*United Nations*
**GENERAL ASSEMBLY**
*TWENTY-SIXTH SESSION*
*Official Records*

**SIXTH COMMITTEE, 1277th MEETING**

*Tuesday, 9 November 1971, at 10.50 a.m.*

**NEW YORK**

*Chairman:* Mr. Zenon ROSSIDES (Cyprus).

## AGENDA ITEM 90

### Review of the role of the International Court of Justice (A/8382 and Add.1 and 2, A/C.6/407)

1. The CHAIRMAN said that the Committee had before it a report by the Secretary-General (A/8382 and Add.1 and 2) containing the views expressed by Member States and States parties to the Statute of the International Court of Justice in their replies to the questionnaire prepared under General Assembly resolution 2723 (XXV). It also had before it a letter from the Secretary-General (A/C.6/407) drawing attention to the fact that Switzerland in its reply requested that it be associated with all work relating to the review of the role of the Court.

2. Mr. WOLDE GIORGIS (Ethiopia) recalled that resolution 2723 (XXV) had been adopted in a spirit of compromise between the States that advocated a review in depth of the role of the Court with a view to amending its statute if necessary and those that did not think such a review was necessary but felt rather that the minor role played by the Court was due essentially to the negative attitude of States and not to its Statute. Document A/8382 and Add.1 and 2 reflected that same divergence of opinions.

3. The judicial settlement of disputes was clearly very important for the maintenance of world peace, and the judgements and opinions of the Court had undoubtedly exerted considerable influence on relations between States and on the progressive codification of international law. Thus, the Court was rightly described in the Charter as the principle judicial organ of the United Nations.

4. Nevertheless, in view of the undeniable decline in the Court's role, his delegation felt that each of two main currents of opinion contained an element of truth. The changes that had taken place in the world since the creation of the United Nations would seem to indicate that some of the provisions of the Statute of the Court should be re-examined and, if appropriate, revised, and that the current rules and practices governing its operation and procedures should be simplified. The Court itself had in fact already taken up the latter aspects of the question and had decided to revise its Rules,[1] in exercise of the powers conferred on it by the Charter. It would therefore be preferable not to go unduly into the details of the matter before knowing the outcome of the Court's action.

5. At the present stage, however, it could be pointed out that the Court should try to make more use of all the possibilities open to it under its Statute, particularly Article 29, which authorized it to form a chamber composed of five judges which could determine cases by summary procedure. It should also exercise its power to form chambers for dealing with particular categories of cases.

6. Further to the above suggestions, many provisions evidently required revision. In the first place, some provisions could be improved if they were rethought. Thus, in connexion with the law applied by the Court, the concepts of "international custom" or "general principles of law recognized by civilized nations", to quote the terms of Article 38, might not always correspond to the legitimate aspirations of many States, particularly those which had not participated in the formulation of such custom or such principles. Also, Article 38 provided as an additional means of determining the law that the Court should apply the teachings of the most highly qualified publicists, of whom there were not many in the new States. A Court inspired only on those principles ran the risk of not responding to the existing and immediate needs of contemporary society as a whole, and thus any mistrust towards it was quite natural and even justified. That was why, in addition to the classical sources of law, the Court should take into account the resolutions and declarations of the General Assembly and the Security Council, as well as recent international instruments in the adoption of which all States, including the newest ones, had been able to participate fully and directly. In that regard, the disappointment of world opinion with the judgement handed down by the Court in 1966[2] on the question of Namibia should be recalled. The Court would lose any real significance if it avoided tackling the most serious dangers of the contemporary world by taking refuge behind procedural arguments.

