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***Resolution of the United States Senate***

August 2, 1946

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES

Friday, August 2, 1946

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

*Provided*, That such declaration shall not apply to—

- a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future;
- b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States **as determined by the United States**:<sup>9</sup> or
- c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.<sup>10</sup>

*Provided further*, That such declaration shall remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate the declaration.<sup>11</sup> [Page 60]

Attest:

LESLIE L. BIFFLE

Secretary, United States Senate

9. Section 2b of the Morse resolution read: “disputes with regard to matters which are essentially within the domestic jurisdiction of the United States. ...” The words “as determined by the United States” had been inserted on the proposal of Senator Connally (*Cong. Rec.*, vol. 92, pt. 8, p. 10849).↵
10. This section did not appear in the Morse resolution. It was added at the request of Senator Vandenberg (*Cong. Rec.*, vol. 92, pt. 8, p. 10760).↵
11. The Declaration by the United States recognizing, in accordance with this resolution, the jurisdiction of the International Court of Justice as set forth under Article 36, paragraph 2, of the Statute of the Court, was signed by President Truman on August 14 and transmitted under cover of a note of August 16 by the Acting Secretary of State (Acheson) to the Secretary General of the United Nations for deposit with the Secretary General; for text of the declaration, see *Department of State Bulletin*, September 8, 1946, p. 452.

In a note transmitting the Acting Secretary’s note to the Secretary General, the Acting United States Representative at the United Nations (Johnson) said:

“My action today in depositing this Declaration, accepting on behalf of the United States the compulsory jurisdiction of the International Court of Justice, is further testimony to the determination of my Government to do all in its power to assure that the United Nations will fulfill the role assigned to it, which is nothing less than the preservation of world peace.

“One of the most elemental functions of the United Nations in the preservation of world peace is the development of procedures of pacific settlement. In these procedures, the role and functions of law is clear. We feel that international law is already sufficiently developed to serve as a guide and basis in international relations. We feel further that the best way of assuring its further development, and the only way of enabling it to fulfill its function, is by referring to a responsible international tribunal all disputes properly justiciable by such a tribunal.

“We accordingly look forward to a great development of the rule of law in international relations through a broad acceptance of the function of the Court in the spirit of the Charter.” (*ibid.*, p. 452).

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