

PART IV

CORRESPONDENCE

QUATRIÈME PARTIE

CORRESPONDANCE

I. THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION TO THE REGISTRAR

23 March 1959.

Sir,

I have the honour to inform you that the Assembly of the Inter-Governmental Maritime Consultative Organization, by a resolution adopted at its 11th meeting, held on 19 January 1959, in connexion with the election of members of the Maritime Safety Committee, decided to request the International Court of Justice to give an advisory opinion on the following question:

"Is the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, which was elected on 15 January 1959, constituted in accordance with the Convention for the Establishment of the Organization?"

One copy each of the English and French texts of the aforementioned resolution of the Assembly, both duly certified, are herewith enclosed. In accordance with Article 65 of the Statute of the International Court of Justice, I shall transmit to the Court all documents likely to throw light upon the question, including the relevant records of the proceedings of the Assembly as soon as the official records are available.

Accept, Sir, the assurances of my highest consideration.

(Signed) Ove NIELSEN.

2. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

26 March 1959.

Sir,

I have the honour to acknowledge receipt, on March 25th, 1959, of the letter of March 23rd by which you inform me that the Assembly of the Inter-Governmental Maritime Consultative Organization, by a Resolution adopted at its 11th Meeting, held on 19th January 1959, in connection with the election of members of the Maritime Safety Committee, decided to request the Court to give an advisory opinion, and stating the question on which that opinion is requested.

I also acknowledge receipt of the English and French texts of the aforementioned resolution and I duly note that in accordance with Article 65 of the Statute of the Court, you will transmit all documents likely to throw light upon the question, including the relevant records of the proceedings of the Assembly as soon as the official records are available.

For the purpose of the decision which has to be taken under paragraph 2 of Article 66 of the Statute of the Court, I would ask you to communicate to me the list of present Members and Associate Members of your Organization.

I have, etc.

3. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
UNITED NATIONS (*telegram*)

26 March 1959.

Have honour inform you that on March 25th 1959 Court received from Secretary-General IMCO request for advisory opinion on question whether Maritime Safety Committee IMCO which was elected on 15 January 1959 is constituted in accordance with Convention for the establishment of the Organization.

4. THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION TO THE DEPUTY-REGISTRAR

31 March 1959.

Sir,

I have the honour to acknowledge receipt of your letter of 26 March in answer to mine of 23 March forwarding a copy of the Resolution adopted by the First Assembly of IMCO in connection with the election of members of the Maritime Safety Committee.

A list of Members of IMCO is attached for your use in connection with paragraph 2 of Article 66 of the Statutes of the International Court of Justice.

I have, etc.

(Signed) Ove NIELSEN.

Annex

Members of the Inter-Governmental Maritime Consultative Organization: Argentina, Australia, Belgium, Burma, Canada, China, Dominican Republic, Ecuador, Federal Republic of Germany, France, Greece, Haiti, Honduras, Iran, Ireland, Israel, Italy, Japan, Liberia, Mexico, Netherlands, Norway, Pakistan, Panama, Switzerland, Turkey, USSR, United Arab Republic, United Kingdom, United States.

5. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE INTER-
GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

3 April 1959.

Sir,

I have the honour to acknowledge and thank you for the letter of March 31st, 1959, with which you were good enough to enclose a list of the members of the Inter-Governmental Maritime Consultative Organization.

It is our assumption that there are no associate members of the Organization. If we should be mistaken about this, I should be grateful if you would indicate the position to us.

I have, etc.

6. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

8 April 1959.

Sir,

In order to enable me to inform the Court, I would ask you to indicate as soon as possible—and preferably by return post—the date at which it would be possible for you, under Article 65, paragraph 2, of the Statute, to transmit the documents likely to throw light upon the question submitted to the Court for an advisory opinion by the request filed on March 25th, 1959.

I should add that thirty sets of these documents are necessary if each set is bilingual; and, if the sets are monolingual, twenty of each language.

I have, etc.

7. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (*telegram*)

8 April 1960.

Please wire date approval by IMCO Assembly of Agreement on relationship with UN.

8. THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION TO THE DEPUTY-REGISTRAR (*telegram*)

9 April 1959.

IMCO Assembly approved Agreement on relationship with UN 13 January 1959 *Stop* Copy of resolution follows.

9. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'AFGHANISTAN ¹

9 avril 1959.

Monsieur le Ministre,

En exécution de l'article 66, paragraphe 1, du Statut de la Cour, j'ai l'honneur de faire tenir ci-joint à Votre Excellence un exemplaire, imprimé par les soins du Greffe, de la requête pour avis consultatif ² transmise à la Cour en vertu de la résolution de l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime du 19 janvier 1959.

Veuillez agréer, etc.

¹ La même communication a été adressée à tous les États admis à ester en justice devant la Cour.

² Voir p. 8.

IO. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL
OF THE UNITED NATIONS

10 April 1959.

Sir,

Referring to my telegram of March 26th, 1959, I have the honour to transmit herewith for your information a certified true copy of the printed edition, prepared by the Registry, of the Request for an Advisory Opinion¹ submitted by the Inter-Governmental Maritime Consultative Organization.

I have, etc.

II. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

10 April 1959.

Sir,

I have the honour to send you herewith for your information ten copies of the bilingual edition, prepared by the Registry, of the Request for Advisory Opinion concerning the constitution of the Maritime Safety Committee.

I also have the honour to inform you that the notification to all States entitled to appear before the Court, prescribed under Article 66, paragraph 1, of the Statute, has been made.

I have, etc.

12. THE DIRECTOR OF ADMINISTRATIVE DIVISION OF THE INTER-
GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION
TO THE DEPUTY-REGISTRAR

10 April 1959.

Sir,

In the absence of the Secretary-General, I am replying to your letter of 8th April, asking us to indicate the date at which it will be possible for us, under Article 65, paragraph 2, of the Statute, to transmit documents supporting the request for an advisory opinion, which was filed on March 25th, 1959.

These papers are being prepared for us by Mr. Stavropoulos, Legal Counsel of the United Nations, and we believe that it will be two to three weeks at least before a formal submission of the relative papers could be made.

I have, etc.

(Signed) Michael HIGGINS.

¹ See p. 8.

**13. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION**

19 June 1959.

Sir,

I beg to refer to your letter of 23 March 1959 transmitting a request for an Advisory Opinion pursuant to the Resolution of the Inter-Governmental Maritime Consultative Organization of 19 January 1959.

I am instructed to inform you that the Court has decided to wait until it receives from you the documents likely to throw light upon the question, as provided for in Article 65, paragraph 2, of the Statute, before it takes a decision under Article 66, paragraph 2, as regards what States and international organizations are to be considered as likely to be able to furnish information on the question and as regards the time-limit within which it will be prepared to receive written statements from any such State or organization.

I have, etc.

**14. THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION TO THE DEPUTY-REGISTRAR**

25 June 1959.

Sir,

Further to my letter of 31st March, 1959, I now enclose an amended copy of the list of Members of IMCO, for your use in connection with paragraph 2 of Article 66 of the Statutes of the International Court of Justice.

I have, etc.

(Signed) Ove NIELSEN.

