International Court of Justice covers the period from 1 August 1972 to 31 July 1973. It follows the report for 1971-1972,¹ of which the General Assembly took note on 13 December 1972.

I. COMPOSITION OF THE COURT

2. On 30 October 1972 the General Assembly and the Security Council re-elected Judges Forster and Gros to be Members of the Court for a further period of nine years as from 6 February 1973; Sir Humphrey Waldock, Mr. Nagendra Singh and Mr. José María Ruda were at the same time elected to be Members of the Court for the same period, in order to fill the vacancies left by the expiry on 5 February 1973 of the terms of office of Sir Muhammad Zafrulla Khan, Sir Gerald Fitzmaurice and Judge Padilla Nervo. The new judges made the solemn declaration provided for in Article 20 of the Statute at a public sitting of the Court on 14 February.

3. On 8 February 1973 the Court elected Judge Lachs to succeed Sir Muhammad Zafrulla Khan as President, and re-elected Judge Ammoun to be its Vice-President, for a period of three years.

4. The present composition of the Court is thus as follows: President: M. Lachs; Vice-President: F. Ammoun; Judges: I. Forster, A. Gros, C. Bengzon, S. Petré, C. D. Onyeama, H. C. Dillard, L. Ignacio-Pinto, F. de Castro, P. D. Morozov, E. Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh, J. M. Ruda.

5. With a view to the speedy despatch of business, the Court forms annually a Chamber of Summary Procedure (Statute, Art. 29). This Chamber was constituted on 8 February 1973 as follows:

Members:

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

Substitute Members:

Judges Sir Humphrey Waldock and Ruda.

6. The Court learned with deep regret of the deaths on 5 August 1972 of Mr. J. Spiropoulos, Member of the Court from 1958 to 1967; on 2 January 1973, of Mr. C. De Visscher, Member of the Permanent Court of International Justice from 1937 to 1946 and of the International Court of Justice from 1946 to 1952; and, on 24 June 1973, of Mr. G. H. Hackworth, Member of the Court from 1946 to 1961 and President from 1955 to 1958.

7. Mr. S. Aquarone and Mr. W. Tait were on 5 July 1973 re-elected as Registrar and Deputy-Registrar respectively.

II. JURISDICTION OF THE COURT

A. JURISDICTION OF THE COURT IN CONTENTIOUS CASES

8. On 31 July 1973, the 132 States Members of the United Nations, and also Liechtenstein, San Marino and Switzerland, were parties to the Statute of the Court.

9. In addition, the Court is open to the Federal Republic of Germany within the scope of the 6 declarations filed by it with the Registry of the Court under Security Council resolution 9 (1946) of 15 October 1946, and to the Republic of Viet-Nam within the scope of the declaration filed by it under the same resolution.

10. By a letter of 5 September 1972 the Government of the People's Republic of China made it known that it "does not recognize the statement made by the defunct Chinese Government on 26 October 1946 ... concerning the acceptance of the compulsory jurisdiction of the Court". On 20 February 1973 the Government of Costa Rica deposited with the Secretary-General a declaration accepting the compulsory jurisdiction

of the Court in accordance with Article 36, paragraph 2, of the Statute of the Court.

11. There are thus now 46 States which recognize the jurisdiction of the Court as compulsory, some of them however 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, France, 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.

12. Since 1 August 1972 five treaties providing for the jurisdiction of the Court in contentious cases have been registered with the Secretariat of the United Nations and brought to the knowledge of the Court: Agreement of 1 December 1954, concerning the International Institute of Refrigeration, replacing the Convention of 21 June 1920; Berne Convention for the

¹ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 5 (A/8705).

Protection of Literary and Artistic Works, revised at Stockholm on 14 July 1967; Paris Convention for the Protection of Industrial Property, revised at Stockholm on 14 July 1967; Hague Convention of 16 December 1970 for the Suppression of Unlawful Seizure of Aircraft; General Agreement of 5 April 1972 on Judicial Solution of Disputes between the Argentine Republic and the Republic of Chile.