7. In the second place, attention must be drawn to the conditions laid down in the Statute for the judges. In addition to the wholly justified requirements of competence and moral integrity, the Statute specified that candidates should represent the principal legal systems. The nationals of new States who had not had the privilege of exercising any influence whatsoever on international law were once again at a disadvantage. It would therefore be desirable to make the recruitment of judges more flexible and expand the composition of the Court to allow for a more equitable representation which would strengthen the universal character the Court should have. All countries without exception should be allowed the opportunity to participate in the formation of any concept of contem-

1 See *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 5*, paras. 31-35.

2 *South West Africa, Second Phase, Judgment, I.C.J. Reports 1966*, p. 6.

porary law. That would not only meet an urgent need but would also close an unfortunate gap.

8. In the third place, as far as the competence of the Court was concerned, the Statute specified that only States could be parties in cases before the Court. The question arose whether that provision was still justified in view of the increasingly important role of international and regional organizations which had truly become subjects of law on the same footing as States. Such organizations entered into international treaties or agreements, made contracts, even had "nationals" of their own in their international officials, and went so far as to recognize the legitimacy of Governments holding seats in their various agencies. It would therefore be quite natural to allow those organizations to have access to the Court, enabling them to bring litigation before it as parties in a case, or to request advisory opinions. It was hard to understand why a regional organization such as the Organization of African Unity should not be a party to a dispute with another organization or with a State arising from the application or interpretation of an agreement which it had signed along with those very same legal entities. It was difficult to understand why that organization should not also be allowed to request advisory opinions on a point of law which directly concerned it. Similarly, a State party to the Statute of the Court should be able to request the Court to give an advisory opinion in so far, of course, as that did not in any way prejudge the final settlement of the matter and only gave the parties an indication as to the rule of law applicable.

9. The lack of universality in the Court and the financial problems being faced by many States, especially developing States, wishing to initiate proceedings were very discouraging. If the existing system was to be maintained, his delegation would welcome any suggestion for the creation of a special fund aimed at helping certain States to overcome such financial difficulties; the best solution, however, would obviously be to simplify the existing procedure. The minor role currently played by the Court could not be explained merely by pointing out how few States had accepted its compulsory jurisdiction.

10. The Committee now had before it the replies reflecting the position of some 30 States, and the General Assembly should be asked, as suggested at the twenty-fifth session in draft resolution A/C.6/L.806 and Rev.1,[3] to establish a working group to analyse the replies of States received so far and the replies of other States which would be sent in the near future and also the reply of the Court, which had stated its willingness to express its views in due course if so requested, with the aim of making suggestions for the amendment of the Statute of the Court and reviving that important institution.

11. Mr. CASTRÉN (Finland) thanked the Secretary-General for the report he had prepared under General Assembly resolution 2723 (XXV); it provided an excellent basis for the examination of the question.

12. His delegation noted that currently, in addition to Finland, 28 States Members of the United Nations had replied to the questionnaire sent to them by the Secretary-General; that testified to the considerable interest in the question of review of the role of the Court. The replies contained very interesting suggestions, in particular those of Canada, Italy, Japan, Mexico, the Netherlands, Sweden, Switzerland, the United Kingdom and the United States of America. The replies were generally in agreement on the importance of the role the Court should play in the judicial settlement of disputes, but divergences appeared with regard to the means whereby States could be induced to resort more widely to the Court and the Court could be made to function more effectively. The question should therefore be studied in greater detail, and his delegation still thought that the best solution would be the establishment of an *ad hoc* committee for that purpose, as several States had proposed at the previous session in draft resolution A/C.6/L.800 and Rev.1.[4] The need at the present stage was, with the help of expert knowledge, to examine the various suggestions which had been made, without prejudging whatever measures the General Assembly might take subsequently. The work of the *ad hoc* committee would be purely preparatory and would consist in reviewing the possibilities for enhancing the role of the Court, the advantages and disadvantages of proposed changes, and the ways of effecting them, on the understanding that the final decision would rest with the General Assembly.