**Status of the Convention on the Inter-Governmental Maritime
Consultative Organization**

<i>States</i>	<i>Date of receipt of instrument of acceptance</i>
Argentina	18 June 1953
Australia	13 February 1952
Belgium	9 August 1951
Burma	6 July 1951
Canada	15 October 1948
China	1 July 1958
Denmark	3 June 1959
Dominican Republic	25 August 1953
Ecuador (with a declaration)	12 July 1956
Federal Republic of Germany	7 January 1959
Finland	21 April 1959
France	9 April 1952
Greece (with a declaration)	31 December 1958
Haiti	25 June 1953
Honduras	23 August 1954
Iran	2 January 1958

<i>States</i>	<i>Date of receipt of instrument of acceptance</i>
Ireland	26 February 1951
Israel	24 April 1952
Italy	28 January 1957
Japan	17 March 1958
Liberia	6 January 1959
Mexico (with a reservation)	21 September 1954
Netherlands	31 March 1949
Norway (with a declaration)	29 December 1958
Pakistan	21 November 1958
Panama	31 December 1958
Switzerland	20 July 1955
Sweden	27 April 1959
Turkey	25 March 1958
USSR	24 December 1958
United Arab Republic	17 March 1958
United Kingdom	14 February 1949
United States	17 August 1950
India (with a reservation requiring acceptance by Member States)	6 January 1959

**15. THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION TO THE DEPUTY-REGISTRAR**

14 July 1959.

Sir,

I have the honour to refer to my letter, dated 23 March 1959, transmitting a request by the Assembly of the Inter-Governmental Maritime Consultative Organization for an advisory opinion in connexion with the constitution of the Maritime Safety Committee.

In accordance with Article 65, paragraph 2, of the Statute of the International Court of Justice, I am transmitting to you, to be made available to the Court, all the relevant documents¹ likely to throw light upon the question. The documents being transmitted are arranged in sets and there are twenty sets in English and twenty sets in French. Six of these sets, three in English and three in French, are being sent by air express, while the balance are being despatched by sea from New York and should reach you on or about 23 July. Two lists of these documents, one in English and one in French, are enclosed.

I certify that the documents of the Inter-Governmental Maritime Consultative Organization are the official documents of the Organization or authentic copies of these documents, and that the documents of the United Nations Maritime Conference and of the United Nations General Assembly are authentic copies, or excerpts from, official United Nations documents.

¹ See pp. 10-22.

Should there be any additional documents which the Court might desire to have, it will be our pleasure to furnish them.

Please accept, etc.

(Signed) Ove NIELSEN.

16. THE ACTING REGISTRAR TO THE SECRETARY-GENERAL OF THE
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION
(telegram)

17 July 1959.

Kindly confirm and indicate date Ghana joined IMCO.

17. THE DIRECTOR OF ADMINISTRATIVE DIVISION OF THE INTER-
GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION
TO THE DEPUTY-REGISTRAR

21 July 1959.

Sir,

I am directed by the Secretary-General to acknowledge receipt of your cable of 17 July 1959, requesting information as to the date on which Ghana joined the Inter-Governmental Maritime Consultative Organization.

I have the honour to inform you that the instrument of acceptance of Ghana was deposited with the Secretary-General of the United Nations on 6 July 1959.

I have, etc.

(Signed) Michael HIGGINS.

18. LE GREFFIER EN EXERCICE AU MINISTRE DES AFFAIRES
ÉTRANGÈRES D'ARGENTINE ¹

5 août 1959.

Monsieur le Ministre,

Par lettre du 9 avril 1959, j'ai eu l'honneur de transmettre à Votre Excellence, en conformité de l'article 66, paragraphe 1, du Statut de la Cour, un exemplaire de la requête par laquelle un avis consultatif a été demandé à la Cour en vertu de la résolution adoptée le 19 janvier 1959 par l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime.

Le paragraphe 2 de l'article 66 prévoit qu'à tout État admis à ester devant la Cour et à toute organisation internationale jugés, par la Cour ou par le Président si elle ne siège pas, susceptibles de fournir des renseignements sur la question, le Greffier fait connaître, par communi-

¹ La même communication a été adressée à tous les États Membres de l'Organisation intergouvernementale consultative de la Navigation maritime (voir la liste sous le numéro 14). Elle a également été adressée au Secrétaire général de cette organisation.

cation spéciale et directe, que la Cour est disposée à recevoir des exposés écrits dans un délai à fixer par le Président, ou à entendre des exposés oraux au cours d'audiences publiques tenues à cet effet.

Par application de cette disposition, j'ai l'honneur de faire connaître à Votre Excellence qu'en l'espèce, les États membres de l'Organisation intergouvernementale consultative de la Navigation maritime, admis à ester devant la Cour, ainsi que cette Organisation elle-même, ont été considérés par le Président comme susceptibles de fournir des renseignements sur la question et que la date à laquelle expire le délai pour la présentation d'exposés écrits a, par ordonnance ¹ datée de ce jour, été fixée au 5 décembre 1959.

Pour le cas où votre Gouvernement désirerait se prévaloir de la faculté de présenter un exposé écrit dans le délai fixé, j'attacherais du prix à en être informé aussitôt que possible. J'ajoute que l'exposé devrait être rédigé soit en français, soit en anglais, langues officielles de la Cour (article 39, paragraphe 1, du Statut).

En priant Votre Excellence de bien vouloir considérer la présente lettre comme la communication spéciale et directe prévue à l'article 66, paragraphe 2, du Statut, je saisis cette occasion, etc.

19. LE GREFFIER EN EXERCICE AU MINISTRE DES AFFAIRES
ÉTRANGÈRES D'ARGENTINE ²

Le Greffier en exercice de la Cour internationale de Justice a l'honneur de se référer à sa lettre du 5 août 1959 au sujet de l'avis consultatif relatif à la composition du Comité de la Sécurité maritime et de remettre ci-joint une copie de l'ordonnance mentionnée dans cette lettre.

La Haye, le 13 août 1959.

20. THE ACTING LEGAL ADVISER OF THE DEPARTMENT OF STATE OF THE
UNITED STATES OF AMERICA TO THE ACTING REGISTRAR

August 18 1959.

Sir,

I refer to your letter of August 5, 1959, stating that the President of the International Court of Justice has, by Order ³ of August 5, 1959, fixed December 5, 1959, as the time-limit for the submission of written statements to the Court in connection with the request for an advisory opinion of the Court by the Resolution of the Assembly of the Inter-Governmental Maritime Consultative Organization of January 19, 1959.

¹ Voir *C. I. J. Recueil* 1959, p. 267.

² La même communication a été adressée à tous les destinataires de la lettre reproduite sous le numéro précédent.

³ See *I. C. J. Reports* 1959, p. 267.

This is to inform you that the Government of the United States of America wishes to avail itself of the right to present a written statement within the time-limit fixed.

Very truly yours,

For the Acting Secretary of State:
(Signed) John M. RAYMOND.

Acting Legal Adviser.

21. LE SECRÉTAIRE GÉNÉRAL DE L'IMCO AU GREFFIER EN EXERCICE

18 septembre 1959.

Monsieur le Greffier,

J'ai l'honneur d'accuser réception de votre lettre du 5 août 1959 par laquelle vous avez bien voulu me faire savoir que la documentation relative à la question posée à la Cour internationale de Justice par l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime que je vous avais transmise en conformité avec l'article 65, paragraphe 2, du Statut de la Cour était bien parvenue au Greffe de la Cour.

