

INTERNATIONAL ORGANISATION (SUPPLEMENTARY NOTES)

NHRC – India **12 October, 1993**

Chairperson –

Member : - (4+1) following are members,

Ex officio –

NATIONAL COMMISSION FOR MINORITIES: -

NATIONAL COMMISSION FOR SC :-

NATIONAL COMMISSION FOR ST :-

NATIONAL COMMISSION FOR WOMEN :-

NATIONAL COMMISSION FOR PROTECTION

OF CHILD RIGHTS :-

The UN recognized its universal appeal, proclaimed **June 21** as the **international day of yoga by resolution 69/131 on December 11, 2014.**

- ➔ An introduction to international law – **J.G. STARKE**
- ➔ The changing structure of international law – **W. FRIEDMANN**
- ➔ The basis of obligation in international law – **J.L. BRIERLY**
- ➔ International law in a changing world – **EDWARD COLLINS**
- ➔ Development of international law through organ of the United Nations : - **ROSALYNE HIGGINS**

HUMAN RIGHTS

HUMAN RIGHTS COUNCIL- (UNHRC)

UN BODY, FORMATION – 2006 , 15 MARCH by resolution of General Assembly (A/RES/60/251)

To replace the UN commission on human rights (UNHRC)

HEADQUATER OF UNHRC is in **GENEVA (SWITZERLAND)**

It has 47 members elected for three years by General Assembly.

World bank group – **IBRD + IDA + IFC + MIGA (Multinational Investment Guarantee agency) + ICSID (International Centre for Settlement of Investment Disputes)**

UNHCR (United Nations High Commission for Refugees) – 145 states are members signed UNHCR

United Nation Convention in 1951 (Geneva, Switzerland)

For Refugees – India is not party to the convention.

The care principles is (non- refoulement), which asserts that a refugees should not be returned to a country where they face serious threats to their life or freedom.

➔ Indian origin lawyer **“Yasmin Sooka”** to chair UNHCR in **South Sudan.**

➔ June 20 world refugee day

Principle of Jus Soli – applicable in America – i.e. citizenship by birth

India has abolished citizen by birth from 2004

Citizenship amendment bill 2016 - 6 communities allowed, Hindu, Sikh, Buddhist, Jain, Parsi and Christian.

From countries- Pakistan, Afghanistan and Bangladesh.

Proposed amendment say – “11 year requirement to 6 years for applicant belonging to these 6 religious communities and 3 countries.

CEDAW : - The convention on the elimination of all forms of discrimination against women.

Adopted in 1979 by UNGA as “ an international bill of rights for women”.

Instituted on 3rd sept, 1981-

It has 30 articles-

Part I – (1-6) – focuses on non-discrimination, sex, stereotypes and sex trafficking.

Part II – (7-9) – women right in public sphere with an emphasis on political life.

Part III – (10-14) – economic and social rights of women

Part IV – (15-16) – women right to equality and family life

Part V – (17-22) – committee on the elimination and discrimination against women

Part VI – (23-30) – effects of convention and other treaties.

Position in India- India has ratified CEDAW in 1994. As per the provisions of this convention, Government of India to prevent female foeticide, passes an act “ prenatal diagnostic technique act, PNDT in 1994.

- ➔ Sec 318 of IPC punish the concealment of the birth by secret disposal of body.
- ➔ In 1956 the ITPA (Immoral Trafficking Prevention Act)
- ➔ In 1992 – establishment of national commission for women
- ➔ Present chairman

***In Visakha case, supreme court asked to implanted the guidelines of CEDAW.**

Justice:- Sujata V. Manohar, BoN.Kirpal

IORA :- 22 + 1 members and 10 dialogue partners

20 meeting : - UAE, 17december, 2020

Present Chairman of IORA: -

Established in 1997 – Indian Ocean Rim Association – Held :- Ebene, Mauritius

United Nations Framework Convention on Climate Change (UNFCCC): - UNFCCC is an international environment treaty adopted on **9 May, 1992** and open for signature at the earth summit in **Rio de Janeiro from 3 to 14 June, 1992**. It then entered into force on 21 march, 1994.

