

The International Court of Justice

Its Future Role After Fifty Years

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The International Court Of Justice's Future Role After Fifty Years

Robert Kolb



The International Court Of Justice's Future Role After Fifty Years:

The International Court of Justice A. Sam Muller, Sam Muller, David Raič, J. M. Thuránszky, 1997-01-01 This is the third volume in the series by the Leiden Journal of International Law dealing with the Decade of International Law and International Dispute Settlement In this book the 50th anniversary of the International Court of Justice is commemorated Its past and future role is examined from various angles which have been defined as roles played by the Court First and foremost its role as a mechanism for the settlement of disputes is examined The analysis goes beyond the traditional frontiers of disputes between states and also explores the possibilities of granting international organizations and individuals access to the Court The second role that is looked into is its supervisory role or in other words its possible role as supreme court in international law Thirdly the Court in its advisory function is examined The last role that is focused upon is the Court in its role as developer of rules of international law The book ends with a conclusion from both a legal and a political perspective

The Advisory Function of the International Court of Justice 1946 - 2005 Mahasen Mohammad Aljaghoub, 2007-06-21 I am pleased to write these words by way of a foreword to Dr Mahasen Aljaghoub's book The Advisory Function of the International Court of Justice I do so with a sense of pride in the achievement of a fellow countrywoman and metaphorically speaking a sister in law My pride is coupled with hope and a nascent optimism that she and a group of young Jordanian academics mostly recent graduates of universities in the United Kingdom will contribute further and significantly to the teaching and dissemination of international law in Jordan and if I do not strain hope by hoping too much in a region in which notwithstanding its past glory the culture of law has for too long been superseded by the logic of power politics and unbridled *raison d'état* My only hesitation in writing this foreword is that a particularly heavy Court schedule has permitted me only a chance at a perusal of the contents of the book A perusal which whilst more than casual falls short of the serious study that it deserves Yet I can unhesitatingly concur with the verdict of the internal and external examiners who praised Dr Aljaghoub's thesis as it then was for its thoroughness detail and authoritativeness on this important area of international law

The Role of the International Court of Justice as the Principal Judicial Organ of the United Nations Mohamed Sameh M. Amr, 2021-08-04 The Role of the International Court of Justice as the Principal Judicial Organ of the United Nations is a thought provoking and valuable addition to the existing literature on the ICJ The book's originality lies in that it provides both the student and practitioner of international law and relations with a comprehensive evaluation of important but hitherto neglected aspects of the work of the World Court its contribution to the functioning of the UN system its role in interpreting and developing the institutional law of the UN and in clarifying its purposes and principles particularly in the settlement of international disputes the Court's advisory and contentious competencies and their interrelationship as well as the extent of its supervisory powers over decisions emanating from other UN organs such as the Security Council The book concludes with practical suggestions on how to develop the Court's role into a better organisation of justice to enable it to face new challenges for the future

The Pillars of Global Law Giuliana Ziccardi Capaldo, 2016-02-24 This book deals with the transformation of the international legal system into a new world order Looking at concepts and principles processes and emerging problems it examines the impact of global forces on international law In so doing it identifies a unified set of legal rules and processes from the great variety of state practice and jurisprudence The work develops a new framework to examine the key elements of the global legal system termed the four pillars of global law verticalization legality integration and collective guarantees The study provides an in depth analysis of the differences between traditional international law and the new principles and processes along which the universal society and world power are organized and how this is related to domestic power The book addresses important changes in key legal issues it reconstructs a complex legal framework and the emergence of a new international order that has still not been studied in depth providing a compass that will prove a useful resource for students researchers and policy makers within the field of law and with an interest in international relations