J'ai pris note de la détermination de Monsieur le Président de la Cour que les États Membres de l'Organisation intergouvernementale consultative de la Navigation maritime, admis à ester devant la Cour, ainsi que cette Organisation elle-même, ont été considérés dès à présent comme susceptibles de fournir, avant le 5 décembre 1959, des renseignements sur la question, comme prévu à l'article 66, paragraphe 2, du Statut.

Je ne prévois pas en ce moment que des exposés écrits autres que ceux que je vous ai déjà fait parvenir soient soumis à la Cour au nom de notre Organisation.

Veuillez agréer, etc.

(Signé) Ove NIELSEN.

22. THE SECRETARY OF THE DEPARTMENT OF EXTERNAL AFFAIRS OF IRELAND TO THE ACTING REGISTRAR

23 September 1959.

Sir,

I have the honour to refer to your letters of 9th April, 1959, and the 5th August 1959 concerning the request of the Inter-Governmental Maritime Consultative Organization for an Advisory Opinion on the Constitution of the Maritime Safety Committee.

I am to inform you that my Government does not wish to avail itself of the right to present a written statement within the time-limit fixed. Accept, Sir, etc.

(Signed)...

23. LE CHARGÉ D'AFFAIRES a. i. DE SUISSE AUX PAYS-BAS AU GREFFIER

2 octobre 1959.

Monsieur le Greffier,

Me référant à votre lettre du 5 août au sujet de la requête par laquelle un avis consultatif a été demandé à la Cour en vertu de la résolution adoptée le 19 janvier 1959 par l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime, j'ai l'honneur de vous informer que le Gouvernement suisse envisage de présenter un exposé écrit dans le délai fixé au 5 décembre 1959.

Dès que je serai en possession de ce document, je ne manquerai pas de vous le transmettre immédiatement.

Veuillez agréer, etc.

(Signé) M. SCHERLER.

**24. L'AMBASSADEUR DE BELGIQUE AUX PAYS-BAS
AU GREFFIER EN EXERCICE**

[Voir p. 23]

**25. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE LA RÉPUBLIQUE
FRANÇAISE AU GREFFIER ADJOINT**

25 novembre 1959.

Monsieur le Greffier,

En application de l'article 66, paragraphe 2, du Statut de la Cour, j'ai l'honneur de vous adresser, au nom du Gouvernement de la République française, un exposé écrit¹ relatif à la requête pour avis consultatif transmise à la Cour en vertu de la Résolution de l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime du 19 janvier 1959.

Je vous prie, etc.

(Signé) André GROS.

26. THE SECRETARY OF STATE OF LIBERIA TO THE REGISTRAR

23 November 1959.

Mr. Registrar,

I have the honour to acknowledge the receipt of your letter of August 5, 1959, enquiring whether the Government of Liberia intends to submit a Written Statement to the International Court of Justice in connection with the proceedings relating to the request of the Inter-Governmental Maritime Consultative Organization for an Advisory Opinion. In reply, I wish to state that it is the intention of the Government of Liberia to file such a Statement.

¹ Voir p. 24.

As it appears from the documents which have been forwarded to the Court by the Secretariat of the Inter-Governmental Maritime Consultative Organization, it was the Government of Liberia which took the initiative in the Inter-Governmental Maritime Consultative Organization Assembly in seeking the present Advisory Opinion. Moreover, my Government is directly concerned in the outcome of the proceedings since Liberia is one of the two States excluded from the Maritime Safety Committee by reason of what the Government of Liberia deems to be the unlawful action of a bare majority of the Assembly.

It will thus be apparent that the Government of Liberia has a special interest in the present proceedings. Although it will endeavour in the written statement to be filed with the Court prior to December 5, 1959, to fully present its case, it cannot, of course, be expected to anticipate the arguments which may be advanced by States adopting an adverse view.

In these circumstances, I wish to enquire whether the States entitled to make statements to the Court in the present proceedings will be given an opportunity, if they so desire, to file written comments upon the written statements which are due to be submitted by December 5, 1959. A procedure of this character would appear to be permitted under Article 66, paragraph 4, and Article 68 of the Statute of the Court. Further, the Government of Liberia cannot indicate whether it would wish to file written comments upon the written statements until it has had an opportunity of examining those written statements. It would be appreciated if the Court, in determining what Order it may wish to make as to the future course of proceedings, should be acquainted with the possibility that the Government of Liberia may wish to submit written comments as an intermediate stage between the initial written statements and the oral proceedings.

An additional factor which has some bearing on this matter is the possibility that some Members of the Inter-Governmental Maritime Consultative Organization may themselves have comments to make upon the written statement of the Government of Liberia. It is clear that my Government might be placed at some disadvantage as, indeed, would any other State in similar circumstances, if, during the oral proceedings, it were obliged to meet arguments with which it had not previously been presented.

With sentiments of esteem.

(Signed) M. DUKULY.

27. THE SECRETARY OF STATE OF LIBERIA TO THE REGISTRAR

23 November 1959.

Mr. Registrar,

With reference to the proceedings at present pending before the Court in connection with the request by the Inter-Governmental Maritime Consultative Organization for an Advisory Opinion, I have the honour to request that all further communications, correspondence, etc., including copies of the Written Statements filed with the Court, connected with these proceedings be addressed to His Excellency George T. Brewer,

the Ambassador of the Republic of Liberia to the Court of St. James, whose address is 21, Princes Gate, London S.W. 7.

Ambassador Brewer has the authority to sign communications addressed to the Court on behalf of the Government of Liberia connected with these proceedings.

With sentiments of esteem.

(Signed) M. DUKULY.

28. THE AMBASSADOR OF LIBERIA TO THE UNITED KINGDOM TO THE
REGISTRAR

27 November 1959.

Sir,

I have the honour to refer to the letters of November current, addressed to you by the Secretary of State of the Republic of Liberia, in which he informed you of the intention of the Government of Liberia to file a Written Statement in the above-mentioned proceedings and of the delegation of authority to me, by my Government, to communicate with you on matters connected with these proceedings.

I now have the honour to transmit to you herewith twenty-five lithographed copies of the Written Statement¹ of the Government of Liberia with the request that it be submitted to the Court in pursuance of the terms of the Order of the Court of August 5, 1959.

With sentiments of esteem.

(Signed) George T. BREWER, Jr.

29. THE POLITICAL VICE-MINISTER OF THE REPUBLIC OF CHINA TO THE
ACTING REGISTRAR

[See p. 164]

30. THE ACTING LEGAL ADVISER OF THE DEPARTMENT OF STATE OF THE
UNITED STATES OF AMERICA TO THE REGISTRAR

27 November 1959.

Sir,

I have the honor, in accordance with Article 66 of the Statute of the International Court of Justice and the Order of the Court dated August 5, 1959, to submit the written statement² of the Government of the United States of America on the question, "Constitution of the Maritime Safety Committee", in connection with which the Court has been requested to give an advisory opinion.

In accordance with Article 66, paragraph 4, I request, on behalf of my Government, the opportunity to comment on statements made by other States or organizations in this advisory case.

¹ See p. 33.

² See p. 114.

Since consideration is also being given to the possibility of presenting an oral statement for the United States in this matter, I should appreciate being advised as soon as possible when a date has been fixed for the beginning of the hearings in this advisory case.

Very truly yours,

For the Secretary of State:
(Signed) John M. RAYMOND,
Acting Legal Adviser.