UNFCCC has 197 parties as December 2015 and 165 countries as signatories.

The parties to the convention have met annually from 1995 in conference of the parties(COP I – Berlin, Germany, 1995)

COP 23 held in 6 November, 2017 – 17 November, 2017 in BONN, GERMANY.

COP 26 – Glasgow, UK

COP 27 held on 6-20 november in Sharm - El-Sheiek

COP 28 held on 2023 in Dubai

COP 25 will be held on 2-13 December, 2018 in Madrid, Spain under the presidency of the Chilean

MONTREAL PROTOCOL :-(is not part of UNFCCC)

MONTREAL PROTOCOL on substances that depletes **ozone layer**. A protocol to the **Vienna convention** for the protection of the ozone layer. It was signed on **16 September, 1987** and entered into force on **1 January, 1989**.

COP 3 (Kyoto protocol,1997) held in Kyoto current by 192 parties to the protocol to reduce green house gases. The protocol's first commitment period started in 2008 and ended in 2012 to reduce the greenhouse gases up to the level of 1990. Kyoto protocol applies to

six greenhouse gases and carbon dioxide, Methane, Nitrous Oxide, Hydrofluorocarbons, perfluorocarbons, Sulphur hexafluoride.

COP 18 (DOHA, QATAR) 2012 – Known as DOHA amendment to the Kyoto Protocol (second commitment period) which ends in 2020, As of July 2016, 66 states have accepted the DOHA amendment, while entry into force requires the acceptance of 144 states.

PERMANENT COURT OF ARBITRATION

- ➔ The PCA constituted in Hague conference in 1899 by initiative of Czar Nicholas-II of Russia.
- ➔ 2nd Hague convention in 1907
- ➔ Total no of parties of 121
- ➔ Each member country nominate 4 person from their country having the highest legal knowledge in international law, and their tenure is 6 years.
These member country (121) of PCA from national group in their country and this national group in their country and this national group nominate (recommend) the name of judge of ICJ and PCA.
- ➔ Article 4 of ICJ provides that name of judges of ICJ recommended by national group of country.
- ➔ Jay Treaty – Before establish of PCA first arbitration treaty is “Jay treaty” in 1795 between USA and Britain for peaceful trade and solving other disputes.
- ➔ Alabama Arbitration (1872) – In this arbitration, UK had been fined for not helping US in civil war as per the provisions of Pay treaty.

JURISDICTION OF ICJ

There are 3 types of jurisdiction –

Contentious, incidental and advisory

1. Contentious – In this jurisdiction, only state is a party and any individual cannot bring suit. This jurisdiction is based on consent of the parties.

Article 36 – (1) – of statute of ICJ in this article court solve those matters which voluntarily jurisdiction parties refer to it (it is consent jurisdiction)

Article 36 (2) – provides for optional clause, compulsory jurisdiction of court in this jurisdiction if party de facto declare that court has jurisdiction regarding to any dispute with any other country.

This is also called “Compulsory jurisdiction, optional clause”

Article 36 (3) – provides that this optional jurisdiction subjected to some reciprocity.

2. Incidental jurisdiction (frontier case)- During pendency of suit parties can apply for interim measures under article 41.
3. Advisory jurisdiction : - Article 96 of UN Charter provides that : -
 - General Assembly and SC ask advice of ICJ
 - Other organs on the authorization by General Assembly

*In US vs Nicaragua case (1986), ICJ declared act of US is intervention and violation of international law. After this case, US

withdrew compulsory jurisdiction of ICJ 36 (2) and confer ICJ jurisdiction case to case.

HUGO GROTIUS -> FATHER OF INTERNATIONAL LAW

LAW: -

. NATURAL

. POSITIVE :- . DIVINE

. HUMAN :- . LAW OF NATION

. CIVIL OR MUNICIPAL LAW

Sir Robert Jennings and Sir Arthur Watt upgrade the definition of international law by Oppenheim.

Definition of Oppenheim

States are not the only subject matter of international law. International organization and to some extent, individual also may be subject to international laws.

