

REPORT OF THE CHAIRMAN OF THE COMMITTEE OF EXPERTS CONCERNING  
THE CONDITIONS UNDER WHICH LIECHTENSTEIN MAY BECOME A PARTY  
TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

At its meeting on 8 April 1949, the Security Council decided to refer to the Committee of Experts, for consideration and report, a letter from the Government of the Principality of Liechtenstein which had been forwarded to the Secretary-General by the Swiss office for liaison with the United Nations (S/1298 and S/1298/Corr.1). That letter expressed the desire of the Government of the Principality of Liechtenstein to learn the conditions under which Liechtenstein could become a party to the Statute of the International Court of Justice.

The Committee met on 16 June 1949 to consider the communication of Liechtenstein. After discussion, the Committee decided, by 9 votes, with 2 abstentions (Ukrainian SSR, USSR), to advise the Security Council to send the following recommendation to the General Assembly:

"The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which Liechtenstein may become a party to the Statute of the International Court of Justice, as follows:

"Liechtenstein will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Principality of Liechtenstein and ratified as may be required by Liechtenstein's constitutional law, containing:

- "(a) Acceptance of the provisions of the Statute of the International Court of Justice;
- "(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter; and
- "(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Liechtenstein Government."

During the discussion, the representatives of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic were of the opinion that, under Article 93, paragraph 2, of the Charter, the parties to the Statute of the International Court of Justice had to be independent and sovereign States. This Article did not mean that any State, whatever it might be, could become a party to the Statute of the Court. The fact that conditions had to be determined in each case showed

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the importance attached to this question by the framers of the Charter. It was apparent that Liechtenstein had yielded important parts of its sovereignty to another State. Liechtenstein was, therefore, not a sovereign and independent State, and there was no need to admit it to become a party to the Statute of the International Court of Justice.

The majority of the members of the Committee, however, maintained that Liechtenstein was a State in the sense of Article 93, paragraph 2, of the Charter since it possessed all the qualifications of a State. The jurisdiction of the International Court of Justice should be extended as far as possible. The accession of Liechtenstein to the Statute of the International Court of Justice was all the more useful for it since it was a small State and protection of law was most necessary in such a case. It was also recalled that, in dealing with the application of Switzerland to become a party to the Statute of the International Court of Justice, the Committee of Experts had advised certain conditions. Though these conditions had not been intended as a precedent to any future case, the discussion of the application of Switzerland in the Committee had been so exhaustive and detailed that it appeared advisable that the same conditions in the same wording be set in the case of Liechtenstein.

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