

EDITORIAL COMMENT

THE INTERNATIONAL COURT OF JUSTICE

In this number of the *JOURNAL* appears the twenty-fifth annual article by our colleague, Judge Manley O. Hudson, on what is popularly known as "The World Court." To publish twenty-five consecutive articles on any subject is a unique achievement for both the author and the publication which carries them. A quarter of a century's accomplishment is generally marked as a jubilee year and celebrated as such. A record of twenty-five years in the judicial settlement of international disputes is not only cause for jubilation over the past but raises the greatest hopes for the future.

No one, clearly, is better qualified than Judge Hudson to inform the readers of the *JOURNAL* on the organization, procedure, meetings, advisory opinions, and decisions of the World Court, to offer constructive criticism. He was present at the Court's inception at Paris in 1919 and was a keen observer of its establishment in 1920. As a faithful follower, he watched its work with sympathy and supported it with zeal until 1936 when his interest and devotion were rewarded by election to the Bench of the Court. His judicial labors were performed with characteristic energy, constancy, and distinction until the Court's enforced silence during the military occupation of The Hague by an enemy who knew not law or justice.

Judge Hudson took an active part at the Washington and San Francisco conferences of 1945 in promoting the restoration of the Court substantially in its original form and for continuously identical purposes. His four volumes of *World Court Reports* covering the years 1922 to 1942,¹ and his two treatises published in 1934 and 1943,² are standard reference works indispensable to every international law library.

The American Society of International Law has reason to be justly proud of its contribution to the knowledge of the World Court and its accomplishments by the publication of Judge Hudson's twenty-five annual articles. It also feels the greatest satisfaction in the part taken by its officers and members in the pioneering years for an international court of justice. Outstanding in this work were the initiative of Elihu Root, for many years President of the Society, who, as Secretary of State, proposed the transformation of the Court of Arbitration at The Hague into a permanent court, and the indefatigable labors of our predecessor, Dr. James Brown Scott, one of the founders of the Society and the founder of its *Journal*,

¹ *World Court Reports*, Vols. 1-4, Washington, Carnegie Endowment for International Peace, 1934-1943.

² *The Permanent Court of International Justice, a Treatise*, New York, Macmillan, 1934; *The Permanent Court of International Justice, 1920-1942*, New York, Macmillan, 1943.

in seeking, while Solicitor of the Department of State and later as a private citizen, to bring into being the Court of Arbitral Justice recommended by the Second Hague Peace Conference of 1907. Both Mr. Root and Dr. Scott later participated in the formulation of the Statute of the Permanent Court of International Justice, the signature of which actually brought the Court into being. Both suffered the disappointment of seeing the Court rejected by the Government of the United States, and neither lived to see their Government become a member.

Judge Hudson's career spans the three eras, first, when there was no international court in existence, then during the Court's twenty years of successful operation without membership of or assistance from the United States, and, finally, after the Court survived a devastating World War and has been restored with the United States a fully supporting member. His articles are consequently completely informative and highly authoritative. They deserve republication in a single volume marking the first twenty-fifth anniversary in recorded history of the judicial settlement of international disputes. An evolutionary concept which has become an actual reality and persisted in the life of nations for a quarter of a century cannot die. It can only progress.

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**ENCOURAGEMENT OF THE DEVELOPMENT OF INTERNATIONAL LAW
BY THE UNITED NATIONS**

In pursuance of its mandate under Article 13 of the Charter, the General Assembly of the United Nations has taken a significant step toward encouraging "the progressive development of international law and its codification." On December 11, 1946, it adopted the following resolution:¹

The General Assembly

Resolves to establish a committee of sixteen Members of the United Nations to be appointed by the General Assembly on the recommendation of the President, each of these Members to have one representative on the committee.

¹ Journal, No. 58 (Supp. A), p. 470.

The preamble proposed by the Sixth Committee but not read to the General Assembly, ran as follows (Document A/222, 6 December 1946):

"The General Assembly recognizes the obligation laid upon it by Article 13, paragraph (2), of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

"Realizes the need for a careful and thorough study of what has already been accomplished in this field as well as of the projects and activities of official and unofficial bodies engaged in efforts to promote the progressive development and formulation of public and private international law, and the need for a report on the methods whereby the General Assembly may most effectively discharge its obligations under the above-mentioned provision."

A Secretariat paper, Document A/122, 17 October 1946, traced the historical background of the provision in Article 13.