Schwarzenegger–International law is the body of legal rules which apply between sovereign states and such other entities as have been granted international personality.

Basis of International law

1. Naturalist Theory – Says there is a higher reason why law is the law. E.g. morality, Universal principle, religious, etc.
2. Positivism theory – Positive law is also made by humans like municipal law.

International law is an agreement between sovereigns and can be divided into two categories, public and private. The former referring to states and later to individual – Jeremy Bentham

3. Consent Theory – State consent is the method, whereby states identify and acknowledge the rules they consider binding upon themselves .
4. Auto Limitation Theory – Voluntary restriction or auto limitation of sovereignty of status by giving their assent to international law.
5. Fundamental Right Theory – Man is entitled to basic rights i.e. right to life, dignity, etc.
6. Pacto Sant Servanda- Treaties shall be compiled with article 26v of Vienna Convention on the law of treaties.

Nationality Immigrants Refugees and IDPs

Nationality

Acquisition of Nationality

- 1) Birth [Jus Soli (Soli) and Jus Sanguinis]
- 2) Naturalization – By marriage, adoption, long time residence
- 3) Resumption – Once nationality has been terminated and then resumed
- 4) Subjugation – When one country captured another country.
- 5) Cession –

Article 15 of UDHR, 1948

“Everyone has the right to a nationality” and no one shall be arbitrarily deprived of his nationality nor denies the right to change his nationality.

Statelessness –

Stateless person

“Not considered as a national by any state under the operation of its law - like Somalian pirates.

Refugees :-

Article 14 (1) of the UDHR, 1948 guarantees the right to seek and enjoy asylum in other countries. Main legislation on 1951 convention relating to the status of refugees.

- ➔ 150 countries signed the convention but India did not.
- ➔ 1951 convention laid down principle of non-refoulment is a fundamental principle of international law that forbids a country receiving asylum seekers from returning them to country in which they would be in likely danger of persecution based on “race, religion, nationality, membership of a particular social group or political opinion.”

Who is a Refugee –

- ➔ 1951 convention laid down definition: -

Article 1 – person who owing to well-founded fear of being persecuted for persons of race, religion, nationality, membership of a particular social group or political opinion, is outside the

country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country.

Criticism :- Definition of refugee is narrow in present time because it does not cover these persons.

IDP's – Internally Displaced persons

Economic Migrants, victim of natural disasters.

Immigrant means someone who chooses to resettle to another country, it may be legal or illegal both.

Asylum Seeker :- Someone who is seeking international protection but whose claim for refugee status has not yet been determined.

Those IDP's whose has not cross their countries border is asylum seeker and when they cross the country they become refugee.

JURISDICTION CASE: -

S.S Lotus case (France vs Turkey) – 1927 – PCIJ

French Steamer – S.S Lotus collided with Turkish ship. Due to this collision in high sea and Turkish citizens have died this collision is due to the negligence of French captain.

PCIJ held that – this collision occurred in high sea so both Turkey and French government has concurrent jurisdiction to try this matter. In this case because Turkey arrested French captain so it has jurisdiction to try the case.

Portugal vs India – Right of passage over Indian territory 1960 – ICJ

Portugal possessed many small enclaves of the territory of India , one was on the coast but others were Inland.

Portugal wanted right of passage which was a right according to regional custom (125 year old) court has held that Portugal has right to passage over the Indian territory over the Indian territory for peaceful manner.

- ☐ Stock vs The Public Trustee – Absent Nationality
- ☐ Nottebohm case: The court applied the principle of effective nationality.
- ☐ West Rand central gold mining company case – The principle of state succession can observed in customary international law.
- ☐ Paquete Habana case: General principle of law recognized by civilized countries.
- ☐ M. Palestine Concession case: The court applied the general principle of subrogation.
- ☐ North Sea Continental case: Court competent in respect of determination of its own.
- ☐ Barcelona Traction Case (Abuse of Rights): The decision does not necessarily give expression to rules customary international law, but in accordance with principles of international law, Justice and equity.
- ☐ United State vs Schooner - Sources of international law
- ☐ The Arantzazu Mendi case
- ☐ Re Castioni case: Extradition
- ☐ Haya Dela Torra case: Asylum

- First women judge of international court of justice: ROSALYN HIGGIWS
- Book – “Development of International law through political organ of the United Nation”
- Jus Cogens – Pre-emptory norms of international law which can not be normally derogatory by an State.
- Modern Source of international law

Decision of organs of international institutions.