13. Lists of treaties and conventions in force which provide for the jurisdiction of the Court appear in Chapter IV of the Court's *Yearbook 1972-1973*. 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

14. 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 As-

sembly, 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

15. Provision for the advisory jurisdiction of the Court is also made in certain international instruments, listed in Chapter IV of the Court's *Yearbook 1972-1973*.

III. JUDICIAL WORK OF THE COURT

16. From 1 to 18 August 1972 and from 4 January to 13 July 1973 the Court held 21 public sittings and 101 private meetings. It delivered three Judgments and one Advisory Opinion and made 13 Orders. The Court gave final judgment in one contentious case, and gave one Advisory Opinion; it continued its consideration of two other contentious cases, in each of which it made a finding that it had jurisdiction, and was seised of three more. It dealt with five requests for the indication of interim measures of protection, and received two applications for permission to intervene.

A. APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL

17. On 18 August 1972 the Court delivered at a public sitting its Judgment in this case, which originated in the fact that on 4 February 1971, following an incident involving the diversion of an Indian aircraft to Pakistan, India suspended overflights of its territory by Pakistan civil aircraft. Pakistan had submitted an Application and Complaint to the ICAO Council on 3 March 1971. India having raised preliminary objections to its jurisdiction, the Council declared itself competent by decisions given on 29 July 1971. On 30 August 1971 the Government of India appealed from those decisions to the Court. During the written and oral proceedings which followed, Pakistan advanced *inter alia* certain objections to the jurisdiction of the Court to entertain the appeal.

18. In its Judgment of 18 August 1972 (*I.C.J. Reports 1972*, p. 46), the Court, after giving its reasons: by 13 votes to 3, rejected the Government of Pakistan's objections on the question of its competence, and found that it had jurisdiction to entertain India's appeal; by 14 votes to 2, held the ICAO Council to be competent to entertain the Application and Complaint laid before it by the Government of Pakistan and, in consequence,

rejected the appeal made to the Court by the Government of India. President Sir Muhammad Zafrulla Khan and Judge Lachs appended declarations to the Judgment; Judges Petré, Onyeama, Dillard, de Castro and Jiménez de Aréchaga appended separate opinions; and Judge Morozov and Judge *ad hoc* Nagendra Singh appended dissenting opinions.

19. The Court was composed as follows for these proceedings: Vice-President Ammoun, Acting President; President Sir Muhammad Zafrulla Khan; Judges Sir Gerald Fitzmaurice, Padilla Nervo, Forster, Gros, Bengzon, Petré, Lachs, Onyeama, Dillard, Ignacio-Pinto, de Castro, Morozov and Jiménez de Aréchaga; Judge *ad hoc* Nagendra Singh (chosen by the Government of India).

B. FISHERIES JURISDICTION

20. Applications instituting proceedings against Iceland had been filed by the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany on 14 April and 5 June 1972, respectively. These two cases originated in the decision of the Government of Iceland to extend the limits of its exclusive fisheries jurisdiction from 12 to 50 nautical miles from the baselines around its coasts with effect from 1 September 1972, a decision which the United Kingdom and Federal German Governments consider to be contrary to international law. By letters of 29 May and 27 June 1972, respectively, the Government of Iceland had stated that there was no basis under the Statute for the Court to exercise jurisdiction in either of the two cases and that it was not willing to confer jurisdiction on the Court.

21. After requests for the indication of interim measures of protection had been presented by the United Kingdom on 19 July 1972 and by the Federal Republic on 21 July, the Court, on 1 and 2 August

1972, held public hearings at which it heard observations on the subject from, respectively, Sir Peter Rawlinson on behalf of the United Kingdom and Mr. Jaenicke on behalf of the Federal Republic. The Government of Iceland was not represented at these hearings.