The International Court of Justice and Self-Defence in International Law James A. Green, 2009-07-30 The legal rules governing the use of force between States are one of the most fundamental and the most controversial aspects of international law An essential part of this subject is the question of when and to what extent a State may lawfully use force against another in self defence However the parameters of this inherent right remain obscure despite the best efforts of scholars and notably the International Court of Justice This book examines the burgeoning relationship between the ICJ and the right of self defence Since 2003 there have been three major decisions of the ICJ that have dealt directly with the law governing self defence actions in contrast to only two such cases in the preceding fifty years This then is an opportune moment to reconsider the jurisprudence of the Court on this issue This book is the first of its kind to comprehensively draw together and then assess the merits of this jurisprudence It argues that the contribution of the ICJ has been confused and unhelpful and compounds inadequacies in existing customary international law The ICJ's fundamental conception of a primary criterion of armed attack as constituting a qualitatively grave use of force is brought into question The book then goes on to examine the underlying causes of the problems that have emerged in the jurisprudence on this crucial issue Winner of the American Society of International Law's Lieber Society Book Prize 2009 Dr Green's monograph demonstrates a thorough understanding of the law of self defence coupled with an informed and evaluative discussion of the role and function of the International Court It is an impressive analysis of the International Court of Justice's jurisprudence on self defence Professor Iain Scobbie Judge of the American Society of International Law's Lieber Society Book Prize 2009 Sir Joseph Hotung Research Professor School of Oriental and African Studies London James Green's *The International Court of Justice and Self Defence in International Law* usefully draws together the jurisprudence of the International Court of Justice on the international law governing self defence The work could not be more timely in light of both contemporary State practice and the Court's recent controversial judgements on the topic Of particular note is his analysis of the very complex and as yet unsettled notion of armed attack

Professor Michael Schmitt Chairman of the American Society of International Law s Lieber Society Book Prize Committee Chair of Public International Law Durham University Winner of the University of Reading Faculty of Social Sciences outputs prize for the best research output in 2010 Resolving Claims to Self-Determination Andrew Coleman,2014-01-03 Since the end of World War Two and the formation of the UN the nature of warfare has undergone changes with many wars being intra state wars or wars of secession Whilst wars of secession do not involve the same number or type of combatants as in the last two World Wars their potential for destruction and their danger for the international community cannot be underestimated There are currently many peoples seeking independence from what they perceive as foreign and alien rulers including the Chechens West Papuans Achenese Tibetans and the Kurds The break up of Yugoslavia and the former USSR together with recent conflicts in South Ossetia reveal that the potential for future wars of secession remains high This book explores the relationship between recognition statehood and self determination and shows how self determination continues to be relevant beyond European decolonisation The book considers how and why unresolved questions of self determination have the potential to become violent The book goes on to investigate whether the International Court of Justice as the primary judicial organ of the United Nations could successfully resolve questions of self determination through the application of legal analysis and principles of international law By evaluating the strengths weaknesses and effectiveness of the Court s advisory jurisdiction Andrew Coleman asks whether the ICJ is a suitable forum for these questions and asks what changes would be necessary to provide an effective means for the peaceful birth of States **Boundaries of Discourse in the International Court of Justice** Michelle L. Burgis,2009 How can Third World experiences of colonialism and statehood be expressed within the confines of the International Court of Justice How has the discourse of international law developed to reflect postcolonial realities of universal statehood In a close and critical reading of four territorial disputes spanning the Arab World Burgis explores the extent to which international law can be used to speak for and speak to non European experiences of authority over territory The book draws on recent critical international legal scholarship to question the ability of contemporary international adjudication to address Third World grievances from the past A comparative analysis of the cases suggests that international law remains a discourse only capable of capturing a limited range of non European experiences during and after colonialism **Rosenne's The World Court: What It Is and How It Works** Daphné Richemond-Barak,2021-08-16 Rosenne s The World Court offers a contemporary and interactive take on the UN s main judicial organ The International Court of Justice which has remained largely unchanged since its creation in 1945 operates within a growing network of states and international bodies The book analyzes the institution via the prism of its relationship with states the Court s natural constituency as well as UN organs international and domestic courts academia and non state actors It offers topics for class discussions moot court exercises and model syllabi Direct engagement with the writings of leading scholars in international law and international relations helps uncover the Court s political and legal role in a

complex international order The book's novel and multidisciplinary approach make it an essential resource for students teachers and scholars