13. The Court too had been invited by the above-mentioned General Assembly resolution to express its views, but the fact that it had not replied should not discourage the Committee. In his letter of 18 June 1971 to the Secretary-General (see A/8382, para. 393), the President of the Court had said that the reference to the Court of contentious cases and requests for advisory opinions remained a matter for States and for the authorized organs of the United Nations and specialized agencies, and that the Court did not consider that it could at this stage usefully state its views on the questions involved. It would seem that the Court wished first to complete the revision of its Rules, which had been in progress for the last four years, and also it would probably prefer to await concrete proposals from the General Assembly before adopting any position. As the Swiss Government had stated in its reply to the questionnaire (*ibid.*, para. 372), the revision of the Rules fell within the exclusive competence of the Court, but that did not prevent parties to its Statute and the General Assembly from offering the Court pertinent suggestions. The present revision might of course take several years more, and his delegation did not share the opinion of those Member States which wished to defer the review of the Court's role until it had completed its work; while it recognized the usefulness of the revision, it doubted whether that method alone could achieve the desired results. Moreover, some Member States would oppose any radical change in the Statute of the Court, for example with regard to the institution of compulsory jurisdiction. Other changes would be possible, however, in particular in connexion with the expansion of its jurisdiction in respect of contentious cases and advisory opinions. It should be remembered that, with a few exceptions, the Statute of the Court was based on the Statute of the Permanent Court of International Justice,

3 See *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 96, document A/8238, paras. 10 and 11.

4 *Ibid.*, paras. 6 and 7.

and the international community and international law had evolved considerably during the past 50 years.

14. It would still be possible, even without amending the Court's Statute, to improve the present state of affairs by other means, as previous discussion in the Committee and the observations of Governments showed. The General Assembly could once more invite States to accept the optional provision of the Statute relating to compulsory jurisdiction. States could also be reminded, as proposed by Canada (*ibid.*, para. 234), that recourse to the Court did not imply *per se* an unfriendly act but was rather an expedient means of peaceful settlement of disputes.

15. The replies of States also showed that much of the criticism of the composition and functioning of the Court was unfounded. After the last elections to the Court, the main forms of civilization and the principal legal systems of the world could be said to be adequately represented in it. The length of proceedings had very often been due to parties themselves, which had requested long extensions of time-limits and postponements. Again, the cost of proceedings depended on the parties, to whom it was open to decide what fees they could afford to pay their counsel and other members of their delegations, since the general expenditure of the Court was borne by the Members of the United Nations and other States which were parties to the Statute. In any case, it was generally agreed that proceedings before arbitral tribunals were more costly than before the Court. Consequently, while recognizing that the Court's procedure could be improved in certain respects, his delegation considered that its inactivity was due mainly to the attitude of States themselves.

16. The review of the role of the Court by the General Assembly had already had beneficial results, and interest in the Court now seemed greater than in previous years, both in practical terms and from the point of view of scholarship. In that connexion, a very interesting study by Leo Gross entitled "The International Court of Justice, Considerations of Requirements for Enhancing its Role in the International Legal Order" had appeared in the April 1971 issue of the *American Journal of International Law*. The Council of Europe had devoted a meeting in 1971 to the question of review of the role of the Court.

17. There seemed to be a revival of confidence in the Court. As the Secretary-General had indicated in the introduction to his report on the work of the Organization (see A/8401/Add.1 and Corr.1, paras. 307-308), the advisory opinion of the Court on Namibia should renew the trust the Court deserved. It should be noted that a new case had recently been brought before the Court by India against Pakistan.

18. With regard to the composition and mandate of an *ad hoc* committee to review the role of the Court, his delegation would refer to its statement in the Sixth Committee of 29 October 1970 (1210th meeting). The committee should be fairly large—perhaps 25 members—to be fully representative. Its terms of reference should be defined with precision and it should submit a final or interim report to the following session of the General Assembly. It would seem unnecessary to consult Governments for the time being, since they could submit their comments when the report of the *ad hoc* committee was considered by the General Assembly. The Court could again be invited to express its views before the General Assembly took a final decision on the matter.