31. THE DEPUTY-REGISTRAR TO THE SECRETARY OF STATE OF LIBERIA ¹

1 December 1959.

Sir,

I have the honour to acknowledge receipt of Your Excellency's letter of 23 November 1959 in the matter of the Request of the Inter-Governmental Maritime Consultative Organization for an Advisory Opinion concerning the constitution of the Maritime Safety Committee.

Due note has been taken of the intention of the Government of Liberia to file a Written Statement.

In reply to the question raised in your letter, I have the further honour to inform you that when Written Statements from Governments have been received by 5 December, these Statements will be printed and distributed to the Secretary-General of IMCO and to all States which have been considered likely to furnish information, including the Government of Liberia. Thereafter, these Governments will be given an opportunity to comment orally upon the Statements at hearings to be held at a date to be fixed by the President.

I have, etc.

32. THE DEPUTY-REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

2 December 1959.

Sir,

I have the honour to acknowledge receipt of Your Excellency's letter of 27 November 1959 submitting the written statement of the Government of the United States of America on the question of the constitution of the Maritime Safety Committee in connection with which the Court has been requested to give an advisory opinion.

Due note has been taken of the fact that you request, in accordance with Article 66, paragraph 4, of the Statute of the Court, on behalf of your Government, the opportunity to comment on statements made by other States or Organizations in this advisory case.

In compliance with your desire to be advised as soon as possible when a date has been fixed for the beginning of the hearings in this advisory case, I have the further honour to inform you that when written statements have been received by 5 December, these Statements will be printed and distributed to the Secretary-General of IMCO and to all States

¹ Copy sent to the Ambassador of Liberia to the United Kingdom.

which have been considered likely to furnish information, including the Government of the United States of America. Thereafter, these Governments will be given an opportunity to comment orally upon the Statements at hearings to be held at a date to be fixed by the President.

I have, etc.

33. LE MINISTRE DES RELATIONS EXTÉRIEURES DU PANAMA AU GREFFIER

20 novembre 1959.

[Par une lettre en langue espagnole du 20 novembre 1959 accompagnée de lettres de créance, le ministre des Relations extérieures du Panama annonce la nomination du Dr Octavio Fábrega comme représentant de son Gouvernement près la Cour aux fins de l'espèce en qualité d'ambassadeur extraordinaire et plénipotentiaire en mission spéciale.]

34. L'AMBASSADEUR DE SUISSE AUX PAYS-BAS AU GREFFIER

3 décembre 1959.

Monsieur le Greffier,

Me référant à votre lettre du 5 août dernier au sujet de la requête par laquelle un avis consultatif a été demandé à la Cour en vertu de la résolution adoptée le 19 janvier 1959 par l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime, et comme suite à ma réponse du 2 octobre vous informant que le Gouvernement suisse avait envisagé de présenter un exposé écrit dans le délai fixé au 5 décembre 1959, j'ai l'honneur de vous remettre en annexe ce document¹ accompagné de la loi fédérale sur la navigation maritime sous pavillon suisse.

Veuillez agréer, etc.

(Signé) E. DE HALLER.

35. L'AMBASSADE D'ITALIE AUX PAYS-BAS AU GREFFE DE LA COUR

L'Ambassade d'Italie présente ses compliments à la Cour internationale de Justice et, en se référant à sa lettre en date du 5 août dernier, n° 30095, adressée au ministère italien des Affaires étrangères, a l'honneur de lui faire parvenir ci-joint, en double exemplaire, le mémoire² du Gouvernement de la République italienne sur la question concernant la requête d'avis consultatif adressée à la Cour par l'Organisation maritime consultative internationale sous la date du 23 mars 1959.

L'Ambassade d'Italie saisit cette occasion pour renouveler à la Cour internationale de Justice les assurances de sa haute considération.

La Haye, le 4 décembre 1959.

¹ Voir p. 216.

² Voir p. 219.

36. THE AMBASSADOR OF DENMARK TO THE NETHERLANDS TO THE REGISTRAR

[See p. 227]

37. THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM TO THE REGISTRAR

2 December 1959.

Sir,

I have the honour to refer to a letter No. 30095 dated the 5th of August, 1959, from the Acting Registrar addressed to Her Majesty's Ambassador at The Hague informing him that the 5th of December, 1959, had by Order of the International Court of Justice been fixed as the time-limit for the submission of Written Statements with respect to the request for an advisory opinion in the matter of the Constitution of the Maritime Safety Committee made by the Assembly of the Inter-Governmental Maritime Consultative Organization.

I have to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland desire to submit, in accordance with the Order of the Court, a Written Statement¹, 25 copies of which are enclosed.

I have, etc.

(Signed) F. A. VALLAT.

38. THE MINISTER FOR FOREIGN AFFAIRS *a.i.* OF THE NETHERLANDS TO THE REGISTRAR

4 December 1959.

Sir,

With reference to your communications 30095 and 30118 dated August 5 and August 13, 1959, regarding the advisory opinion requested from the International Court of Justice on the constitution of the Maritime Safety Committee, I have the honour to submit the enclosed written statement² of the Government of the Kingdom of the Netherlands.

(Signed) J. DE QUAY.

39. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

28 December 1959.

Sir,

I have the honour to inform you that, in the case submitted to the Court for an advisory opinion on the Constitution of the Maritime Safety Committee, written statements or communications have been

¹ See p. 228.

² See p. 247.

submitted by the following States Members of the Inter-Governmental Maritime Consultative Organization under Article 66, paragraph 2, of the Statute: Belgium, France, Liberia, the United States of America, China, Panama, Switzerland, Italy, Denmark, the United Kingdom of Great Britain and Northern Ireland, Norway, the Netherlands and India. I am sending you under separate cover five copies of a printed volume containing, on the one hand, the list of documents, preceded by the introduction, which you have transmitted to the Court in accordance with Article 65, paragraph 2, of the Statute, and, on the other hand, the statements and communications of the aforementioned States.

I have the further honour to inform you that, for the purpose of hearing the oral statements that may be presented in this case, the Court will hold sittings as soon as possible after 17 April 1960. The exact date and hour at which these sittings will begin will be communicated to you later.

Yours, etc.

40. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'ARGENTINE ¹

28 décembre 1959.

Monsieur le Ministre,

A la date du 9 avril 1959, j'ai transmis à Votre Excellence la copie de la résolution par laquelle l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime a demandé à la Cour internationale de Justice un avis consultatif sur la question de la composition du Comité de la Sécurité maritime. Et, le 5 août 1959, je vous ai fait connaître que, par application de l'article 66, paragraphe 2, du Statut, les États membres de cette Organisation avaient été jugés susceptibles de fournir des renseignements sur ladite question et que la date d'expiration du délai dans lequel la Cour était disposée à recevoir d'eux des exposés écrits avait été fixée au 5 décembre 1959.

J'ai aujourd'hui l'honneur de porter à votre connaissance que des exposés écrits ou des déclarations ont été présentés par les Gouvernements des États dont les noms suivent: Belgique, France, Libéria, États-Unis d'Amérique, Chine, Panama, Suisse, Italie, Danemark, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Norvège, Pays-Bas et Inde. Je vous fais envoyer sous pli séparé un volume imprimé où se trouvent reproduits d'une part le bordereau des documents que le Secrétaire général de l'Organisation intergouvernementale consultative de la Navigation maritime a transmis à la Cour aux termes de l'article 65, paragraphe 2, du Statut, bordereau précédé d'une introduction, et d'autre part les exposés ou déclarations des États précités.