Constructive Interventions L. Kirchhoff, 2008-05-16 In the contemporary discipline of conflict resolution adjudication and alternative dispute resolution ADR are often seen as antagonistic trends This important book contends that on the contrary it is the bringing together of these trends that holds the most promise for an effective system of international justice With great insight and passion built firmly on a vast knowledge of the field Lars Kirchhoff exposes the contemporary structural barriers to effective conflict resolution defining where adjudication ends and ADR and particularly the recent development of mediated third party intervention from an art to a veritable science must come into play The work starts by defining the challenges potentials and shortcomings of different approaches to conflict resolution in an interdependent world where the multiplicity of actors topics and interests involved even in seemingly bilateral conflict situations is clearly manifest and goes on to define useful models and connect the various elements relevant for the resolution of conflicts in a transparent way In the course of its investigation the book accomplishes the following illustrates the various departure points and perspectives scholars of conflict resolution have taken as the basis for their work discusses who should become involved in conflicts as a third party and by which techniques this should occur systematically conveys the nature and consequences of intervention through mediation focusing on the method's critical challenges and clarifies the particular model of international mediation under development through UN initiatives In approaching these intertwined topics the author draws concrete conclusions for the realms of international law and related disciplines as well as for the organizational context of the United Nations He explores such diverse scenarios as conflicts between States conflicts involving international organizations and in accordance with the changing parameters of international law even conflicts involving individuals clarifying which constellations can be tackled by international mediation and which conflicts should be dealt with by other forms of diplomacy or adjudication It is the conviction of many intermediaries and scholars that the considerable potential inherent in resolving conflicts peacefully is rarely put into practice Although some of the reasons for this phenomenon are beyond the influence of scholarly debate in many instances the reasons for failure of peaceful resolution processes are more structural or systemic in nature It is the great virtue of this book that it establishes enough clarity in an unclear and complex field to make concrete and workable recommendations in these instances and for that reason it will be of immeasurable value and benefit to all scholars policymakers and activists dedicated to the pursuit of peace

The Statute of the International Court of Justice Andreas Zimmermann, Karin Oellers-Frahm, Christian Tomuschat, Christian J. Tams, 2012-10-11 The International Court of Justice is the principal judicial organ of the United Nations and plays a central role in both the peaceful settlement of international disputes and the development of international law This comprehensive Commentary on the Statute of the International Court of Justice now in its second edition analyses in detail not only the Statute of the Court itself but also the related provisions of the United Nations Charter as well as the relevant provisions of

the Court's Rules of Procedure Five years after the first edition was published the second edition of the Commentary embraces current events before the International Court of Justice as well as before other courts and tribunals relevant for the interpretation and application of its Statute The Commentary provides a comprehensive overview and analysis of all legal questions and issues the Court has had to address in the past and will have to address in the future It illuminates the central issues of procedure and substance that the Court and counsel appearing before it face in their day to day work In addition to commentary covering all of the articles of the Statute of the ICJ plus the relevant articles of the Charter of the United Nations the book includes three scene setting chapters Historical Introduction General Principles of Procedural Law and Discontinuation and Withdrawal The second edition of the Commentary adds two important and instructive chapters on Counter Claims and Evidentiary Issues The combination of expert editors and commentators and their assessment of new developments in the important work of the ICJ make this a landmark publication in the field of international law

Assessing the Effectiveness of International Courts Yuval Shany, 2014 During the last 20 years the world has experienced a sharp rise in the number of international courts and tribunals and a correlative expansion of their jurisdictions This book draws on social sciences to provide a clear goal orientated assessment of their effectiveness and a critical evaluation of the quality of their performance

An Introduction to the Law of the United Nations Robert Kolb, 2010-02-26 This work aims to fill a gap in the existing legal literature by presenting a compact concise but nevertheless panoramic view of the law of the United Nations Today the organisation is at the centre of all multilateral international relations and impossible to avoid And of course the UN Charter is a foundational document without which modern international law cannot be properly understood In spite of its importance this pre eminent world political organisation is poorly understood by the general public and the extent and variety of its activities is not widely appreciated Even lawyers generally possess insufficient knowledge of the way its legal institutions operate Assessments of the organisation and judgements about its achievements are consequently frequently distorted This work is aimed especially at remedying these deficiencies in public and legal understanding but also at presenting the organisation as a coherent system of values and integrated action Thus the book presents an overarching view of the significance of the UN organisation in general the history of its origins in the League of Nations the aims and principles of the Charter governmental agencies members of the Organisation the non use of violence and collective security the peaceful settlement of disputes and the question of amendments to the Charter This work will be suitable for students of law and international relations as well as scholars and those interested in the work and organisation of the United Nations

Legal Resolution of Nuclear Non-Proliferation Disputes James D. Fry, 2013-12-19 James Fry explores the use of international courts and tribunals to settle disputes over nuclear weapons and nuclear material

International Civil Tribunals and Armed Conflict Michael Matheson, 2012-02-17 At various times in modern history the international community has turned to international litigation as a hoped for means of avoiding ending or dealing with the consequences of armed

conflict but until the past three decades such litigation rarely had a significant impact. However, since the 1980s, international civil tribunals have become increasingly involved in armed conflicts, sometimes with important results. This book explores the recent cases in which the International Court of Justice and other tribunals have dealt with such situations. It assesses the manner in which these cases have been decided, the degree to which they have affected the resolution of the conflicts in question, and their contribution to the development of the applicable substantive law.