19. His delegation shared the opinion of the Swiss Government that States parties to the Statute of the Court which were not Members of the United Nations should be entitled to participate in the procedure for the amendment of the Statute.

20. Mr. SETTE CÂMARA (Brazil) said that the replies by Governments to the questionnaire prepared by the Secretary-General confirmed his delegation's impression that the reasons for the present crisis of confidence in the Court lay more in the conduct of States than in any structural or functional deficiencies of the Court itself.

21. The Court represented the first step towards the institutionalization of the rule of law in the international community. Consequently, instead of emphasis being laid on its deficiencies, recognition should be given to its accomplishments, since its responsibilities as an international judicial body were complicated by the fact that the principle of the absolute sovereignty of States was still far from being completely obsolete. It was in fact necessary to strengthen the Court and dispel the mistrust that had surrounded its activities in recent years.

22. The place attributed to the Court under the Charter clearly showed that its authors had intended it as one of the principal instruments for good relations between States and for the maintenance of peace. In the internal legal order, resort to judicial institutions was of course the normal method of settling disputes and, although the international situation prevented judicial settlement from being the only means of settlement of disputes, it was true, as one Government had stated in its reply, that the solution obtained through the application of law was normally that which was most likely to be respected and to endure. Moreover, the Court was the most likely means of ensuring impartiality in so far as it was immune to political, economic and military pressures from the parties to a dispute.

23. His delegation, while recognizing that the Court had not lived up to the original expectations, wished to reiterate that the majority of States which had replied to the questionnaire had indicated that the present problems lay less in the deficiencies of the Court itself than in the political attitude of States. As the French Government had pointed out in its reply (see A/8382, para. 52), new texts and different machinery would not induce States which did not intend to resort to international justice to do so.

24. It was evident that the law applied by the Court was bound to remain relatively vague for some years to come; but the situation would improve with the progressive development of international law, to which the Court had made an important contribution, for example by its decisions in the *Corfu Channel* case[5] and the *Fisheries*

5 *Corfu Channel case, Judgment of April 9th 1949: I.C.J. Reports 1949*, p. 4.

case,[6] and the advisory opinion of 11 April 1949[7] on *Reparation for injuries suffered in the service of the United Nations*. Though it recognized that Article 38 of the Statute of the Court contained many imperfections, his delegation did not think that mere amendment, in particular the reference to "the general principles of law recognized by civilized nations", would automatically lead to better functioning. The composition of the Court fairly adequately reflected the geographical distribution of States, and incidentally corresponded to the present spectrum of the Security Council. While an increase in the number of judges could certainly make for better representation of the enlarged membership of the General Assembly, that alone would not solve the essential problem of the disaffection which had grown up among States. Moreover, as the Mexican Government had said in its reply (*ibid.*, para. 103), an excessive number of judges would make the deliberations of a body in which a very high degree of unanimity was most desirable still more difficult. Thus while his delegation was prepared to agree to raising the number of judges to 18, a figure to which Mexico referred in its reply, any such change should not be introduced too hastily.

25. A series of constructive steps could be considered for increasing the independence and representative character of the judges of the Court. The idea, indicated by another State in its reply, of introducing a mandatory retirement age of 72 and its proposal that States should nominate only candidates who could complete their term of office before reaching that age seemed appropriate. On the other hand, the proposal by the Institute of International Law[8] that judges should be elected for a 15-year term and should not be eligible for re-election seemed to his delegation to go too far. It might, however, be advisable to conduct the elections to the Court independently of other elections in the General Assembly, for example by holding the election on the first day of the session or even on the eve of the official opening. Thus the elections could be held in a calmer atmosphere.

26. The possibilities provided for in the Statute had not been sufficiently explored. No State, for example, had as yet availed itself of the summary procedure under Article 29 of the Statute, and the special chambers provided for under Article 26 had never been set up.