Me référant à l'article 66, paragraphe 4, du Statut, j'ai également l'honneur de vous faire connaître que la Cour tiendra, aussitôt que possible après le 17 avril 1960 (jour de Pâques), des audiences pour entendre les exposés oraux qui pourraient lui être présentés en cette affaire. Les date et heure précises auxquelles ces audiences commenceront vous seront communiquées ultérieurement.

¹ La même communication a été adressée à tous les États Membres de l'Organisation intergouvernementale consultative de la Navigation maritime (voir la liste sous le n° 14).

Au cas où il entrerait dans les intentions de votre Gouvernement de prendre part à la procédure orale, je vous serais obligé de bien vouloir m'en informer le plus tôt possible et au plus tard le 15 février 1960. J'attacherais en outre du prix à connaître en même temps le nom de la personne que votre Gouvernement désignerait comme son représentant et à savoir en quelle langue l'exposé sera présenté. Je me permets à cet égard de rappeler à Votre Excellence que les langues officielles de la Cour sont le français et l'anglais, la Cour pouvant toutefois autoriser l'emploi d'autres langues à la condition que le représentant intéressé prenne toutes ses dispositions pour assurer la traduction en l'une ou l'autre des langues officielles (Statut, art. 39, par. 3; Règlement, art. 58, par. 2).

Veuillez agréer, etc.

41. LE REPRÉSENTANT DU PANAMA AU GREFFIER

15 janvier 1960.

[Par lettre en langue espagnole, le représentant du Panama près la Cour annonce qu'il participera à la procédure orale et s'exprimera en anglais.]

42. L'AMBASSADEUR DE SUISSE AUX PAYS-BAS AU GREFFIER

22 janvier 1960.

Monsieur le Greffier,

J'ai l'honneur de me référer à votre lettre du 18 décembre concernant l'avis consultatif que la Cour internationale de Justice est appelée à prononcer, à la requête de l'Assemblée de l'Organisation intergouvernementale consultative de la Navigation maritime, sur la composition du Comité de la Sécurité maritime.

Les autorités fédérales compétentes, auxquelles j'ai transmis la teneur de cette communication, m'ont fait savoir que le Gouvernement suisse n'a pas l'intention de prendre part à la procédure orale de la Cour au mois d'avril prochain.

Veuillez agréer, etc.

(Signé) E. DE HALLER.

43. LE MINISTRE DES RELATIONS EXTÉRIEURES DU PANAMA AU GREFFIER

19 janvier 1960.

[Par une lettre en langue espagnole, le ministre des Relations extérieures du Panama annonce que son Gouvernement participera à la procédure orale en la personne de son représentant, le Dr Octavio Fábrega.]

44. THE AMBASSADOR OF DENMARK TO THE NETHERLANDS TO THE REGISTRAR

26 January 1960.

Monsieur le Greffier,

I have the honour to refer to your letter No. 30794 dated December 28th, 1959, in which you raise the question whether the Danish Government wishes to participate in the oral procedure to take place at the International Court regarding the constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization.

I am now in a position to inform you that no oral statement is envisaged by the Danish Government.

Accept, etc.

(Signed) Wilhelm EICKHOFF.

45. THE SECRETARY OF THE DEPARTMENT OF EXTERNAL AFFAIRS OF IRELAND TO THE DEPUTY-REGISTRAR

28 January 1960.

Sir,

I have the honour to refer to your letter of the 28th December, 1959, concerning the request of the Inter-Governmental Maritime Consultative Organization for an advisory opinion on the Constitution of the Maritime Safety Committee.

I am to inform you that my Government does not desire to participate in the oral proceedings before the Court.

Accept, etc.

(Signed) ...

46. L'AMBASSADEUR D'ITALIE AUX PAYS-BAS AU GREFFIER ADJOINT

3 février 1960.

Monsieur le Greffier,

Me référant à votre lettre n° 30794 en date du 28 décembre écoulé, adressée au ministère italien des Affaires étrangères, j'ai l'honneur de porter à votre connaissance que le Gouvernement italien a l'intention de prendre part à la procédure orale concernant l'affaire de l'IMCO et qu'il sera représenté par le prof. Riccardo Monaco, chef du Contentieux diplomatique du Ministère des Affaires étrangères, qui s'exprimera en langue française.

Veuillez agréer, etc.

47. THE SECRETARY OF STATE OF LIBERIA TO THE REGISTRAR (*telegram*)

11 February 1960.

Re your letter December 28 addressed to Ambassador George Brewer my Government has sent under registered cover on February 10 its reply advising that it will participate in the oral hearings on the con-

stitution of the Maritime Safety Committee of IMCO *Stop* Honourable Rocheforte L. Weeks will speak for my Government in English *Stop* Some other points are raised in the letter which should reach you shortly.

Rudolph GRIMES SecState of Liberia.

48. THE SECRETARY OF STATE OF LIBERIA TO THE DEPUTY-REGISTRAR

10 February 1960.

Sir,

I have the honour to refer to your letter No. 30794 of December 28, 1959, addressed to His Excellency George T. Brewer, Ambassador of the Republic of Liberia to the Court of St. James, and to acknowledge the receipt of the printed volume to which you refer containing the Written Statements.

In reply to your enquiry, I wish to state that it is the desire of my Government to participate in the oral proceedings. The representative of my Government will be the Honourable Rocheforte L. Weeks, former Assistant Attorney General of Liberia and now President of the University of Liberia. He will address the Court in English.

I take the present opportunity to refer to one other matter in connection with the oral proceedings. You will recall that in its letter of November 23, 1959, my Government enquired whether it would be given an opportunity to file written comments upon the Written Statements which were due to be delivered on December 5, 1959. Your reply of December 1 indicated that the only opportunity for comment upon the Written Statements would be that of oral comment at hearings to be held at a date which was yet to be fixed.

In the light of your reply, my Government now feels some concern about the course of the oral proceedings. Study of the Written Statements has only served to confirm my Government's original impression that issues directly affecting my Government's rights are likely to be more fully clarified if my Government is given an opportunity to comment not only upon Written Statements made by other Governments but also upon the observations which such Governments might make upon the Written Statement of my Government.

At the same time, my Government has observed that it appears to be normal practice in oral proceedings for States to address the Court once only. Moreover, as the correspondence relating to the Advisory Opinion on the *Competence of the General Assembly* suggests, there is some feeling that the State upon whose initiative the request for an Advisory Opinion was made should address the Court first.

If this course were pursued in the present instance, the Government of Liberia would, in the normal way, have no opportunity of commenting upon those parts of subsequent Oral Statements of other Governments which might relate to issues not dealt with in the Written Statements of those Governments and on which, therefore, they would thus be publicly expressing their views for the first time.

In these circumstances, the Government of Liberia desires to enquire whether the Court would allow the Government of Liberia both to open the oral proceedings and to exercise a right of reply, though restricting

its statement on the second occasion to such fresh material as may have been introduced in the course of the intervening Oral Statements. I need hardly add that the representative of my Government would exercise with restraint any opportunity of reply which he might be given.

If the Court feels unable to accede to this request, and decides that my Government should be allowed to speak once only, my Government would ask in that case to be permitted to speak last. It would thus be able to deal comprehensively with all points, including those on which adverse views might for the first time have been expressed in the preceding Oral Statements.

(Signed) J. Rudolph GRIMES.