22. On 17 August 1972 the Court, at a public sitting made two Orders (*I.C.J. Reports 1972*, p. 12 and p. 30). In the first, concerning the United Kingdom case, it indicated, by 14 votes to 1, and pending its final decision, the following provisional measures:

- (a) the United Kingdom and Iceland should each of them ensure that no action of any kind is taken which might aggravate or extend the dispute;
- (b) the United Kingdom and Iceland should each of them ensure that no action is taken which might prejudice the rights of the other Party in respect of the carrying-out of whatever decision on the merits the Court may render;
- (c) Iceland should refrain from taking any measures to enforce the Regulations of 14 July 1972 against vessels registered in the United Kingdom and engaged in fishing activities in the waters around Iceland outside the 12-mile fishery zone;
- (d) Iceland should refrain from applying administrative, judicial or other measures against ships registered in the United Kingdom, their crews or other related persons, because of their having engaged in fishing activities in the waters around Iceland outside the 12-mile fishery zone;
- (e) the United Kingdom should ensure that vessels registered in the United Kingdom do not take an annual catch of more than 170,000 metric tons of fish from the "Sea Area of Iceland" as defined by the International Council for the Exploration of the Sea as area Va;
- (f) the United Kingdom Government should furnish the Government of Iceland and the Registry of the Court with all relevant information, orders issued and arrangements made concerning the control and regulation of fish catches in the area.

Unless the Court has meanwhile delivered its final judgment in the case, it shall, at an appropriate time before 15 August 1973, review the matter at the request of either Party in order to decide whether the foregoing measures shall continue or need to be modified or revoked.

23. In the second Order, concerning the case brought by the Federal Republic of Germany, the Court, by the same majority, indicated *mutatis mutandis* the same provisional measures, with the sole substantive difference that, under (e), the limit of the annual catch by vessels registered in the Federal Republic was fixed at 119,000 metric tons of fish. Vice-President Ammoun and Judges Forster and Jiménez de Aréchaga appended a joint declaration, and Judge Padilla Nervo a dissenting opinion, to both Orders.

24. By two Orders of 18 August 1972 (*I.C.J. Reports 1972*, p. 181 and p. 188) the Court fixed 13 October and 8 December 1972, respectively, as the time-limits for the filing of Memorials by the Governments of the United Kingdom and of the Federal Republic of Germany, and of Counter-Memorials by Iceland. By 9 votes to 6 the Court decided that those pleadings should be addressed to the question of the Court's jurisdiction. Judges Bengzon and Jiménez de Aréchaga ap-

pended to both Orders a joint dissenting opinion on that point.

25. The Governments of the United Kingdom and of the Federal Republic filed Memorials on the jurisdiction of the Court within the time-limits thus fixed. On 5 and 8 January 1973 the Court held two public hearings at which observations were successively presented by Sir Peter Rawlinson for the United Kingdom, and Mr. Jaenicke for the Federal Republic of Germany, on the question of the Court's jurisdiction. The Government of Iceland did not file Counter-Memorials and was not represented at the hearings.

26. By two Judgments delivered at a public sitting on 2 February 1973 (*I.C.J. Reports 1973*, p. 3 and p. 49) the Court, by 14 votes to 1, found that it had jurisdiction to entertain the Applications filed by the Governments of the United Kingdom and of the Federal Republic and to deal with the merits. To each of these two Judgments, President Sir Muhammad Zafrulla Khan appended a declaration, Judge Sir Gerald Fitzmaurice a separate opinion and Judge Padilla Nervo a dissenting opinion.

27. The Court was composed as follows for the purposes of the Orders and Judgments mentioned above: President Sir Muhammad Zafrulla Khan; Vice-President Ammoun; Judges Sir Gerald Fitzmaurice, Padilla Nervo, Forster, Gros, Bengzon, Petrán, Lachs, Onyeama, Dillard, Ignacio-Pinto, de Castro, Morozov and Jiménez de Aréchaga.