27. His delegation did not believe that the creation of regional chambers would help to increase the efficiency of the Court. The modern trend was undoubtedly towards the universalization of the rules of law, and not towards the fragmentation of international norms into a multitude of regional juridical systems. Thus the creation of regional chambers would in fact be a retrograde step and should not be encouraged.

28. The question of *ad hoc* judges, who could be appointed in certain circumstances under Article 31 of the Statute of the Court, was controversial. The institution could be regarded as a survival of the old arbitral procedures. In a judicial body it was somewhat of an anomaly, justified only by the incipient character of the international judicial jurisdiction. The *ad hoc* judge system would no doubt disappear with the progress of international relations under the rule of law; but so far they seemed to be a useful instrument to ensure the attractiveness of the Court.

29. As far as the jurisdiction of the Court was concerned, his delegation was of the opinion that the optional clause in Article 36, paragraph 2, of the Statute remained the only means of reconciling the principle of sovereignty with the compulsory jurisdiction of the Court, limited though it was. There was no doubt that the acceptance of the optional clause had made no progress since the days of the old Permanent Court of International Justice. Only 47 States at present accepted the compulsory jurisdiction, and many of the acceptances were encumbered with reservations, mostly concerned with the exception of domestic jurisdiction. There again, however, it did not seem that any instrumental change would increase the number of States subscribing to the compulsory jurisdiction of the Court. Nor would it be realistic at the present time to try to give the Court general jurisdiction over international disputes, and it seemed highly probable that for many years to come the optional clause would remain the only practical means of inducing States to accept the jurisdiction of the Court.

30. His delegation favoured the idea of allowing intergovernmental organizations parties to an issue to have access to the Court. It also favoured the inclusion in international treaties of provisions referring to the Court disputes concerning the interpretation and application of treaties. Both those measures would undoubtedly increase the participation of the Court in world affairs.

31. His delegation agreed with those Governments which opposed the extension of the advisory jurisdiction of the Court to regional organizations and States. At the present time, several United Nations organs and other international organizations were authorized to request advisory opinions, and very few had done so. In any event, an advisory opinion handed down by the Court at the request of a State might give the appearance of a prejudgement in a concrete case. But the proposal (*ibid.*, para. 283) that advisory opinions could only be requested by States when the matter could not be presented as an actual case on any future occasion did not come to grips with the problem, since it would frequently be difficult to foresee the future development of a question on which the advisory opinion was requested. Besides, such an extension of the advisory role of the Court could be prejudicial to its judicial jurisdiction proper, which under its Statute was its primary responsibility.

32. With regard to the Court's procedures and methods of work, the Brazilian delegation thought it would be better to postpone consideration of the problems involved. The President of the Court had stated in his letter of 18 June 1971 to the Secretary-General that the Court, exercising powers under Article 30 of its Statute, had embarked in 1967 on a revision of its Rules, and had since adopted on first reading a revised set of rules on procedure applicable in contentious cases. It therefore seemed only natural to await

---

6 *Fisheries case, Judgment of December 18th 1951: I.C.J. Reports 1951*, p. 116.

7 *Reparation for injuries suffered in the service of the United Nations, Advisory Opinion: I.C.J. Reports 1949*, p. 174.

8 See *Annuaire de l'Institut de Droit International* (Basel, Editions juridiques et sociologiques S.A., 1954), vol. 45, tome II, p. 290.

the outcome of that operation before embarking on an examination of ways and means of improving the Court's procedures and methods of work. Even then, it would be well to exercise the utmost caution in dealing with that matter, since under Article 30 of the Statute such questions were strictly within the competence of the Court.

33. The proposals contained in the replies of Governments to the questionnaire sent to them could be separated into two categories. Some involved radical amendment of the Statute and hence of the Charter; others were of a simpler nature involving minor changes in the present procedures followed by the Court and not requiring formal amendments. Clearly, the former would require careful consideration and exchange of views, in which the Court itself would have a decisive role to play. The second series of suggestions could be explored by the Sixth Committee, whose debate would provide the Court with a clear idea of the thinking of Governments, provided it was understood that the Committee's observations were not to be regarded in any way as mandatory directives to be imposed on the Court.