49. THE AMBASSADOR OF THE UNITED STATES OF AMERICA TO THE
NETHERLANDS TO THE DEPUTY-REGISTRAR

12 February 1960.

Sir,

I have the honor to refer to your Circular Note No. 30794 dated December 28, 1959, concerning the oral proceedings relating to the advisory opinion requested of the International Court of Justice by the Assembly of the Inter-Governmental Maritime Consultative Organization on the Constitution of the Maritime Safety Committee.

Note is made that the Court will hold sittings to hear oral statements as soon as possible after April 17, 1960 (Easter Sunday), and that you would like to be informed as soon as possible and, in any event, by February 15, 1960, of the intentions of governments to participate.

The Government of the United States desires to submit an oral statement at the public sittings. The Legal Adviser of the Department of State, Mr. Eric H. Hager, has been designated to make this oral statement. It will be made in English.

It is noted that the date to be fixed for the opening of hearings will be the subject of a further communication from you.

With renewed assurances, etc.

(Signed) Philip YOUNG.

50. THE AMBASSADOR OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND TO THE NETHERLANDS TO THE DEPUTY-REGISTRAR

15 February 1960.

Sir,

In your letter of the 28th of December, 1959, you requested me to let you know if Her Britannic Majesty's Government wished to take part in the oral proceedings of the International Court of Justice in connexion with the request for an advisory opinion on the constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization. I have the honour to inform you that Her Majesty's Government will take part in the oral proceedings; that the represen-

tative designated by Her Majesty's Government will be Mr. F. A. Vallat, C.M.G., Deputy Legal Adviser to the Foreign Office; and that the statement will be presented in English.

I have, etc.

(Signed) Paul MASON.

51. THE MINISTER OF FOREIGN AFFAIRS OF THE NETHERLANDS TO THE REGISTRAR

15 February 1960.

Sir,

With reference to your communication 30794 of December 28th, 1959, regarding the advisory opinion requested from the International Court of Justice on the constitution of the Maritime Safety Committee, I have the honour to inform you that the Government of the Netherlands intends to take part in the oral procedure before the Court, and has designated Mr. W. Riphagen, legal adviser of the Ministry of Foreign Affairs, to represent the Government. Mr. Riphagen will present his statement in the English language.

52. LE MINISTRE DES AFFAIRES ÉTRANGÈRES DE LA RÉPUBLIQUE FRANÇAISE AU GREFFIER

11 février 1960.

Monsieur le Greffier,

Vous avez bien voulu me faire savoir, par lettre 30794 du 28 décembre 1959, que la Cour tiendrait après le 17 avril 1960 des audiences dans la procédure orale de l'avis consultatif sur la question de la composition du Comité de la Sécurité maritime de l'Organisation intergouvernementale consultative de la Navigation maritime et vous me demandiez de vous faire savoir s'il entraînait dans les intentions du Gouvernement de la République française de prendre part au débat oral.

Le Gouvernement de la République française estime devoir tenir compte de la nature particulière de la procédure de l'avis consultatif où les États ne peuvent qu'éclairer la Cour sur les aspects juridiques objectifs du problème, sans prendre, comme au contentieux, une attitude de défense d'intérêts subjectifs. En raison de la situation de la France dans la présente affaire, le Gouvernement de la République française pense qu'il peut s'en tenir à son exposé écrit. Ce sentiment est fortifié par la lecture d'autres exposés écrits, tels que ceux du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de la Confédération helvétique, de la République italienne, du Royaume de Norvège et du Royaume des Pays-Bas, qui confirment le Gouvernement de la République française dans la position qu'il a prise, tant en ce qui concerne les éléments qui commandent la solution de la question posée à la Cour que la validité de la procédure qui a été en fait suivie pour l'élection au Comité de la Sécurité maritime.

Dans ces conditions, un exposé oral du Gouvernement de la République française ne paraît pas indispensable.

Veuillez agréer, etc.

(Signé)...

53. THE DEPUTY-REGISTRAR TO THE SECRETARY OF STATE OF LIBERIA

18 February 1960.

Sir,

I have the honour to acknowledge receipt of Your Excellency's letter of 10 February 1960 concerning the advisory opinion requested from the Court on the constitution of the Maritime Safety Committee.

In answer to your queries, I am instructed by the President of the Court to inform you that the Court has not yet determined the order in which the Representatives of the Governments will present their oral statements. But, whatever be this order, the Representative of Liberia will be given an opportunity to address the Court a second time if he so desires. The same would naturally apply to all other Representatives.

As soon as a decision is taken by the Court, the Representatives of the Governments will be informed.

I should add that a copy of Your Excellency's letter will be brought to the attention of the Members of the Court before any decision is taken.

I have, etc.

54. L'AMBASSADE DE BELGIQUE AUX PAYS-BAS AU GREFFIER ADJOINT

19 février 1960.

Monsieur le Greffier,

Me référant à votre lettre du 28 décembre 1959, n° 30794, j'ai l'honneur de vous faire savoir que le Gouvernement belge m'a prié de vous informer qu'il ne comptait pas prendre part à la procédure orale relative à l'avis consultatif demandé à la Cour au sujet de la composition du Comité de la Sécurité maritime au sein de l'IMCO.

Cette abstention est due au fait que les grands pays maritimes faisant connaître individuellement leur argumentation qui concorde avec le point de vue du Gouvernement belge, celui-ci n'envisage pas le dépôt d'un memorandum précisant son attitude en la matière.

Je vous prie d'agréer, etc.

(Signé)...

55. L'AMBASSADEUR DE NORVÈGE AUX PAYS-BAS AU GREFFIER ADJOINT

23 février 1960.

Monsieur le Greffier,

J'ai l'honneur de me référer à la note du 28 décembre 1959 adressée au ministre des Affaires étrangères de la Norvège au sujet d'un avis consultatif sur la question de la composition du Comité de la Sécurité maritime et me permets, d'ordre de mon Gouvernement, de vous faire savoir que ce dernier se réserve le droit de prendre part à la procédure orale.

Le nom du représentant norvégien vous sera communiqué à une date ultérieure.

Veuillez agréer, etc.

(Signé) Otto KILDAL.

56. LE GREFFIER ADJOINT A L'AMBASSADEUR D'ITALIE AUX PAYS-BAS ¹

18 mars 1960.

Monsieur l'Ambassadeur,

Me référant à la lettre du 3 février 1960 par laquelle Votre Excellence a bien voulu me faire connaître, en réponse à ma communication du 28 décembre 1959, que le Gouvernement italien avait l'intention de prendre part à la procédure orale en l'affaire de la composition du Comité de la Sécurité maritime (demande d'avis consultatif), je suis chargé et j'ai l'honneur de porter à votre connaissance que les audiences en cette affaire s'ouvriront le mardi 26 avril 1960 à 10 h. 30. La parole sera donnée dans l'ordre ci-après aux représentants des États ayant demandé à être entendus: d'abord les représentants des États qui contestent la validité de l'élection du 13 janvier 1959, à savoir le Libéria, le Panama et les États-Unis d'Amérique; ensuite les représentants des États qui ne contestent pas la validité de cette élection, à savoir l'Italie, les Pays-Bas et le Royaume-Uni.

