SOME REMARKS ABOUT THE JURISPRUDENCE
OF THE INTERNATIONAL COURT
OF JUSTICE IN 1950

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The apprehension felt in many quarters during the first years of
the life of the International Court of Justice to the effect that the
Court would not have enough to do (2) has been dispelled within
the last two years. Many problems of the greatest actual or potential
political importance have been before the Court in the year 1950.

The General Assembly of the United Nations asked the Court
for an advisory opinion concerning certain problems of interpretation
of Article 4 of the Charter dealing with membership of the Orga-
nization, and the Court gave its Opinion on March 3 (3). The Court
thus was called upon to participate in the interpretation of basic and
fundamental rules in the Organization.

During the disturbances in and around Israel certain measures
were taken by the Egyptian Government against French nationals
and protected persons. The French Government brought a case
against the Egyptian Government, but withdrew the case stating in
a letter to the Court that the measures, complained of, had been with-
drawn and the dispute thus was «virtually settled» (4).

The important case between the United Kingdom and Norway
which was brought before the Court by application from the United
Kingdom Government in 1949, is still pending.

The conflicts concerning the alleged violation of human rights by
the Governments of Bulgaria, Hungary and Romania also gave rise
to two advisory opinions by the Court (5).

Not only in Europe and Africa did political difficulties furnish
material for the Court. This also happened in Latin America which
had never before had recourse to the Court or to its predecessor. The
Asylum Case between Colombia and Peru has already called for two
judgments of the Court (6) and a third case was pending when this
article was terminated (6a).

Furthermore, a case between France and the United States of
America has been brought before the Court and is now pending (7).
The General Assembly has also asked for an Advisory Opinion concerning the legal effect of reservations to the Convention against the crime of genocide. Although this Opinion, strictly speaking, has to deal with only the Convention in question, it is expected that the Opinion of the Court will be of great importance in the development of the general law on reservations to multilateral treaties.

Several of these cases, although they already were on the General List of the Court in 1950, are still sub judice in 1951. Some will even last well into 1952 and two new cases have been brought before the Court this year. There seems little reason to fear that the Court will be out of work for a long time to come. It is also of interest to note that problems dealing with the Court are being treated in an ever increasing list of articles and books. For the student of international relations, politics, diplomacy and sociology it would be very interesting indeed to examine to what degree the Court has actually helped to settle international disputes. When the effect of advisory opinions is examined it is not enough to find out by what resolution an opinion is accepted and by what vote. It would be more fruitful to go behind the vote and to see the real effects of the opinion after it has been formally adopted.

The searchlight of public opinion is thrown on the Court when its sessions are of particular interest. The sessions can be interesting and dramatic, with the hearing of witnesses and experts, and the speeches of eminent professors and great advocates. Learning as well as eloquence is brought to bear on the cases. It is, however, submitted that the real and lasting contribution of the Court is not so much the actual settlement of individual disputes — important though that is — as the building up of a body of rules and precedents whereby international law is not only applied but developed.

It is always difficult to decide which pronouncements of a Court are bound to have the greatest importance for the future. The dicta of the most important organ of international law in existence are bound to be of great intrinsic importance; but looking back on the important cases decided by the Permanent Court of International Justice it is clear that some of its dicta have had a greater importance than others. Some of them because they have changed the law or given a new impetus to its development in a certain direction.

Article 59 of the Statute lays down that »The decision of the Court has no binding force except between the parties and in respect of that particular case.«

The Court is thus not bound by its own precedents. But it is clear that a Court like the International Court of Justice and its predeces-