34. A number of Governments had expressed their willingness to consider the idea of establishing an *ad hoc* committee to review the role of the Court, in accordance with draft resolution A/C.6/L.800 and Rev.1 submitted at the previous session by a number of delegations, including his own. But it must be stressed that the replies of most Governments expressed skepticism as to the possibility of embarking on a programme to introduce radical changes in the present institutional situation of the Court, since the feasibility of amending the Statute and the Charter seemed very doubtful. Furthermore, the letter from the President of the Court had expressed considerable misgivings about setting up a body to advise the Court on its present difficulties. However, his delegation was prepared to reconsider the idea of establishing an *ad hoc* committee similar to the one proposed during the previous year, provided that if it was set up it fully respected the freedom of the Court to tackle its own problems as it saw fit. After all, the aim was to enhance the effectiveness of the Court and not to set up a subsidiary body for continuous criticism of its achievements.

35. Mr. BENNETT (United States of America) recalled that his country was one of the 12 Member States which had proposed that the General Assembly should review the role of the Court. All the replies to the Secretary-General's questionnaire affirmed the importance of the Court's role as the principal judicial organ of the United Nations. According to one view, the reason why the Court was rarely used was because States were reluctant to submit their disputes to a tribunal which primarily applied Western law; that view, however, was refuted by the "Survey of international law"[9] recently published by the Secretariat and by the sources cited by the Court in its most recent advisory opinion.[10] In any event the time has come to examine these questions in the give and take manner that is only possible in a special or *ad hoc* committee. Others felt that the explanation for the disinclination to use the Court was to be sought in the lack of understanding of the full potential of the Court under its Statute. At all events, the report of the Secretary-General contained a number of proposals put forward by States with a view to expanding the role of the Court.

36. Some of those proposals involved an effort to simplify the procedures of the Court; that was an area in which the Court itself had already begun work. In his delegation's view, the Court could benefit by an in-depth study produced by a special committee of government experts. Such a committee would not, of course, transgress on the Court's prerogatives, but it would help the Court to carry out its task with full knowledge of the views of States on the questions at issue.

37. Other proposals dealt with individual points: for example, the suggestion that a special United Nations fund should be set up to defray the costs of litigation. Proposals of that nature required detailed examination which could best be provided by a small, representative group of government experts.

38. Proposals had been made to expand the Court's advisory jurisdiction. The opportunities in that area had barely been tapped; in that connexion, he hoped that the initiative recently taken by the Security Council[11] would not remain an isolated example. There was no reason why the General Assembly, the Security Council or for that matter the principal organs of the United Nations should be the only bodies authorized to seek advice from the Court. There were many aspects of the relations between international organizations and between States and international organizations that could perhaps be clarified by advisory opinions from the Court.

39. Suggestions had also been made for expanding the jurisdiction of the Court, some of which involved no more than applying the existing Statute and Rules in such a manner as to bring present possibilities into line with contemporary needs. The idea of permitting international organizations to bring cases before the Court was not new. Section 30 of the Convention on the Privileges and Immunities of the United Nations[12] and article 11 of the Statute of the United Nations Administrative Tribunal[13] provided for that. The same opportunity should now be extended to other organizations under the existing Statute. On the other hand, it was said that the binding nature of its decisions was what had caused the disinclination of States to resort to the Court. An answer to that problem might lie in a re-evaluation of the practices in framing questions submitted to the Court. A possible solution might be found in the approach adopted in the *North Sea Continental Shelf* cases.[14] The establishment within the General Assembly of a committee which could seek advisory opinions on behalf of States might also be envisaged.