WHAT IS IHL (Jus in Bello) International humanitarian law

Law followed during war between state and belligerent where as human rights applicable in a municipal law i.e. citizens and state.

JUS IN BELLO AND JUS AD BELLUM

JUS IN BELLO means regulates the conduct of parties engaged in an armed conflict

JUS AD BELLUM means legitimacy of use of force i.e. in self defence or by U.N. as provided in charter.

Basic principles of IHL

Founder Humanitarian law –

Henry Dunant

Wrote “ A memory of Solferina”

This book gave rise to the Geneva Conventions distinction between soldiers and non - soldiers

Francis Lieber

Author of Lieber code

Accepted as national law was not international law

Liber code became basis of the Hague convention.

'Geneva law convention, 1949 intended to protect who were not or were no longer participating in the hostilities.

Hague Law - Intended to restricted the means and methods of warfare.

GENEVA CONVENTION, 1949

1864, 1906, 1929, 1949

GCI – Protect wounded, sick soldiers at land

GCII – Protects wounded, sick and shipwrecked military personnel

at sea

GCIII – Treatment of prisoners of war

GCIV – Protection of civilian persons

LAW OF SEA

Law of sea and maritime law

Law of Sea :- Maritime law (Admiralty law) is different from law of sea and covers dispute in domestic maritime belt i.e. 12 nautical miles law of sea defines right of nation regarding passage exploration, environment, fishing, etc. in the ocean.

UNITED NATION CONVENTION OF LAW OF THE SEA, 1982 (UNCLOS)

Signed on 10th December 1982 at Montego Bay, effective from 16th November, 1994, Jamaica.

It consist of 320 article

Before this 1982 act, there was the a “freedom of high seas” but often this convention principle is common “ Heritage of mankind” and equitable distribution of sea to all countries including land lock countries.

STATE AND SOVEREIGNTY

Essentials of states:-

- 1) Population
- 2) Territory
- 3) Government
- 4) Sovereignty

Origin and evolution of states

- 1) Divine theory – According to this theory, the state is the creation of god.
- 2) The natural theory – Aristotle supported this theory and therefore, it is also known as Aristotle’s theory of origin of state. He argued that the interests of the individual and the state were identical and men could not live outside the state. The purpose of the state, according to this theory was to promote general welfare of people.

3) The Social Contract theory:-

Main supporter of this theory is Hobbes, Locke and Rousseau. According to this theory state is a creation of agreement of the people.

Thomas Hobbes (1586 – 1679) :-

Work leviathan he supported despotic rule of Stuart Kings and argued that people have no right to revolt against the government authority.

4) The Patriarchal theory

5) The Matriarchal theory

Interrelationship between state and law:-

1) First view that state is above the law, this view is given by authors of analytical school like Austin who declares that law is command of sovereign

2) Second view law is above the state main supporter of this view is Harold Laski, Duguit and Sir Ivor Jennings.

3) Third view is state and law are one and the same, Kelson opined that in fact law and state are the two sides of the same coin.

Person of inherence – a person having a legal right enforceable against another.

Person of incidence – a person against whom a legal right may be enforced by another or upon whom a correlative duty falls.

PRIVATE INTERNATIONAL LAW: When there is a dispute regarding contract between citizen of two different countries it deals with private international law.

PUBLIC INTERNATIONAL LAW: Deals with the dispute between two or more nations.

Bank of Ethiopia vs National Bank of Egypt and Liqueiroi, 1937

The Arantzazu Mendi case, 1939

SELF DEFENCE AND INTERVENTION

Article 2(4) prevents countries against intervention in another country.

