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Study the jurisdiction of the international court of justice (ICJ)

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Abstract
The International Court of Justice was established following the end of the World War II as a United Nations pillar and aimed at resolving the differences among the countries. Under the Statute of the Tribunal, only governments can refer to the Court, and in this regard, the contentious jurisdiction of the Court is based on the consent of the parties to the dispute, and the Tribunal must obtain jurisdiction before a substantive proceedings, and countries may refuse to accept the jurisdiction of the Tribunal, or It is conditional upon specific claims or certain time. But in terms of advisory jurisdiction, in addition to governments, the main and subsidiary organs and specialized organizations affiliated to the United Nations also have the right to request an advisory opinion, although advisory opinions are not primarily required for countries. Not only is the Court at the stage of jurisdiction, but also in the course of proceedings, it is subject to limitations such as the declaration of the prior consent of the parties to the dispute and the legal nature of the dispute. And Article 36 of the Statute of the Court, and Article 7, Clause 2 of the Charter, explicitly outlines the jurisdiction of the Court in this regard. The International Court of Justice has jurisdiction to interpret the Charter and review the rulings of other international bodies. In the end, it must be said that the undisputed domination of the principle of national sovereignty and the non-admission of international non-governmental organizations to litigation has disrupted the work of the Court in the provision of global justice, which needs to be reviewed and reformed.

Keywords: compulsory jurisdiction, international court of justice, governance, United Nations, charter, statute

Introduction
The International Court of Justice, after the Second World War, was created by the dissolution of the Permanent Court of International Justice, with the aim of establishing a permanent institution to resolve international disputes among states. The establishment of this international judicial body was, in fact, a continuation of the international course that began with the first and second peace conferences in The Hague in 1899 and 1907 and the establishment of a permanent tribunal of arbitration (Slomanson 2007: 399-400) [4]. Although, before the establishment of the Tribunal, there were other judicial and arbitrary auxiliaries operating in the regional and international contexts, the emergence of the Supreme Court as the "core judiciary pillar of United Nations" and the adoption of the Statute of the Court as "an integral part of the United Nations Charter" illustrates the fact that the special status of the Tribunal has been officially recognized in the international legal structure after the establishment of the United Nations system (Amr, 2003: 189). While the two previous Divisions, the Permanent Court of Arbitration and the Permanent Court of the International Justice, had recruited independently and outside the community system of nations, the Permanent Court of the International Justice issued Advisory Opinions at times. The ICJ has a special position because it is the judicial authority of the International Court of Justice, which is responsible for the peaceful settlement of disputes among governments and, on the other hand, is one of the pillars of the international system of the United Nations. This fact has led the Court to consider judicial and organizational considerations in the performance of its duties. Therefore, the International Court of Justice is not "a nineteenth-century arbitration court", but "the judicial body of the legal and international system, and not the paternity of the parties to the dispute before the Court". In this regard, the Tribunal is a device provided by the international legal system to the parties to the dispute, and in the issuance of the ruling, it also incorporates the requirements and prerequisites of the international legal and security system, and in terms of the functional requirements and legal policies, it is not dependent on the parties and their lawsuits (Abi-saab, 1996: 3-4) [6]. By accepting the previous view, the Court in the "Corfu Channel case" affirms that it is necessary to ensure respect for international law and the Court as its main pillar. Judge Lecher also stated in the "Interpretation and Implementation of the Montreal Convention, 1971" that "there is no doubt that the duty of the Court is to guarantee respect for international law and, in this respect, to be the main protector". He continues: "Designers of the charter, by creating different main pillars, did not seek to completely separate tasks. Though for each of the pillars of the charter, one or more different chapters is considered, the International Court of Justice has taken different steps outside of its chapter, which confirms the role of the Court as the general protector of the legitimacy of the system. In fact, the Court safeguards the legitimacy of the international community in general, both inside and outside the United Nations. "(Sadat, 2005: 82-107) [3]. This fact illustrates that, if the Court finds the full range of international law in danger, it will take advantage of the opportunities available in adversarial and advisory proceedings and take steps to reinforce it. In this regard, it is

possible to mention the case of "oil platforms". While Iran did not request the Tribunal in its final statements as a plaintiff state to resort to force against the legitimacy of US action in attacking the oil platforms under international law, the Court didn't dismissed the matter and considered the issue. As a legal basis, the importance of this issue can be highlighted for the international community (Sadat Meidani, 2006: 139-123) [1]. It is noteworthy that, when the Supreme Court voted, due to the United States invasion of Iraq, there were ambiguities regarding the international law governing the use of force, which the Tribunal, using this case, announced its views and points, and as the guardian of the entirety of international law, practiced the principle of non-use of force in international relations. With reference to the above, we are now planning and analyzing the jurisdiction of the International Court of Justice.

