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INTERNATIONAL COURT OF JUSTICE

Peace Palace, The Hague · Tel. 39 23 44 · Cables: Intercourt, The Hague

**communiqué**

*Number of addresses: 984*

unofficial

for immediate release

No. 71/5

8 February 1971

Request for an Advisory Opinion on the  
Legal Consequences for States of the Continued Presence  
of South Africa in Namibia (South West Africa) notwithstanding  
Security Council Resolution 276 (1970)

First Public Sitting

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

On 8 February 1971, at the first public sitting in the proceedings on the above request for an advisory opinion, the President of the Court made the following statement:

"The Court has decided to examine first of all the observations which the Government of the Republic of South Africa has made in its written statement and in its letter of 14 January 1971 concerning the supposed disability of the Court to give the advisory opinion requested by the Security Council, because of political pressure to which the Court, according to the Government of the Republic of South Africa, had been or might be subjected.

The Court, after having deliberated, has unanimously decided that it was not proper for it to entertain these observations, bearing as they do on the very nature of the Court as the principal judicial organ of the United Nations, an organ which, in that capacity, acts only on the basis of the law, independently of all outside influence or interventions whatsoever, in the exercise of the judicial function entrusted to it alone by the Charter and its Statute. A court functioning as a court of law can act in no other way."

Next, Judge Gros, at the President's invitation, put to the representative of the Secretary-General of the United Nations six questions regarding the written statements submitted to the Court on the Secretary-General's behalf.

Mr. Constantin A. Stavropoulos, Under-Secretary-General and Legal Counsel of the United Nations, then presented an oral statement on the Secretary-General's behalf.

The further order in which representatives will address the Court, at the hearing of 9 February and subsequent sittings, is as follows: Finland, the Organization of African Unity, India, the Netherlands, Nigeria, Pakistan, the Republic of Viet-Nam, South Africa and the United States of America.

The President invited the representatives of South Africa to reserve for their oral statement the observations they had wished to present regarding a proposal by their government that a plebiscite be organized.

Corrigendum to Communiqué No. 71/4 of 5 February 1971.

Page 1, line 16:

For "intention to submit written statements"

read

"intention to submit oral statements".