

PREMIÈRE PARTIE

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REQUÊTE POUR AVIS CONSULTATIF  
ET PIÈCES DE LA PROCÉDURE ÉCRITE

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PART I.

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REQUEST FOR ADVISORY OPINION  
AND DOCUMENTS OF THE WRITTEN  
PROCEEDINGS

SECTION A.—REQUEST FOR ADVISORY OPINION.

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I.—LETTER FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE, THE HAGUE.

4 December 1948.

Sir,

I have the honour to inform you that the General Assembly of the United Nations, at its One hundred and sixty-ninth Plenary Meeting held on 3 December 1948, decided to submit the following legal questions to the International Court of Justice for an advisory opinion.

“I. In the event of an agent of the United Nations in the performance of his duties suffering injury in circumstances involving the responsibility of a State, has the United Nations, as an Organization, the capacity to bring an international claim against the responsible *de jure* or *de facto* government with a view to obtaining the reparation due in respect of the damage caused (a) to the United Nations, (b) to the victim or to persons entitled through him ?

II. In the event of an affirmative reply on point I (b), how is action by the United Nations to be reconciled with such rights as may be possessed by the State of which the victim is a national ?”

Certified copies of the French and English texts of the Resolution of the General Assembly are enclosed herein.

The Secretariat will transmit to the Court as soon as possible, in accordance with Article 65 of the Statute, all documents likely to throw light upon the question.

I have, etc.

(Signed) TRYGVE LIE,  
Secretary-General.

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## II.—RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON DECEMBER 3rd, 1948.

*Whereas* the series of tragic events which have lately befallen agents of the United Nations engaged in the performance of their duties raises, with greater urgency than ever, the question of the arrangements to be made by the United Nations with a view to ensuring to its agents the fullest measure of protection in the future and ensuring that reparation be made for the injuries suffered; and

*Whereas* it is highly desirable that the Secretary-General should be able to act without question as efficaciously as possible with a view to obtaining any reparation due; therefore

### *The General Assembly*

*Decides* to submit the following legal questions to the International Court of Justice for an advisory opinion:

"I. In the event of an agent of the United Nations in the performance of his duties suffering injury in circumstances involving the responsibility of a State, has the United Nations, as an Organization, the capacity to bring an international claim against the responsible *de jure* or *de facto* government with a view to obtaining the reparation due in respect of the damage caused (a) to the United Nations, (b) to the victim or to persons entitled through him?

II. In the event of an affirmative reply on point I (b), how is action by the United Nations to be reconciled with such rights as may be possessed by the State of which the victim is a national?"

*Instructs* the Secretary-General, after the Court has given its opinion, to prepare proposals in the light of that opinion, and to submit them to the General Assembly at its next regular session.

Certified true copy:

For the Secretary-General,

(Signed) KERNO,

Assistant Secretary-General  
in charge of the Legal Department.

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SECTION B.—DOCUMENTS TRANSMITTED  
WITH THE REQUEST.

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LIST OF DOCUMENTS SUBMITTED TO THE COURT<sup>1</sup>.

DOCUMENTS SUBMITTED BY THE SECRETARY-GENERAL OF THE  
UNITED NATIONS IN THE COURSE OF THE WRITTEN PROCEEDINGS.

1. Document of the General Assembly (A/674, October 7th, 1948).
2. Record of Plenary Meeting of General Assembly (A/PV 169, December 3rd, 1948).
3. Documents of Sixth Committee of the General Assembly.
 

|                |            |
|----------------|------------|
| A/C.6/275.     | A/C.6/282. |
| „ 275/Rev. 1.  | „ 283.     |
| „ 276.         | „ 284.     |
| „ 277.         | „ 285.     |
| „ 278.         | „ 286.     |
| „ 279.         | „ 287.     |
| „ 279/Corr. 1. | „ 291.     |
| „ 280.         | „ 292.     |
| „ 281.         | „ 293.     |
| „ 281/Rev. 1.  | „ 294.     |
| „ 281/Rev. 2.  |            |
4. Report of Sixth Committee of the General Assembly (A/749, December 2nd, 1948), Corr. 1, French text, and Corr. 2, English text.
5. Records of Sixth Committee of the General Assembly.
 

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| A/C.6/SR 112. | A/C.6/SR 118.               |
| „ 113.        | „ 119.                      |
| „ 114.        | „ 120.                      |
| „ 115.        | „ 121.                      |
| „ 116.        | „ 124.                      |
| „ 117.        | „ 124, Corr. 1, Engl. text. |

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<sup>1</sup> These documents are not reproduced in this volume. [*Note by the Registrar.*]