J'ajoute que le volume communiqué le 28 décembre 1959 aux États jugés susceptibles de fournir des renseignements sur la question, reproduit les exposés écrits qui ont été présentés par les États mais non les documents soumis, aux termes de l'article 65, paragraphe 2, du Statut, par le Secrétaire général de l'Organisation intergouvernementale consultative de la Navigation maritime, documents dont seule la liste est donnée. Il ne reproduit pas non plus certains des documents annexés aux exposés écrits des États, tels par exemple que les *Documents of the United Maritime Consultative Council*, Washington 1946, le *Lloyds Register of Shipping, Statistical tables 1948 & 1950* (annexes I, II et III à l'exposé des États-Unis d'Amérique), la loi fédérale sur la navigation maritime sous pavillon suisse du 23 septembre 1953 (annexe à l'exposé de la Confédération suisse). Ces documents sont déposés au Greffe de la Cour; les représentants des États qui se rendront à La Haye pour assister aux audiences pourront les consulter s'ils le désirent.

Veuillez agréer, etc.

57. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

18 March 1960.

Sir,

With reference to my letter of 28 December 1959, I have the honour to inform you that the hearings in the case concerning the constitution of the Maritime Safety Committee will begin on Tuesday, 26 April 1960, at 10.30 a.m. The representatives of States having expressed the desire to be heard will be called upon in the following order: First, the representatives of States which challenge the validity of the election of 15 January 1959, namely, Liberia, Panama and the United States of America;

¹ La même communication a été adressée aux représentants des États ci-après, qui avaient également fait savoir qu'ils prendraient part à la procédure orale ou qu'ils se réservaient d'y prendre part: Libéria, Norvège, Panama, Pays-Bas, Royaume-Uni de Grande Bretagne et d'Irlande du Nord, États-Unis d'Amérique.

after that, the representatives of States which do not challenge the validity of the election, namely, Italy, the Netherlands and the United Kingdom.

I have, etc.

**58. THE PERMANENT SECRETARY OF THE MINISTRY FOR FOREIGN AFFAIRS
OF GHANA TO THE DEPUTY-REGISTRAR**

19 March 1960.

Sir,

I have the honour to refer to your letter dated 28th December, 1959, relating to the request of the Assembly of the Inter-Governmental Maritime Consultative Organization for an advisory opinion of the International Court of Justice on the Constitution of the Maritime Safety Committee and to inform you that it is not the wish of the Government of Ghana to participate in the oral proceedings of the Court.

This Government is however considering the possibility of sending an observer to the Court and a further communication will be addressed to you if a decision to this effect is taken in the near future.

I have, etc.

(Signed) ...

**59. THE CHARGÉ D'AFFAIRES *a.i.* OF NORWAY TO THE NETHERLANDS TO
THE DEPUTY-REGISTRAR**

21 March 1960.

Sir,

I have the honour to refer to your note to the Ambassador dated 24th February last and to inform you that the Norwegian Government, during the forthcoming oral procedure in the matter on the Constitution of the Maritime Safety Committee, will be represented by Mr. Finn Seyersted, Director of Legal Affairs in the Norwegian Ministry of Foreign Affairs.

I have, etc.

(Signed) E. F. OFSTAD.

**60. LE GREFFIER ADJOINT AU CHARGÉ D'AFFAIRES *a. i.* DE
NORVÈGE AUX PAYS-BAS**

28 mars 1960.

Monsieur le Chargé d'Affaires,

Me référant à la lettre de S. Exc. l'ambassadeur de Norvège aux Pays-Bas du 23 février 1960 ainsi qu'à la vôtre du 21 mars, je vous serais obligé de bien vouloir me faire savoir aussitôt que possible si l'intention de votre Gouvernement est que, lors des audiences qui s'ouvriront le 26 avril 1960 en l'affaire de la composition du Comité de la Sécurité maritime, son représentant présente à la Cour un exposé oral.

Pour le cas où votre réponse serait affirmative, j'ai dès à présent l'honneur de vous faire connaître que la parole lui serait donnée à la suite du représentant du Gouvernement des Pays-Bas.

Je vous demanderai également de me dire si M. Seyersted parlera français ou anglais.

En vous remerciant d'avance des précisions que vous voudrez bien me donner, je vous prie d'agréer, etc.

61. THE SECRETARY OF STATE OF LIBERIA TO THE DEPUTY-REGISTRAR

7 April 1960.

Mr. Deputy-Registrar:

Further to my letter of 10th February and your reply of 18th February referable to my Government's designation of the Honourable Rocheforte L. Weeks, former Assistant Attorney General of Liberia and now President of the University of Liberia, to participate in the oral proceedings, I have the honour to advise that Honourable Edward R. Moore, Assistant Attorney General of Liberia, will associate with Honourable Weeks in presenting my Government's participation in the oral proceedings.

Very truly yours,

(Signed) J. Rudolph GRIMES.

62. L'AMBASSADEUR DE NORVÈGE AUX PAYS-BAS AU GREFFIER ADJOINT

11 avril 1960.

Monsieur le Greffier,

J'ai l'honneur de me référer à votre note du 28 mars dernier au sujet d'un avis consultatif sur la question de la composition du Comité de la Sécurité maritime, et me permets de vous faire savoir que le représentant norvégien, Monsieur Finn Seyersted, lors des audiences qui s'ouvriront le 26 de ce mois, présentera à la Cour son exposé oral en langue anglaise.

Veuillez agréer, etc.

(Signé) Otto KILDAL.

63. THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION TO THE DEPUTY-REGISTRAR

11 April 1960.

Dear Mr. Garnier-Coignet,

Following my letter of the 8th April, I am glad to inform you that I am designating Mr. Marc Schreiber, Deputy Director of the United Nations Legal Office and Director of the UN Information Centre, Paris, as observer for this Organization during the hearings of the case regarding the constitution of the Maritime Safety Committee beginning on 26th April, 1960.

(Signed) Ove NIELSEN.

**64. THE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES
OF AMERICA TO THE DEPUTY-REGISTRAR**

25 April 1960.

Dear Mr. Garnier-Coignet,

I have the honour to inform you that Mrs. Marcia M. Fleming, Assistant to the Legal Adviser, Department of State, will serve as Counsel for the Government of the United States of America at the public sittings concerning the Constitution of the Maritime Safety Committee (Request for an Advisory Opinion).

(Signed) Eric H. HAGER.

65. THE DEPUTY-REGISTRAR TO THE REPRESENTATIVE OF LIBERIA ¹

25 April 1960.

Sir,

In accordance with Article 60, paragraph 3, of the Rules of Court:

"A transcript of speeches or declarations made by agents, counsel or advocates shall be made available to them for correction or revision, under the supervision of the Court."

As a rule, every speaker receives a transcript of the proceedings on the day of the hearings at which he has addressed the Court.

If you intend to avail yourself of the opportunity of correcting your speeches, I should be very grateful if you would send your corrections to the Registry (Office of the Registrar) on the day following that on which you receive the transcript, i.e. on the day following the hearing at which you have addressed the Court. In this way it will be possible to take into account your corrections when preparing the provisional printed version of the transcripts which are intended to facilitate the work of the Court, and which, in the interests of the latter, must be published without delay.

I may add that if your corrections are received too late to be included in this provisional printed version they will, in any event, be included in the final edition to be published after the termination of the proceedings.

I have, etc.