Article 2(7) prevents UN to make intervention in domestic matter of any country except in certain matter.

Article 51 is an exception to article article 2(4) which gives the right of self-defence and for this purpose country has right to intervention to protect its citizens and property.

In 19th century, it is a common practice to make intervention in another country for protection of its interest. But it is subjected to criticism and induce WWI and WWII.

But after U.N. charter, article 2(4) strictly prohibits interventions.

But in practice to protect the interest of citizen and property, countries make use of force against another country in the name of self-defence.

This self defence or use of force must be legally necessary and such use of force must be in proportion to the danger of life of citizens.

In US vs Nicaragua case, Nicaragua government helps the rebels of Al Salvador. USA has also sent contras (trained) forces in Nicaragua in the name of self-defence. In this case, court held that

the ship of sending contras by US in Nicaragua is intervention in territory of Nicaragua and court order US to withdraw the contras.

Some incidence –

☐ US troops attack in Iraq to release its embassy is justified in self-defence.

☐ In Syrian, conflict the USA, Russia, UK, Turkey make interference in the name of protecting self interest and to prevent the international peace and dispute.

INTERNATIONAL ORGANISATION AND REGIONAL ORGANISATION

REGIONAL ORGANIZATION

- SAARC
- BIMSTEC (7 countries) – Bangladesh, India, Sri Lanka, Thailand (1997), Nepal and Bhutan(2004)

Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation

- DHEKA, 6 June, 1997
- ASEAN – Association of South East Asia Nation

Jakarta, Indonesia, 8 August, 1947

Members – (10 countries) - Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

- SCO – Shanghai Cooperation Organization

Beijing, China, 2001

Member 8 – China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, India, Pakistan.

India and Pakistan joined SCO's full member in 2017.

G7 – Est in 1975 (members – Canada, USA, UK, France, Germany, Japan and Italy)

G8 – Above 7 and Russia – 1997

Russia suspended now 98 members in G7

G20 – 1999, India

INTERNATIONAL ORGANIZATIONS

ASIAN DEVELOPMENT BANK (ADB)

Philippines (MANICA) -19 December, 1966

AIIB – Asian Infrastructure Investment Bank, Beijing, China, 2016.

Member – 103

WEF – World Economic Forum. Geneva, Switzerland. Est-in- 24 Jan,

1971.

INTERPOL – International Criminal Police Organization, Lyon, France,

1923. Member – 194

AI – Amnesty International, London, UK, 1961

OCED – Organization for Economic Cooperation and Development

Paris, France, 1961, member – 37

OPEC – Organization of Petroleum Exporting Countries

Vienna, Austria, 1960, Member – 13

BRICS – Brazil, Russia, India, China, South Africa

BRICSTOWER, Shanghai, China

QUAD – Quadrilateral Security Dialogue

US, Japan, Australia, India

IBSA – India, Brazil, South Africa Dialogue Forum

June 2013

NATO

EUROPEAN UNION – BREXIT – 31 January, 2020

27 members

UN

The name 'United Nations' coined by the then US president Franklin D. Roosevelt

UN related organization

CTBTO (Comprehensive Nuclear Test Ban Treaty organization)

1) Headquarter – Vienna, Austria, 19 December, 1996

India, Pakistan and North Korea are yet to sign the CTBT

2) IAEA – International Atomic Energy Agency, Vienna, Austria – 29 July, 1957

3) UNFCCC – (UN Framework Convention on Climate Change), Bonn, Germany, July 1994

4) WTO – World Trade Organisation, Geneva, Switzerland, 1 January, 1995

First African Women Head – NGOZI OKONJO – LWEALA

SPECIALIZED AGENCY

- 1) FAO – Rome, Italy – 16 October, 1945
- 2) ICAO – Montreal, Canada – 4 April, 1947
- 3) IFAD – Rome, Italy – 15 December, 1977
- 4) ILO (Tripartite Agency) – Geneva, Switzerland – 29 October, 1919
- 5) IMF – Washington DC – 27 December, 1945
- 6) IMO – (International Maritime Organization) – London, UK – 17 March, 1948.
- 7) ITU – Geneva, Switzerland
- 8) UNESCO – Paris, France – 4 November, 1946
- 9) UNIDO – (United Nations Industrial Development Organization) – Vienna, Austria – 17 November, 1966
- 10) UNWTO – (World Tourism Organization) – Madrid, Spain, 1 November, 1974
- 11) UPU POSTAL UNION – Berlin, Switzerland – 9 October, 1874
- 12) WIPO – International Property Organization – Geneva, Switzerland – 14 July, 1967

