

# Structure and Mandate of International Court of Justice

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## Context

The ICJ has ordered Israel to cease military operations in Rafah, to unblock the Rafah border for relief, and to compel Hamas to release hostages. However, despite its intention to solve the situation in Gaza, the ruling is not legal. This move will be deliberated between Prime Minister Netanyahu and his ministers and South Africa has supported the verdict and has called for a ceasefire and aid be allowed in.

## About ICJ

The International Court of Justice is the primary judicial organ of the United Nations. The United Nations was founded in 1945 and the ICJ began functioning in 1946. Regarding its structure and purpose, the following points are important to note:

## Structure of ICJ

The International Court of Justice but still maintains a proper arrangement of its structure to guarantee unbiased decision-making.

## Composition of ICJ

The ICJ comprises fifteen judges who are appointed through elections held by the UN General Assembly and Security Council for a term of nine years. Bi-elections are conducted every three years for an equal portion of the seats, while judicial candidates possess high ethical standards and professional credibility in their home countries. The reason for this restriction is to avoid going to court cases with different judges being from the same country.

## President & Vice President

The Court selects the President and Vice-President from the total list of the judges for a term of three years which can be renewed further. The President presides over all meetings and with reference to the court serves as its spokesperson to the states and other institutions/subsequently, the Vice-President assists and usually may deputise for the President.

## Mandate of the ICJ

- It means that the International Court of Justice has the jurisdiction to make decisions on the international legal relations and disputes between the countries and to give the opinions in the questions of the international law.
- The ICJ is capable of giving advice to all the member states and can settle legal disputes between them, referred to as contentious matters. It is only possible if the involved parties are the states, and the disputing states must have consented to be bound by the decision of the Court. The Court's judgments are for the final and without appeal but the Court may give effect to them if required to do so.
- The ICJ has the right to deliver non-binding advisory opinions on legal questions referred to it by other international organisations. These opinions are considered to be possessing moral standing, and while they may not have legal force, they may be asked for by a body like the United Nations General Assembly or Security Council.
- In essence, jurisdiction means the power or right of a court or the government to make legal determinations or to enforce laws in a territorial or a thematic location.
- As has already been mentioned, the jurisdiction of the ICJ is based on the consent of the states parties. Of course, some states may be simply unwilling to recognize the Compulsory Jurisdiction given by the Court, although it is possible for the state parties to agree on this kind of jurisdiction in certain ways through treaties, specific agreements, or unilateral declarations. The enforcement of the decisions of the ICJ therefore does not operate on legal provisions and rather relies on the discretion of the concerned states.

## Role and function

The International Court of Justice cannot compel compliance with its orders & decisions, but the Security Council can report to employ such measures as it deems necessary for this purpose in the event of a violation of a judgement by a state party. It explains, develops and applies the International law through its judgement and advice between nations and giving

legal consultation to the United Nations organisation. In general, it has an extensive responsibility of addressing and solving certain issues, and upholding international law and justice with a specific focus on legal concerns in the worldwide community.

**Source:** [The Hindu](#)

### **UPSC Mains Practice Question**

**Q. Discuss the structure and mandate of the International Court of Justice (ICJ). How does the ICJ contribute to the maintenance of international peace and security?**