**66. THE REPRESENTATIVE OF THE GOVERNMENT OF THE NETHERLANDS
TO THE REGISTRAR**

12 May 1960.

Sir,

By letter of February 15, 1960, you were informed that I had been designated to represent the Government of the Netherlands in the oral procedure regarding the constitution of the Maritime Safety Committee before the International Court of Justice. I have the honour to inform

¹ A similar communication was sent to the other Representatives.

you that in this capacity I have been assisted by Mr. H. E. Scheffer, Legal Adviser of the Ministry of Transport and "Waterstaat".

I remain, etc.

(Signed) W. RIPHAGEN.

67. THE PERMANENT SECRETARY OF THE MINISTRY FOR FOREIGN
AFFAIRS OF GHANA TO THE DEPUTY-REGISTRAR

9 May 1960.

Sir,

I have the honour to refer to your letter dated 25th March, 1960, and to enquire if a definite date has now been fixed for the holding of oral proceedings before the Court in the matter of the Constitution of the Maritime Safety Committee.

I have, etc.

(Signed) ...

68. THE DEPUTY-REGISTRAR TO THE PERMANENT SECRETARY OF THE
MINISTRY FOR FOREIGN AFFAIRS OF GHANA

21 May 1960.

Sir,

I have the honour to acknowledge receipt of your letter of 9 May 1960 in which you enquire whether a definite date has now been fixed for the holding of the oral proceedings before the Court in the matter of the constitution of the Maritime Safety Committee.

In reply I may inform you that hearings began on 26 April 1960, i.e. a few days after the date which was notified to you in my letter of 28 December 1959.

It is recalled that on 19 March 1960 you intimated that your Government was considering the possibility of sending an observer to the Court and that a further communication would be addressed to us if a decision to this effect was taken in the near future. Not having received any further indication in this connection, it was considered that your Government had decided not to do so; there was accordingly no reason for us to inform you of the exact date of the hearings, which was notified only to those Governments who had signified their intention to address the Court.

I have, etc.

69. THE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES
OF AMERICA TO THE REGISTRAR

25 May 1960.

Sir,

I refer to the question presented on May 2, 1960, by Judge Córdova to the Representatives of the Governments participating in the public hearings of the advisory case, "Constitution of the Maritime Safety Committee". At that time, Judge Córdova put the following question:

"Would it be possible for the Representatives of the Governments appearing before the Court in this case to present to the Court, at their convenience, reliable information, as well as their points of view, with regard to the tonnage owned by nationals of both Liberia and Panama respectively at the date of the election of the Maritime Safety Committee, January 15, 1959?"

It will be recalled that, at the public hearing of May 4, 1960, as Representative of the United States of America, I reiterated the United States point of view, with respect to Judge Córdova's question, that tests based on ownership by nationals would be impracticable and unworkable; and that I also stated that I did not at that time have any information with regard to the tonnage owned by nationals of Liberia and Panama respectively at the date of the election of the Maritime Safety Committee, January 15, 1959, and that I had communicated with my Government to ascertain whether it had any reliable information of that character which could be presented to the Court as requested.

I wish to advise you that I have now made inquiries of the appropriate agencies of the United States Government, and that I am not able to furnish the Court with reliable information with regard to the tonnage owned by nationals of Liberia and Panama respectively at the date of the election of the Maritime Safety Committee, January 15, 1959.

Very truly yours,

(Signed) Eric H. HAGER.

70. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
UNITED NATIONS (*telegram*)

6 June 1960.

Referring Article 67 Statute Court have honour inform you that reading Advisory Opinion concerning constitution Maritime Safety Committee fixed eighth June eleven a.m.

71. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION
(*telegram*)

6 June 1960.

Referring Article 85 Rules Court have honour inform you that reading Advisory Opinion concerning constitution Maritime Safety Committee fixed eighth June eleven a.m.

72. THE DEPUTY-REGISTRAR TO THE SECRETARY OF STATE OF LIBERIA ¹

4 June 1960.

Sir,

I have the honour to refer to Article 67 of the Statute of the Court and to the oral statement presented to the Court on behalf of your Government in the matter of the Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization (Request for an Advisory Opinion), and to inform Your Excellency that the Court will deliver the Advisory Opinion in this case in open court on 8 June at 11 a.m.

I have, etc.

73. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES
ÉTRANGÈRES D'ARGENTINE ²

4 juin 1960.

Monsieur le Ministre,

Me référant à l'article 67 du Statut de la Cour ainsi qu'à mes communications du 5 août et du 28 décembre 1959 en l'affaire de la composition du Comité de la Sécurité maritime de l'Organisation intergouvernementale consultative de la Navigation maritime (demande d'avis consultatif), j'ai l'honneur de porter à la connaissance de Votre Excellence que la Cour prononcera son avis en cette affaire en audience publique le 18 juin à 11 heures.

Veuillez agréer, etc.

74. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF
THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION ³
(telegram)

8 June 1960.

By nine votes against five Court is of opinion that Committee elected 15 January 1959 is not constituted in accordance with Convention *Stop* Am airmailing three copies Advisory Opinion.

75. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
UNITED NATIONS

8 June 1960.

Sir,

I have the honour to inform you that the Court today delivered its Advisory Opinion in the matter of the Constitution of the Maritime

¹ This communication was addressed to all States whose representatives spoke at the hearings; a copy was also sent to the diplomatic representatives of those States at The Hague.

² La même communication a été adressée à tous les États Membres de l'IMCO, à l'exception de ceux auxquels avait été adressée la communication n° 72.

³ A similar telegram was sent to the Secretary-General of the United Nations.

Safety Committee of the Inter-Governmental Maritime Consultative Organization.

In accordance with Article 85, paragraph 2, of the Rules of Court, I am sending you herewith a signed and sealed copy of this Opinion ¹. Another signed and sealed copy is being sent to the Secretary-General of the Inter-Governmental Maritime Consultative Organization.

I have, etc.

76. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

8 June 1960.

Sir,

With reference to my telegram of 6 June 1960, I have the honour to send you herewith three copies, one of which is signed and sealed, of the Advisory Opinion delivered today by the Court in the matter of the Constitution of the Maritime Safety Committee.

Certified copies of the Advisory Opinion will be sent to the States Members of the Inter-Governmental Maritime Consultative Organization.

I have, etc.

77. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'ARGENTINE ²

8 juin 1960.

Monsieur le Ministre,

Conformément à l'article 85, paragraphe 2, du Règlement de la Cour, j'ai l'honneur de transmettre sous ce pli un exemplaire certifié conforme de l'avis consultatif rendu par la Cour internationale de Justice en l'affaire relative à la composition du Comité de la Sécurité maritime de l'Organisation intergouvernementale consultative de la Navigation maritime.

D'autres exemplaires de cet avis vous seront expédiés ultérieurement par la voie ordinaire.

Veuillez agréer, etc.

78. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'AFGHANISTAN ³

Le Greffier adjoint de la Cour internationale de Justice a l'honneur de transmettre, sous ce pli, un exemplaire imprimé de l'avis consultatif rendu par la Cour le 8 juin 1960 en l'affaire relative à la composition du Comité de la Sécurité maritime de l'Organisation intergouvernementale consultative de la Navigation maritime.

D'autres exemplaires seront expédiés ultérieurement par la voie ordinaire.

La Haye, le 17 juin 1960.

¹ See *I.C.J. Reports 1960*, p. 150.

² La même communication a été adressée à tous les États Membres de l'Organisation intergouvernementale consultative de la Navigation maritime.

³ La même communication a été adressée à tous les États admis à ester en justice devant la Cour.

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