28. By two Orders of 15 February 1973 (*I.C.J. Reports 1973*, p. 93 and p. 96) the Court, having ascertained the views of the Applicants and having given the Respondent an opportunity of stating its views, fixed 1 August 1973 and 15 January 1974 respectively, as the time-limits for the filing of Memorials on the merits by the United Kingdom and the Federal Republic, and Counter-Memorials on the merits by the Government of Iceland.

29. By a communication of 22 June 1973 the Government of the United Kingdom requested the Court to confirm that the interim measures of protection indicated in the Order of 17 August 1972 would continue until the Court had given final judgment in the case or until further order. By a communication of the same date the Government of the Federal Republic of Germany asked the Court to confirm its opinion that the Order of 17 August 1972 would continue to be operative after 15 August 1973. The Government of Iceland protested against the continuation in force of the interim measures by a telegram of 2 July 1973. By two Orders made on 12 July 1973 (*I.C.J. Reports 1973*, pp. 302 and 313) the Court, by 11 votes to 3, confirmed that, subject to the power of revocation or modification conferred on the Court by article 61, paragraph 7, of the 1946 Rules, the provisional measures referred to above would remain operative until the Court had given final judgment. To each of these two Orders Judge Ignacio-Pinto appended a declaration and Judges Gros and Petrán a dissenting opinion.

30. In making the above-mentioned Orders of 12 July, the Court was composed as follows: President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Petrán, Onyeama, Ignacio-Pinto, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Walldock, Nagendra Singh and Ruda. (Judge Dillard was ill and therefore unable to sit in the proceedings.)

C. APPLICATION FOR REVIEW OF JUDGEMENT No. 158
OF THE UNITED NATIONS ADMINISTRATIVE TRI-
BUNAL

31. On 3 July 1972 the Court had received from the Committee on Application for Review of Judgements of the United Nations Administrative Tribunal a request for an advisory opinion in relation to Judgement No. 158 given on 28 April 1972 in Geneva by the Administrative Tribunal in the case of *Fasla v. the Secretary-General*. Acting under Article 11 of the Statute of the Administrative Tribunal, the Committee had on 20 June 1972 decided at Mr. Fasla's request to seek an advisory opinion of the Court.

32. In conformity with Article 65, paragraph 2, of the Statute of the Court, the Secretary-General of the United Nations transmitted to the Court, on 29 August 1972, documents likely to throw light upon the question. In conformity with Article 66, paragraph 2, of the Statute of the Court, the United Nations and its member States were informed that the Court was prepared to receive written statements likely to furnish information on the question put to it. Within the time-limit fixed by an Order of 14 July 1972 (*I.C.J. Reports* 1972, p. 9), i.e., 20 September 1972, the United Nations presented a written statement made on behalf of the Secretary-General, as well as a statement of the views of Mr. Fasla transmitted to the Court in accordance with article 11, paragraph 2, of the Statute of the Administrative Tribunal. Subsequently Mr. Fasla was authorized to file, through the Secretary-General, a corrected version of the statement of his views within a time-limit expiring on 5 December 1972. The President having fixed 27 November 1972 as the time-limit for the submission of written comments in conformity with Article 66, paragraph 4, of the Statute of the Court, and subsequently extended it to 31 January 1973, written comments were submitted on behalf of the United Nations, comprising comments by the Secretary-General on the corrected version of the statement of Mr. Fasla's views together with Mr. Fasla's comments on the written statement of the Secretary-General. The United Nations and its member States were informed on 6 October 1972 that it was not contemplated to hold public sittings for the purpose of hearing oral statements, and this was confirmed by a decision of the Court on 25 January 1973.