- 13) WHO – Geneva, Switzerland, 7 April, 1948 – Tedros Adhanom
- 14) WMO – Geneva (Switzerland) – 23 March, 1950
- 15) WORLD BANK – Washington DC, July 1944 – David R. Malpass

(World bank partnering with Government sector)

IBRD + IDA = World Bank

- 1) IBRD - Helps developing countries (middle income and creditworthy poorer countries) – 189 member countries
- 2) IDA – Focuses on the world's poorest countries – 173 shareholder nation.

WORLD BANK PARTNERING WITH PRIVATE SECTOR

- 1) IFC
- 2) MIGA
- 3) ICSID (International Centre for Settlement International Dispute)

UN FUNDS, PROGRAMMES AND OTHER ENTITIES THE UN SYSTEM

UN FUNDS AND PROGRAMMES

UNDP – Underdevelopment Programme – New York, USA – 22 November, 1965

UNEP – Nairobi, Kenya – 22 November, 1965

UNFPA - Population fund - New York city, USA, 1969

UN Habitat – UN Human Settlement Programme – Nairobi, Kenya – 1978

UNICER – New York City, USA -11 December, 1946

World Food Programme – Rome, Italy – 19 December, 1961

OTHER IDENTITIES

UNAIDS – The Joint UN Programme on HIV/AIDS, Geneva, Switzerland – 26 July, 1994

UNCTAD – Conference on Trade and Development – Geneva – 30 December 1964

UNHCR – High Commissioner for Refugees – 14 December, 1950

UNOPS OFFICE PROJECT SERVICE – Copenhagen, Denmark – December, 1973

UNRWA RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES – Amman, Jordan – 8 December, 1949

UN – WOMEN – New York city, 2 July, 2010

INDIAN PHILOSOPHY AND THEIR PROPOUNDERS

VAISHESIKA – KANADA

NYAYA – GOTAMA

SAMKHYA – KAPIL

YOGA – PATANJALI

PURVAMIMANSA – JAIMINI AND VEDANTA

UTTAR MIMANSA – VYASA

INTERNATIONAL LAW

DEFINITION OF INTERNATIONAL LAW

- S.S. Lotus Case – International law governs relationship between independent states.
- West Rand Central Gold Mine Company vs R – International Law may be defined as the form of rules accepted by civilised state as to determine their conduct towards each other.

- Queen vs Keyn – Law of Nation is that collection of usage, which civilised state have agreed to observe their dealing with one – another.

BASIS OF INTERNATIONAL LAW

- Theory of Consent – Triepel, Oppenheim
 - Auto-limitation theory – Georg Jellinek
 - Pacta Sund Servenda – Anzellotti
 - Positive theory – Hegel, Anzellotti
 - Theory of fundamental right – Anzellotti, Hegel
- ❑ Monoism give birth to delegation theory
- ❑ Dualism give birth to specific adoption and transportation theory
- ❑ First female judge of ICJ – Rosalyn C Higgins

FAMOUS BOOKS OF ROSALYN C HIGGINS

- 1) Development of International law through political organ of the United Nations.
 - 2) Conflicts of Interests : International law in a divided world
 - 3) The role of the international court of justice at the turn of the century.
- In a leading case 1949, ICJ held that UN has legal personality. The ICJ said that international legal personality of UN derived from UN charter (article 104).

o British India (India) has signed U.N. charter on 26 June, 1945 and ratified on 30 October, 1945

o India joined UNO on 30 December, 1945

1974 – South Africa suspended from U.N.