Disobeying the Security Council Antonios Tzanakopoulos, 2013-02-14. This book examines how the United Nations Security Council, in exercising its power to impose binding non-forcible measures (sanctions) under Article 41 of the UN Charter, may violate international law. The Council may overstep limits on its power imposed by the UN Charter itself and by general international law, including human rights guarantees. Such acts may engage the international responsibility of the United Nations, the organization of which the Security Council is an organ. *Disobeying the Security Council* discusses how and by whom the responsibility of the UN for unlawful Security Council sanctions can be determined, in other words, how the UN can be held to account for Security Council excesses. The central thesis of this work is that states can respond to unlawful sanctions imposed by the Security Council in a decentralized manner by disobeying the Security Council's command. In international law, this disobedience can be justified as constituting a countermeasure to the Security Council's unlawful act. Recent practice of states, both in the form of executive acts and court decisions, demonstrates an increasing tendency to disobey sanctions that are perceived as unlawful. After discussing other possible qualifications of disobedience under international law, the book concludes that this practice can and should be qualified as a countermeasure.

Sanctions, Accountability and Governance in a Globalised World Jeremy Farrall, Kim Rubenstein, 2009-11-05. This book is the first in a series examining how public law and international law intersect in five thematic areas of global significance: sanctions, global health, environment, movement of people, and security. Until recently, international and public law have mainly overlapped in discussions on how international law is implemented domestically. This series explores the complex interactions that occur when legal regimes intersect, merge, or collide. *Sanctions, Accountability and Governance in a Globalised World* discusses legal principles which cross the international law/domestic public law divide. What tensions emerge from efforts to apply and enforce law across diverse jurisdictions? Can we ultimately only fill in or fall between the cracks, or is there some greater potential for law in the engagement? This book provides insights into international constitutional and administrative law, indicating the way these intersect, creating a valuable resource for students, academics, and practitioners in the field.

Sanctions, Accountability and Governance in a Globalised World Jeremy Matam Farrall, Kim Rubenstein, 2009-11-05. First in a series examining connections between international and public law, discussing sanction implementation within the confines of domestic law.

Forum Shopping in International Disputes Aletta Mondré, 2015-10-29. In a dispute, governments weigh up their options when selecting between various dispute settlement mechanisms. By scrutinising the interaction of institutional design

with state interests this book analyses why particular forums are selected in maritime boundary disputes Studies in International Law and History R.P. Anand,2021-10-25 Although modern international law is now recognized as universally applicable to all the states as soon as they emerge as independent entities whether members of the United Nations or not they are accepted as members of the ever expanding international society and are bound by its rules and seek its protection this is only a recent phenomenon not older than the United Nations itself Before the Second World War modern international law was supposed to be merely a law of and for the civilized Western European Christian states or states of European origin and applicable only between them Not only Asian and African states which had come to be colonized but also the position of independent states such as Persia Siam China Abyssinia and the like was said to be anomalous Since they belonged to different civilizations questions were raised as to how far relations with their governments could be based on the rules of international law If that is the case when did European international law become universally binding Can states which did not and could not participate in its origin and development question some of its rules which are inimical to their interests How can and does this law change or be modified in the absence of any supra national legislature or other authority What has been the attitude and practice of these newly independent Asian and African states towards international law which was largely developed by and for the benefit of the rich and industrialized states of Western Europe and the United States and even more importantly their role in its development The author an Asian scholar and well known Professor of International Law trained and educated in the West has sought to deal with these and other questions in the nine papers contained in this book Research Handbook on the International Court of Justice Achilles Skordas,Lisa Mardikian,2025-03-12 This Research Handbook presents an in depth examination of the International Court of Justice ICJ and its jurisprudence Contributing authors dissect the global governance functions of the ICJ and its impact on national legal orders worldwide

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