40. The Secretary-General's report contained a number of other suggestions which went beyond the scope of the

9 A/CN.4/245.

10 See *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, p. 16.

11 See resolution 284 (1970) of 29 July 1970.

12 See General Assembly resolution 22A (I).

13 See General Assembly resolution 957 (X).

14 See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 5*, paras. 19-26.

Court's review of its Rules yet would not require amendment of the Statute. His Government was prepared to consider any proposals which would lead to greater use of the Court. The efforts made in that regard had, incidentally, aroused interest in the United States Senate, which was considering several proposals to restrict or abolish the limitation appended to the United States acceptance of the compulsory jurisdiction of the Court.

41. Some had said that unless there was a consensus, the establishment of an *ad hoc* committee would be futile. His delegation believed, however, that such a committee could perform a useful service in defining the areas of agreement and disagreement and, if possible, in narrowing the discrepancy between the two, following the procedure already applied to good effect in the case of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and in the work on the definition of aggression.

42. A good start had been made in reviewing the role of the Court, and his delegation favoured entrusting the detailed study of that question to an *ad hoc* committee.

43. Mr. KLAFKOWSKI (Poland) recalled that in its reply to the Secretary-General's questionnaire, his Government had emphasized that it had always supported any constructive initiative relating to the peaceful settlement of international disputes (*ibid.*, para. 69). It was in that spirit that Poland had ratified the Declaration on Friendly Relations, which was an excellent starting-point for evaluating the role of the Court.

44. Although the Charter defined the Court as the principal judicial organ of the United Nations, it nevertheless left States at liberty to settle disputes affecting them by any peaceful means of their own choice and moreover, to entrust their solution to other tribunals by virtue of agreements already in existence or which might be concluded in the future. The role accorded to the Court by the Charter should therefore not be exaggerated. The structure of the international community had certainly evolved, thanks to the efforts of the socialist States and the process of decolonization. But it was no less true that the judicial settlement of international disputes was not firmly established and that, in the circumstances, the role of the Court depended on objective factors. That did not in any way prevent its decisions from carrying considerable authority in the world. Accordingly, the importance of the work of the Court could not be determined from a purely quantitative standpoint.

45. The debates at the twenty-fifth session and the views of States as reflected in the report of the Secretary-General had singled out two reasons for the infrequent use of judicial settlement of international disputes: first, lack of confidence of States in the Court; second, lack of practical inducements for States to prefer such a means of settling disputes. Whether or not the prejudices of States were well founded, the nature of contemporary international law and the importance which States attached to diplomatic means made it impossible to replace the means of settlement of disputes enumerated in Article 33 of the Charter by the compulsory jurisdiction of the Court.

46. Practical efforts to strengthen the role of the Court should be made within the framework of the existing Statute, the amendment of which would be tantamount to revising the Charter. Moreover, the Court had itself undertaken a review of its Rules.

47. His delegation noted that all the States replying to the Secretary-General's questionnaire recognized the importance of the role of the Court. The existing differences of views were of such a nature that the creation of an *ad hoc* committee would not lead to a solution.

48. In his delegation's opinion, the review of the role of the Court had already achieved such objectives as were feasible.

### *Organization of work*

49. The CHAIRMAN drew attention to a new item submitted by the General Assembly to the Sixth Committee entitled "Security of missions accredited to the United Nations and safety of their personnel". He had also been informed that the Fifth Committee intended to refer to the Sixth Committee the question of the publications of the Office of Legal Affairs, which was part of an item entitled "Publications and documentation of the United Nations". The Sixth Committee might wish therefore to allot the additional meetings it had provided for in its programme of work to those items.

50. According to the original time-table, the work of the Committee was three weeks behind schedule. Since the General Assembly had decided (1937th plenary meeting) that the closing date of the twenty-sixth session would be 21 December, the Main Committees should finish their work by 8 December. Accordingly, he appealed to all the members of the Committee to do their utmost to speed up the work.

*The meeting rose at 12.35 p.m.*