September 22, 1992 – Yugoslavia expelled from UNGA.

- First trial of ICC Thomas Lubanga Dyilo, DRC (Democratic Republic of Congo)

WORLD BANK – IBRD + IDA

WORLD BANK GROUP – IBRD + IDA + IFC + MIGA

(Multinational Investment Guarantee Agency) + ICSID (International Centre for Settlement of Investment Dispute)

- Generally jurisdiction of ICJ is based on consent of parties article 36(1) but article 36(2) gives option to parties to right a declaration to secretary general article 36(5) regarding acceptance of compulsory jurisdiction with respect to matters provided in article 36(2) with respect to all or any country/party of the statute.

ICC :- After second world war allied power constituted two ad hoc tribunals to prosecute axis power leaders accused of war crimes.

1) The International Military Tribunal which sat in Nuremberg for to prosecute German leaders, 1945

2) International Military Tribunal for the Far East for Japanese War Criminals, 1946. After it, UN has decided to constitute permanent criminal court but it is failed due to cold war after it in the year 1993 and 1994. General Assembly establish two criminal

tribunal for prosecution of former Yugoslavian president and president of Rwanda. In year 2002, ICC has been established

- 3) ITU – International Telecommunication Union – Paris, 1865
- 4) WMO – (World Meteorological Organisation)
- 5) UNWTO – World Trade Organisation
- 6) World Bank Group

JURISDICTION OF ICC -

- ☐ Crime of genocide against humanity war crimes (Crime of aggression)
- ☐ No death penalty by ICC and maximum imprisonment – 30 years

Maximum judges – 18

Tenure – 9 years

ICC is based on Rome Statute

UNO constituted two criminal tribunals. The UNO has submitted work to international law commission to draft permanent statute for criminal court on 1st July, 2002. ICC has established on the basis of Rome Statute.

- 1) International Criminal Tribunal for the former Yugoslavia was created in 1993.
- 2) International Criminal Tribunal for Rwanda was created in 1994.

International tribunal for law of seas –

Headquarter – Hamburg, Germany

Judge – 21

First Indian judge – P. Chandrashekar Rao (1996 -2017)

Present judge – Neeru Chadha (2017)

1) As stated in the landmark Lockerbie case (1992), ICJ is the guardian of legality for the international community

Article 36(2) of statute of ICJ requires that a matter brought before it must be legal dispute.

2) The jurisdiction of ICJ founded upon the consent of the parties is known as the contentious jurisdiction.

3) In Nicaragua case, 1986, the ICJ held that it is a fundamental principle that the consent of the state parties to a dispute is the basis of the courts jurisdiction in contentious cases.

Consent may be express or implied. Implied means through conduct.

4) In Corfu Channel case (1948), between UK and Albania, the court inferred consent from the unilateral application of the plaintiff state UK, coupled with subsequent letters from the other party Albania. It is known as the doctrine of forum prorogatum, means consent for jurisdiction in writing through letter(express)

5) Cameroon vs Nigeria (2002), the ICJ stated that it is well established principle that the court will exercise jurisdiction over a state only with its consent and therefore, cannot decide upon legal rights of third states not parties to the dispute.

6) In East Timor case (1995), the ICJ held that it could not rule on the lawfulness of Indonesia's conduct with regard to East Timor as Indonesia is not the party to the dispute.

- 7) Spain vs Canada fishery case
- 8) El Salvador vs Honduras land, Island and maritime frontier dispute case
- 9) Legality of use of force Yugoslavia vs United States of America
- 10) Elettronica Sicula S.P.A. (ELSI): United States of America vs Italy
- 11) Military and paramilitary activities in and against Nicaragua : Nicaragua vs US
- 12) Nuclear Test case (1974): Australia vs France
- 13) Passage through the great belt : Finland vs Denmark
- 14) Maritime Delimitation in the Indian Ocean: Somalia vs Kenya
- 15) Jurisdictional immunities of the state: Germany vs Italy

ICJ is indeed a Sine Qua Non for the establishment of rule of law in inter state relations by Justice Nagendra Singh.