

**1. GIVE AN OVERVIEW OF THE STRUCTURE AND MANDATE OF THE INTERNATIONAL COURT OF JUSTICE (ICJ). WHAT ARE THE CHALLENGES IT ENCOUNTERS IN ENFORCING ITS RULINGS AND UPHOLDING INTERNATIONAL LAW? (ANSWER IN 150 WORDS)**

**Approach:**

- In the introduction, briefly mention about the International Court of Justice (ICJ).
- Give an overview of the structure and mandate of the ICJ.
- Discuss the issues faced by ICJ in discharging the given mandate.
- Conclude accordingly.

**Answer:**

The International Court of Justice (ICJ) is the **principal judicial organ** of the United Nations (UN). It was **established in 1945** by the **Charter of the United Nations**.

**Structure of ICJ:**

- The ICJ is composed of **fifteen independent judges**, elected for **nine-year terms** by the UN General Assembly and Security Council.
- The court **renews one-third** of its composition **every three years** to maintain continuity.

**Mandate of ICJ:**

- The ICJ **resolves legal disputes** submitted by UN member states based on international law.
- It provides **advisory opinions** on legal questions referred to it by authorized United Nations organs and specialized agencies.

**The International Court of Justice (ICJ) faces following challenges in executing its mandate:**

- **Political influence on judgments:** While judges are expected to be impartial, they have historically **voted along national lines**.
  - For instance, **in 2022 judges from Russia and China** were the only ones who **voted against** the court ruling directing Russia to immediately halt its military operations in Ukraine.
- **Lack of enforcement power:** The ICJ does not have enforcement power. Its **rulings** are binding but **rely on voluntary compliance** by states and are often **influenced by the politics** of permanent members of UNSC.
  - For instance, the enforcement of any **adverse ruling against Israel** is vetoed by the **U.S.**
- **Selective state participation:** **Powerful member states** sometimes **choose not to participate** in proceedings indicating a selective approach to international legal obligations by influential countries.
  - For instance, in **Nicaragua vs the U.S. case** in 1986 the **U.S. refused** to submit to the court's jurisdiction and enforce its ruling.
- **Procedural delays:** The ICJ's processes are slow, with judgments in **complex cases** such as allegations of genocide take years to conclude.
  - For instance, a **2019 case** instituted by **Gambia against Myanmar** for its military crackdown on Rohingya refugees **is still in trial**.
- **Limited jurisdiction:** The ICJ's jurisdiction depends on states consenting to its authority in a specific dispute and can **exclude certain types** of disputes from the Court's purview.
  - For instance, the **US** has **excluded** itself from ICJ jurisdiction in disputes involving its **military activities**.

To strengthen the ICJ's position, the **Security Council** should **practice self-restraint**. Additionally, **reducing political bias and broadening its jurisdiction** to protect stateless individuals are essential. The **UN Charter and ICJ Statute need to be amended** to enhance enforcement mechanisms and ensure upholding of international law.