

ARCHIVES

I.C.J.

Communiqué No. 65/3
(Unofficial)

The following information from the Registry of the International Court of Justice is communicated to the Press:

When he opened the hearing on Monday, 15 March 1965, at 3 p.m. for the oral presentation of their arguments on the merits by the Parties in the South West Africa cases (Ethiopia *v.* South Africa; Liberia *v.* South Africa), the President of the International Court of Justice made the following statement:

The Court is assembled today to deal with the merits of the South West Africa cases between Ethiopia and Liberia on the one hand and South Africa on the other. Before, however, opening the oral proceedings in the second phase of these cases, it is fitting that, as the President of its principal judicial organ, I should briefly mark the twentieth anniversary of the United Nations.

Within a few months twenty years will have elapsed since the delegates of fifty nations, meeting in the United Nations Conference on International Organization at San Francisco, signed the Charter of the United Nations and the Statute of this Court on 26 June 1945. Born of a brave affirmation, made in the dark hours of a world at war by a handful of nations, of their intention to work together with other free peoples to maintain international peace and security, to save mankind from the catastrophe of war, so that all might enjoy the blessings of peace and thereby the benefits of economic and social security, social progress and better standards of life in larger freedom, the idea was taken up and elaborated by the powers which assumed the name of United Nations. Then finally the San Francisco Conference was held; the Charter was adopted and the Organization began to function.

In the twenty years since 1945 the United Nations, though it has not yet in all, perhaps in many, respects fulfilled the hopes of those who conceived it, has nonetheless in other important but not always spectacular ways surpassed these hopes. The United Nations, still, after all, in its formative years, has not been spared growing pains and crises, but in surmounting them, as there are good reasons to believe that it will continue to do, it has developed a strong, vital personality of its own as an expression of the world community, an essential ingredient of modern civilization.

No human institution can ever be perfect. The United Nations is indeed a human institution, born as it was of the fears, the hopes and beliefs of countless millions of people. That it is such an institution must always be borne in mind when out of impatience or other motivation criticism is from time to time directed at it. The vast majority of the peoples of the world have faith in the Organization. Yet they, for the most part, are muted in the expression of their faith, as those who have faith in anything so often are. It is the voice of the critic which makes itself heard. Criticism there must of course always be. It is the very life blood of existence, just as, indeed, is self-criticism. Without criticism no human institution may possibly be improved, and I am far from saying that the Charter of the United Nations, or the Organization or its constituent organs and agencies, are beyond valid criticism.

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The future of the United Nations and the extent to which its noble purposes will, in the end, be accomplished or frustrated, will depend directly upon the degree to which nations, obligated to accomplish those purposes, in reality devote themselves to that accomplishment, just as, in a lesser degree, it will depend upon the zeal and devotion of all who immediately serve the United Nations Organization and its various organs and agencies.

It is in the nations of the world who are Members of the United Nations; it is in those who directly serve the Organization; it is in the profound hope that the high ideals which inspired the concept of nations uniting for peace against the appalling devastation and horrors of war would be served by all nations whatever and wherever they may be, that so many millions of people throughout the world have reposed their faith. That faith must not be allowed to wither away.

Perhaps a measure of the justification for faith in the future of the United Nations can be gained by comparing for a moment the state of the world in 1965, twenty years after the birth of the United Nations, with the situation twenty years after the coming into force of the Covenant of the League of Nations. Then the Second World War had already broken out, and no-one could tell what might not be engulfed in its course. The world twenty years after the creation of the United Nations, despite the difficult and constant problems which confront it, despite the outbreaks from time to time of armed conflict in different areas of the globe - which unhappily continue to occur - is nonetheless a world which has been spared the scourge of a world war. However great the problems which still call for lasting solutions, this simple fact bears silent witness to the degree of effectiveness and determination with which the purposes of the United Nations have been pursued, and that in the face of situations infinitely more complex than those inherited by the League community after the First World War.

Another and, it may be, more tangible measure of the continuing need of the peoples of the world for the United Nations, and their confidence in its ability to assist them in fulfilling their aspirations, is provided by the growth in its membership. The original membership was 51. It is now more than twice that number. More interesting perhaps than the mere figures, and heartening as tangible proof that the spirit of the Charter has continued to operate, is the kind of Member the figures represent. Of the 51 original Members, less than a dozen were from the ancient centres of civilization in Asia, Africa and the Middle East. More than half the total Members now come from these areas. Of the States which have joined the Organization since it was founded, nearly 50, that is to say nearly as many as the original membership, have acquired statehood since 1945. In becoming Members they have reaffirmed in their own name the determination of the original peoples of the United Nations, as expressed in the very first words of the Charter signed twenty years ago, "to save succeeding generations from the scourge of war ... and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

One of the first purposes of the Organization, set out in the first article of the Charter, is "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which

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might lead to a breach of the peace". In pursuance of this purpose, the Charter established this Court, an independent judicial body, as the principal judicial organ of the United Nations, and by basing its Statute upon that of the Permanent Court of International Justice, made possible a continuity and stability of jurisprudence in international adjudication which now extends over more than forty years. This Court, in whom, as a whole, its Statute requires that "the representation of the main forms of civilization and of the principal legal systems of the world should be assured", is, again in the words of its Statute, "permanently in session" in order to play its part in furthering the purposes of the Organization, by performing its function of deciding objectively and "in accordance with international law" the disputes which are submitted to it, and by so doing, contributing to the maintenance of world peace.

It is, of course, self evident that all disputes between nations are not susceptible of resolution by judicial means. It is, however, equally evident that the functions of this Court may be invoked more frequently than they are, if not in final settlement of all the issues in disputes between nations, at least, on the judicial level, in clarification of certain issues involved, so rendering disputes more amenable to complete and final settlement. It is to be observed that the Charter enjoins the settlement, by peaceful means, of disputes the continuance of which is likely to endanger the maintenance of international peace and security, and lays it down that legal disputes between States should be referred, as a general rule, to this Court to be dealt with in accordance with international law.

This unique and permanently constituted judicial means of implementing a vital Charter purpose stands ever ready at the service of the members of the world community.

The Hague, 15 March 1965.

Note for the Press

The Press Room is Room 5. There are six telephone booths in the Peace Palace Post Office. Representatives of the Press may be present at each public sitting and will find copies of the verbatim transcript of the proceedings in the Press Room at the beginning of the morning following the sittings held on Tuesday-Friday, and at the beginning of Tuesday afternoon in the case of sittings held on Monday. Copies will also be available at the International Press Centre "Nieuwspoort", Hofsingel 12, The Hague, in the evening of the day of sittings held from Tuesday to Friday, and at lunchtime on Tuesday in the case of sittings held on Monday. French translations will be available at the same places approximately 24 hours later.

Routine daily communiqués indicating the name of the day's speakers and the time of the next public sitting will not be issued, except that the time of the next public sitting will be given by communiqué whenever it is fixed for a date other than the following working day.

In accordance with the Court's decision authorizing the pleadings and annexed documents in the South West Africa cases to be made accessible to the public as from the commencement of the oral proceedings on 15 March 1965, two sets of these documents have been placed in the Press Room. Members of the Press are asked to co-operate in respecting the request stamped on these documents that they should not be removed from the Press Room, as the Registry has not sufficient stocks to replace any missing volumes. Copies have also been placed in the Peace Palace Library.

The Hague, 15 March 1965.
