

**DADABHOY INSTITUTE OF HIGHER EDUCATION**

LLB 05 YEARS DEGREE PROGRAM  
ASSIGNMENT/FINAL TERM  
FACULTY OF LAW

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**QUESTION: WRITE A DETAILED NOTE ON THE INTERNATIONAL COURT OF JUSTICE? AND BRIEFLY DEFINE CONTENTIOUS JURISDICTION, COMPULSORY JURISDICTION AND ADVISORY JURISDICTION OF ICJ?**

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**ANSWER SHEET**

The International Court of Justice (ICJ):

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York (United States of America).

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and

to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

The ICJ is a continuing and autonomous body that is permanently in session. It consists of 15 judges—no two of whom may be nationals of the same state—who are elected to nine-year terms by majority votes in the UN General Assembly and the Security Council. The judges, one-third of whom are elected every three years, are eligible for reelection. The judges elect their own president and vice president, each of whom serves a three-year term, and can appoint administrative personnel as necessary.

The court's primary function is to pass judgment upon disputes between sovereign states. Only states may be parties in cases before the court, and no state can be sued before the World Court unless it consents to such an action. Under article 36 of the court's statute, any state may consent to the court's compulsory jurisdiction in advance by filing a declaration to that effect with the UN secretary-general, and by 2000 more

than 60 countries had issued such a declaration. The declaration (the “optional clause”) may be made unconditionally, or it may be made on condition of reciprocity on the part of other states or for a certain time. In proceedings before the court, written and oral arguments are presented, and the court may hear witnesses and appoint commissions of experts to make investigations and reports when necessary.

Cases before the ICJ are resolved in one of three ways: (1) they can be settled by the parties at any time during the proceedings; (2) a state can discontinue the proceedings and withdraw at any point; or (3) the court can deliver a verdict. The ICJ decides disputes in accordance with international law as reflected in international conventions, international custom, general principles of law recognized by civilized nations, judicial decisions, and writings of the most highly qualified experts on international law. Although the judges deliberate in secret, their verdicts—rendered in both English and French—are delivered in open court. Any judge who does not agree in whole or in part with the court’s decision may file a separate opinion, and few decisions represent the unanimous opinion of the judges. The court’s judgment is final and without appeal.

## Contentious Jurisdiction:

In the exercise of its jurisdiction in contentious cases, the International Court of Justice settles disputes of a legal nature that are submitted to it by States in accordance with international law. An international legal dispute can be defined as a disagreement on a question of law or fact, a conflict, or a clash of legal views or interests.

Only States may apply to and appear before the International Court of Justice. International organizations, other authorities and private individuals are not entitled to institute proceedings before the Court.

## Compulsory Jurisdiction:

The compulsory jurisdiction of the international court of justice is not truly compulsory. The court's jurisdiction is based on the consent of the parties. States have the option to accept or not to accept the court jurisdiction and can do so under terms and conditions they determine themselves. However, once a state has granted its consent, and when a dispute that falls within the scope of that consent is submitted to the court, the state must subject itself to the courts jurisdiction. It is that legal obligation that is at the root of the term Compulsory.

## Advisory jurisdiction:

The International Court of Justice acts as a world court. The Court's jurisdiction is twofold: it decides, in accordance with international law, disputes of a legal nature that are submitted to it by States (jurisdiction in contentious cases); and it gives advisory opinions on legal questions at the request of the organs of the United Nations, specialized agencies or one related organization authorized to make such a request (advisory jurisdiction).

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