INTERNATIONAL COURT OF JUSTICE: JURISDICTION, FUNCTIONS AND PROCEDURES

JURISDICTION

CONTENTIOUS JURISDICTION

Ratione Personae: only States can be parties. IOs have no competence, although it is expected to request information from the IOs

Ratione materiae: it is aware of all the differences on legal dispute presented before it. States parties to a dispute should accept the jurisdiction either by special arrangement, by means of treaties or valid convention, or either through the acceptance of facultative clause, which is a declaration that recognizes, as compulsory ipso facto and without special agreement, the jurisdiction of the ICJ unconditionally or under certain conditions

It is open ipso facto to all UN member States, and also to those complying with the conditions determined by the General Assembly upon the recommendation of the Security Council

ADVISORY JURISDICTION

Power to give advisory opinions on any legal question

Ratione personae: only the IOs are legitimized, but the States are not, although these may intervene through oral or written statements

Ratione materiae: the ICJ is entitled to deal with any legal question (neither political nor factual) and with any question which is specific or drawn up in abstract terms. Procedure:

General Assembly and Security Council may request it in their own right and the rest of the UN organisms, after prior authorization by the General Assembly

It is regulated in the Statute and in the Rules of the ICJ. The official languages are English and French. If the parties agree that the case shall be conducted in one language, that one will be used, but the judgment shall be delivered in both languages. If a party requests that the pleadings should be submitted in a language other than French or English, the Court may authorize it

The procedure is made with the notification of the special agreement to be subject of its jurisdiction. It consists of two parts: the written proceeding in which the prosecuting party submits pleadings and the defending party submits the counter-memorial; and the oral proceeding, consisting in the public hearing of witnesses, experts, advocates, etc, unless they request not to publish them