33. On 12 July 1973 the Court, at a public sitting, delivered an Advisory Opinion (*I.C.J. Reports* 1973, p. 166) in which, after giving its reasons and having decided, by 10 votes to 3, to comply with the request, it expressed the opinion:

by 9 votes to 4 that the Administrative Tribunal had not failed to exercise the jurisdiction vested in it as contended in the applicant's application to the Committee on Applications, and,

by 10 votes to 3, that the Administrative Tribunal had not committed a fundamental error in procedure which had occasioned a failure of justice as contended in the applicant's application.

To this Advisory Opinion President Lachs and Judge Forster appended declarations; Judges Forster and Nagendra Singh appended a joint declaration; Judges Onyeama, Dillard and Jiménez de Aréchaga appended separate opinions; and Vice President Ammoun and Judges Gros, de Castro and Morozov appended dissenting opinions.

34. For these proceedings the Court was composed as follows: President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Onyeama, Dillard, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda. (Judges Petrán and Ignacio-Pinto had informed the President, in accordance with Article 24 of the Statute, that they considered they should not take part in the proceedings.)

35. The text of the Advisory Opinion was immediately transmitted to the Secretary-General.

D. NUCLEAR TESTS

36. On 9 May 1973 Australia and New Zealand filed Applications instituting proceedings against France in two cases originating in the atmospheric nuclear tests carried out by France in the South Pacific region. The Australian Government asked the Court to adjudge and declare that the carrying out of further atmospheric nuclear weapon tests in the South Pacific Ocean is not consistent with applicable rules of international law, and to order that the French Republic should not carry out any further such tests. The Government of New Zealand asked the Court to adjudge and declare that the conducting by the French Government of nuclear tests in the South Pacific region that gave rise to radio-active fall-out constituted a violation of New Zealand's rights under international law, and that these rights would be violated by any further such tests.

37. By a letter of 16 May 1973 the French Government made known its view that the Court was manifestly not competent in these cases, that it could not accept its jurisdiction and that it requested the Court to remove the two cases from its list.

38. On 9 and 14 May 1973, respectively, the Australian and New Zealand Governments requested the Court to indicate interim measures of protection to the effect that France should avoid nuclear tests while the matter lay before the Court. From 21 to 25 May the Court held six public sittings at which it heard observations on the subject from Mr. Brazil, Senator Murphy, Mr. Ellicott, Mr. Byers, Mr. Lauterpacht and Mr. O'Connell on behalf of the Australian Government and from Mr. Quentin-Baxter, Mr. Finlay and Mr. Savage on behalf of the New Zealand Government. The French Government was not represented at these hearings.

39. By two orders made at a public sitting on 22 June 1973,² (*I.C.J. Reports* 1973, pp. 99 and 135) the Court, by 8 votes to 6, indicated, pending its final decision in each case, provisional measures to the effect that each Party should ensure that no action of any kind is taken which might aggravate or extend the dispute submitted to the Court or prejudice the rights of the opposing Party in respect of the carrying out of whatever decision the Court may render in the case; and, in particular, that the French Government should avoid nuclear tests causing the deposit of radio-active fall-out on Australian or New Zealand territory.

40. The Court decided by the same Orders 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,

² The press having published reports as to the probable decision of the Court before these orders were read, the Court issued a communiqué in which it expresses its serious concern over the matter (communiqué No. 73/30 dated 8 August 1973).

and fixed 21 September and 21 December 1973, respectively, as the time-limits for the filing of Memorials by the Australian and New Zealand Governments, and of Counter-Memorials by the French Government. To each of the two Orders Judges Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Sir Garfield Barwick appended declarations, and Judges Forster, Gros, Petré and Ignacio-Pinto appended dissenting opinions.

41. In making the above-mentioned Orders of 22 June the Court was composed as follows: Vice-President Ammoun, Acting President; Judges Forster, Gros, Bengzon, Petré, Onyeama, Ignacio-Pinto, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda; Judge *ad hoc* Sir Garfield Barwick (chosen by the Australian and the New Zealand Governments). (President Lachs and Judge Dillard were for reasons of health unable to participate.)

