

Relevance of the Judgements Given by the International Court of Justice with Regard to South China Sea Vis-A-Vis Marshall Islands

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Abstract : After the Second World War had come to an end, the Founding Fathers of the United Nations recognized a need for a supreme peacekeeping mechanism to act as a mediator between nations and moderate disputes that might blow up, if left unchecked. It has been more than seven decades since the establishment of the International Court of Justice (ICJ). When it was created, there were certain aim and objectives that the ICJ was intended to achieve. However, in today's world, with change in political dynamics and international relations between countries, the ICJ has not succeeded in achieving several of these objectives. The ICJ is the only body in the international scenario that has the authority to regulate disputes between countries. However, in recent times, with countries like China disregarding the importance of the ICJ, there is no hope for the ICJ to command respect from other nations, thereby sending ICJ on a slow, yet steady path towards redundancy. The authority of the judgements given by the International Court of Justice, which is one of the main pillars of the United Nations, is questionable due to the forthcoming reactions from various countries on public platforms. The ICJ's principal role within the United Nations framework is to settle peacefully international/bilateral disputes between the states that come under its jurisdiction and in accordance with the principles laid down in international law. By shedding light on the public backlash from the Chinese Government to the recent South China Sea judgement, we see the decreasing relevance of the ICJ in the contemporary world scenario. Philippines and China have wrangled over territory in the South China Sea for centuries but after the recent judgement the tension has reached an all-time high with China threatening to prosecute anybody as trespassers while continuing to militarise the disputed area. This paper will deal with the South China Sea judgement and the manner in which it has been received by the Chinese Government. Also, it will look into the consequences of counter-back. The authors will also look into the Marshall Island matter and propose a model judgement, in accordance with the principles of international law that would be the most suited for the given situation. Also, the authors will propose amendments in the working of the Security Council to ensure that the Marshall Island judgement is passed and accepted by the countries without any contempt.

Keywords : International Court of Justice, international law, Marshall Islands, South China Sea, United Nations Charter

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