

DadaBhoy Institute of Higher Education

LLB Part 2

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Topic: Assignment (E)

Q : Describe Scope of International Court Of Justice?

Answer

Introduction:

The international court of justice is the principal judicial organ of the United Nations. The international court of justice acts as a world court. It decides in accordance with international law, disputes of a legal nature that are submitted to it by states.

CJ was established in 1945 by the United Nations charter and started working in April 1946 It is the principal judicial organ of the United Nations, situated at the Peace Palace in The Hague (Netherlands). Unlike the six principal organs of the United Nations, it is the only one not located in New York (USA).

It settles legal disputes between States and gives advisory opinions in accordance with international law, on legal questions referred to it by authorized United Nations organs and specialized agencies. It has 193 state parties and current President is Ronny Abraham.

Only States which are members of the United Nations and which have become parties to the Statute of the Court or which have accepted its jurisdiction under certain conditions, are parties to contentious cases. States have no permanent representatives accredited to the Court.

Composition of International Court of Justice:

The International Court of Justice is composed of 15 judges elected to nine-year terms of office by the United Nations General Assembly and the Security Council. The Court may not include more than one national of the same State. Moreover, the Court as a whole must represent the main forms of civilization and the principal legal systems of the world. These organs vote simultaneously but separately. In order to be elected, a candidate must receive an absolute majority of the votes in both bodies. This sometimes makes it necessary for a number of rounds of voting to be carried out. In order to ensure a measure of continuity, one third of the Court is elected every three years. Judges are eligible for re-election. Should a judge die or resign during his or her term of office, a special election is held as soon as possible to choose a judge to fill the unexpired part of the term.

Number of Judges:

It consist of 15 judges

Time Duration:

Judges are appointed for a period of 9 years.

Retirement Period:

One third of total judges are retired after every three years.

Quorum of Full Bench:

Quorum for Full Bench of the court is 9 judges.

Re Election of Judges:

Judges can be reelected after expiry of his first time of nine years.

Restrictions:

No two judges can be national of the same estate.

Scope of International Court Of Justice:

The Scope of International court of justice is form when states disputes will not resolve then international court of justice will take action which will be final for both states.

Profound and irreversible changes have taken place in three interconnected areas: the legal landscape, the judicial landscape and the judicial functions. In order to meet the challenges flowing from these changes the Court has to restore the balance between its institutional and systemic role. In the process of doing so the Court has to relax its policy of judicial economy and to adopt a more pro-active judicial policy. Furthermore, the Court has to improve the quality of its reasoning and to take further steps towards the completion of an autonomous regime for provisional measures. Time has also come to reconsider the political and judicial monitoring of the implementation of judgments and to explore some ideas for an accountability regime for the Court itself.

The Court also give advisory opinion to states and organizations and the decisions given by the international court of justice is the final and without appeal.

A State which considers that the other side has failed to perform the obligations incumbent upon it under a judgment rendered by the Court may bring the matter before the Security Council, which is empowered to recommend or decide upon measures to be taken to give effect to the judgment. The procedure described above is the normal procedure.

However, the course of the proceedings may be modified by incidental proceedings. ICJ discharges its duties as a full court but, at the request of the parties, it may also establish *ad hoc* chambers to examine specific cases.

ICJ suffers from certain limitations, these are mainly structural, circumstantial and related to the material resources made available to the Court.

It has no jurisdiction to try individuals accused of war crimes or crimes against humanity. As it is **not a criminal court**, it does not have a prosecutor able to initiate proceedings. It differs from the Courts which deal with allegations of violations of the human rights conventions under which they were set up, as well as applications from States at which

courts can entertain applications from individuals, that is not possible for the International Court of Justice. The Court is not a Supreme Court to which national courts can turn; it does not act as a court of last resort for individuals. Nor is it an appeal court for any international tribunal. It can, however, rule on the validity of arbitral awards.

The Court can only hear a dispute when requested to do so by one or more States. It cannot deal with a dispute on its own initiative. Neither is it permitted, under its Statute, to investigate and rule on acts of sovereign States as it chooses.

The ICJ only has jurisdiction based on consent, not compulsory jurisdiction. It does not enjoy a full separation of powers, with permanent members of the Security Council being able to veto enforcement of cases, even those to which they consented to be bound.

At The End:

1. International Court of Justice will help world for less conflict,
2. International Court of Justice will make equal access to states for justice in limited resources for safe societies,
3. International Court of Justice will make try peace in the world,
4. International Court of Justice will make great acknowledgment of equality for all states, rich or poor for help of humanity,
5. International Court of Justice will make large freedom in which to develop and unfold the potential of all,

International Court of Justice is form when disputes relating to the states concerned have recognized its jurisdiction.

The court also give advisory opinion to the states and organizations and the decision given by the International Court of Justice is final and without appeal.