42. On 16 and 18 May 1973 the Government of Fiji, pursuant to Article 62 of the Statute of the Court, submitted applications for permission to intervene in each of the two cases instituted by the Australian and the New Zealand Governments. By two Orders made on 12 July 1973, the Court, by 8 votes to 5, decided to defer the consideration of these applications until it has pronounced upon the questions to which the pleadings mentioned in its Orders of 22 June 1973 are to be addressed. To each of these two Orders Judges Gros, Petré, Onyeama and Ignacio-Pinto appended declarations.

43. In making the above-mentioned Orders of 12 July, the Court was composed as follows: President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Petré, Onyeama, Ignacio-Pinto, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock and Ruda; Judge *ad hoc* Sir Garfield Barwick. (Judge Dillard, who was ill, Judge de Castro, absent for family reasons, and Judge Nagendra Singh, also absent, did not take part in the vote.)

E. TRIAL OF PAKISTANI PRISONERS OF WAR

44. On 11 May 1973 the Government of Pakistan filed an Application instituting proceedings against the Government of India. The case concerns 195 Pakistani prisoners of war which, according to the Government of Pakistan, the Indian Government proposed to hand over to the Government of Bangla-Desh, which was said to intend to try them for acts of genocide and crimes against humanity. The Government of Pakistan con-

tended *inter alia* that it has an exclusive right to exercise jurisdiction over the persons in question and that there was no ground in international law to justify handing them over to Bangla-Desh for trial.

45. By letters of 23 and 28 May and 4 June 1973, the Government of India stated that there was no legal basis for the jurisdiction of the Court to entertain the dispute, and that the Application of the Government of Pakistan was without legal effect.

46. The Government of Pakistan also filed on 11 May a request for the indication of interim measures of protection to the effect that the process of repatriation of prisoners of war and civilian internees should not be interrupted and that the 195 prisoners in question should not be transferred to Bangla-Desh pending the judgment of the Court. On 4, 5 and 26 June 1973 the Court held three public sittings at which it heard Mr. Yahya Bakhtiar present observations on this subject on behalf of the Government of Pakistan. The Government of India was not represented at these hearings. By a letter of 11 July 1973 the Agent for Pakistan informed the Court of its expectation that negotiations would very shortly be taking place between Pakistan and India in which the issues which were the subject of the Application would be under discussion. In the same letter the Government of Pakistan asked the Court to postpone further consideration of its request for interim measures, in order to facilitate those negotiations, and to fix time-limits for the filing of written pleadings in the case.

47. By an Order of 13 July 1973 (*I.C.J. Reports* 1973, p. 328) the Court, by 8 votes to 4, 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 the Government of Pakistan and a Counter-Memorial by the Government of India. Judge Nagendra Singh appended a separate opinion to the Order, and Judge Petré a dissenting opinion.

48. In making this Order the Court was composed as follows: President Lachs; Judges Forster, Gros, Bengzon, Petré, Onyeama, Ignacio-Pinto, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda. (Vice-President Ammoun and Judge Dillard, who were ill, and Judge de Castro, absent for family reasons, did not take part in the vote. Sir Muhammad Zafrulla Khan, chosen to be Judge *ad hoc* by the Government of Pakistan, sat in the proceedings until 2 July 1973.)

IV. STATUTE AND RULES OF COURT AND ADMINISTRATIVE MATTERS

A. REVIEW OF THE ROLE OF THE COURT

49. By resolution 2723 (XXV) of 15 December 1970 the General Assembly had requested the Secretary-General to transmit a questionnaire to member States and States parties to the Statute of the Court on the basis of which they might submit their views and suggestions concerning the role of the Court, and to prepare a comprehensive report in the light of the opinions expressed by States and, should the Court so have desired, by the Court. This report was submitted by the Secretary-General on 15 September 1971. By

resolution 2818 (XXVI) of 15 December 1971 the General Assembly invited States which had not been able to do so to transmit their comments to the Secretary-General by 1 July 1972 and requested the Secretary-General to transmit those comments to the General Assembly at its twenty-seventh session.⁸

⁸ See reports of the International Court of Justice 1970-1971 [*Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 5 (A/8405)*], paras. 27-31; and 1971-1972 [*Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 5 (A/8705)*], paras. 33-35.

