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SIXTH COMMITTEE
Agenda item 93

REVIEW OF THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE

Australia, Austria, Colombia, Federal Republic of Germany, Ghana, Jordan,
Liberia, Morocco, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan,
Philippines, Sweden, Uruguay: draft resolution

The General Assembly,

Recalling that the International Court of Justice is the principal judicial organ of the United Nations,

Bearing in mind that, in conformity with Article 10 of the Charter of the United Nations, the role of the International Court of Justice remains an appropriate matter for the attention of the General Assembly,

Recalling further that, in accordance with Article 2, paragraph 3, of the Charter of the United Nations, all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Taking note of the views expressed by Member States during the debates in the Sixth Committee on the question of the review of the role of the International Court of Justice at the twenty-fifth, twenty-sixth, twenty-seventh and twenty-ninth sessions of the General Assembly,

Taking note also of the comments transmitted by Member States and by Switzerland in answer to a questionnaire of the Secretary-General in accordance with General Assembly resolutions 2723 (XXV) and 2818 (XXVI), and of the text of the letter addressed to the Secretary-General by the President of the Court,

Considering that the International Court of Justice has recently amended the Rules of Court, with a view to facilitating recourse to it by judicial settlement of disputes, inter alia by simplifying the procedure, reducing the likelihood of undue delays and costs and allowing for greater influence of parties on the composition of ad hoc chambers,

Recalling the increasing development and codification of international law in conventions open for universal participation and the consequent need for their uniform interpretation and application,

Recalling further the opportunities afforded by the power of the International Court of Justice, under Article 38, paragraph 2 of its Statute, to decide a case ex aequo et bono if the parties agree thereto,

1. Recognizes the desirability that States study the possibility of accepting, with as few reservations as possible, the compulsory jurisdiction of the Court in accordance with Article 36 of the Statute;
2. Draws the attention of States to the advantage of inserting in treaties, in cases considered possible and appropriate, clauses providing for the submission of disputes, which may arise from the interpretation or application of such treaties to the International Court of Justice;
3. Calls upon States to keep under review the possibility of identifying cases in which use can be made of the Court;
4. Draws the attention of States to the possibility of making use of chambers as provided in Articles 26 and 29 of the Statute and in the Rules of Court, including those which would deal with particular categories of cases;
5. Recommends that United Nations organs and the specialized agencies should, from time to time, review legal questions within the competence of the International Court of Justice that have arisen or will arise during their activities and should study the advisability of referring them to the Court for an advisory opinion, provided that they are duly authorized to do so;
6. Reaffirms that recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered as an unfriendly act between States.