50. A further report was submitted by the Secretary-General on 24 August 1972 (A/8747). On 23 September 1972, on the recommendation of the General Committee, the General Assembly decided to inscribe the item on its agenda and to allocate it to the Sixth Committee. At five meetings held from 7 to 12 December 1972 the Sixth Committee considered various draft resolutions the texts of which were reproduced in the report which it submitted to the General Assembly on 16 December.⁴ The General Assembly, at its 2114th plenary meeting, held on 18 December 1972, decided, on the recommendation of the Sixth Committee, to include the item in the provisional agenda of its twenty-eighth session.

B. PROPOSED AMENDMENTS TO THE STATUTE

51. On the proposal of the Court, the General Assembly had included in the agenda of its twenty-fourth, twenty-fifth and twenty-sixth 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.⁵

⁴ *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 90, document A/8967.

⁵ See *inter alia* reports of the International Court of Justice 1968-1969 [*Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 5* (A/7605 and Corr. 1)], paras. 32 and 33 and Annex; and 1969-1970 [*Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 5* (A/8005)], paras. 26-30.

52. At its 2035th plenary meeting, held on 22 September 1972, the General Assembly decided, on the recommendation of the General Committee, to postpone consideration of the question once more and requested the Secretary-General to include it in the provisional agenda of its twenty-eighth session.

C. REVISION OF THE RULES OF COURT

53. The Rules of Court as amended on 10 May 1972 (*I.C.J. Acts and Documents No. 2*) came into force on 1 September 1972.⁶ They therefore apply to the cases which have been submitted to the Court since that date, i.e., *Nuclear Tests (Australia v. France)*, *Nuclear Tests (New Zealand v. France)* and *Trial of Pakistani Prisoners of War*.

54. The Rules of Court adopted on 6 May 1946 (*I.C.J. Acts and Documents No. 1*, 2nd ed., pp. 54-83) applied to the cases submitted to the Court before 1 September 1972 and completed during the period under review, i.e., *Appeal relating to the Jurisdiction of the ICAO Council and Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*. The 1946 Rules continue moreover to apply to those cases submitted to the Court before 1 September 1972 which are still under consideration, i.e., *Fisheries Jurisdiction (United Kingdom v. Iceland)* and *Fisheries Jurisdiction (Federal Republic of Germany v. Iceland)*.

⁶ See report of the International Court of Justice 1971-1972 [*Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 5* (A/8705)], paras. 38-41.

V. PUBLICATIONS AND DOCUMENTS OF THE COURT

55. 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; in addition, the Court participates as appropriate in the system of depository libraries of United Nations publications and in the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law. 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).

56. The publications of the Court at present comprise three annual series, *Reports of Judgments, 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 appeared early in 1973. (*I.C.J. Reports 1972* and *I.C.J. Bibliography No. 26*) and the most recent volume in the third (*I.C.J. Yearbook 1972-1973*) will be published simultaneously with the issue of the present report.

57. The Court also publishes a series entitled *Pleadings, Oral Arguments, Documents*, which contains the documentation relating to each case submitted to it. The volumes in this series are published as soon as practicable after the end of each case. During the period under review the volume of *Pleadings, Oral Arguments, Documents* concerning the *Appeal relating to the Jurisdiction of the ICAO Council* appeared. It should be noted that, 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.

58. The Court regularly 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.

(Signed) MANFRED LACHS
President of the International Court of Justice
The Hague, 1 August 1973

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