Part 1

1. Jurisdiction of the ICJ in settling interstate legal disputes

The most important task of the International Court of Justice, like any other judicial authority, is to resolve disputes between the members of the legal system in which they are located. However, as in the case of domestic private litigation, interstate disputes before the International Court of Justice may be referred to the court for reasons beyond the scope of the settlement of the dispute. These goals may include the willingness to publicize an issue, the use of judicial proceeding or the threat to use it as a negotiating lever, and the need to persuade public opinion to follow through effective measures by the responsible government to resolve existing disputes (Jacob, 1996: 214) [7]. Under Article 33 of the United Nations Charter, "the parties to a dispute whose continuity may endanger international peace and security must at first come to an agreement in solving their problems through negotiation, investigation, mediation, arbitration, peaceful settlement, appealing to regional institutions and organizations, or any other peaceful acts. In this regard, the International Court of Justice has a special position, since Article 36 (3) of the Charter requires the Security Council, at the time of its recommendation, to consider the point that the legal disputes of the parties must be referred to the International Court of Justice. However in practice, the Council has not paid much attention to this task in recent years, and in some cases, like the "Case Study of the Interpretation and Implementation of the 1971 Convention", has even prevented the Court from considering the case. (Stein, 2006: 135-136) [8].

Part 2

2. The limitations on the jurisdiction of the ICJ

According to the Statute of the International Court of Justice, which is part of the United Nations Charter, only governments, not human beings, can refer to the Court. Undoubtedly, this regulation is influenced by the prevailing thinking at the time of the adoption of the Charter, which states that only states are subject to the international law (Schwebel, 1991: 213) [8]. The jurisdiction of the Tribunal is based on the consent of the parties to the dispute. The Tribunal must have jurisdiction prior to any substantive proceedings. Countries may refuse to accept the jurisdiction of the Tribunal, or make it conditional upon specific actions or at a specified time. Individuals or real people, not only personally do not have the right to refer to the Court, but also the issue of government-related claims is also subject to significant constraints. The jurisdiction of the court is due to the authority given by the parties to the dispute to the tribunal. The jurisdiction of the Tribunal is directly related to the satisfaction of governments. Governments are in a position to accept the contentious jurisdiction of the Court, and the Tribunal faces constraints on governance in resolving international disputes. In international law, no government is required to submit a dispute to another government in an international tribunal without consent. The realm of ICJ's contentious jurisdiction is much more restricted than the jurisdiction of the national courts, and this is because there is no dominant power in position to rule nations above their own governance power. At the domestic tribunals, the rights holders, whether real or legal, are subject to the sovereignty of their respective government, and therefore the jurisdiction of the tribunal is imposed on them in whatever form governed by the sovereignty, but in the international community of nations they have become members of the United Nations by maintaining their sovereignty. The United Nations and the Tribunal are the creatures of the will of the member states and do not have any jurisdiction over them, so the jurisdiction of the tribunal, that is, the international judicial authority, is subject to the restrictions of the members. Although neither the Articles of Association nor the rules of procedure in the relevant case do not require a particular form of consent, it is in any case the consent of the parties to the dispute which gives the court jurisdiction power (Lyons, 1994: 23-21). The principle of the consent-based jurisdiction of the Tribunal, which is the direct effect of the sovereignty of states, has repeatedly been endorsed by the decisions of the Permanent Court of International Justice and the current Supreme Court (ICJ) (Jacob, 1996: 173) [7]. Of course, the subject of advisory opinions is slightly different from that of an adversarial one. In the case of advisory opinions, no real people i.e. individual human beings are entitled to refer to the Court. According to Article 96 of the Charter and Article 65 of the Statute of the Court, only the main organs of the United Nations and its specialized agencies are entitled to request a vote of opinion (Keith, 1971, 37-38) [9]. However, although advisory opinions are not essentially mandatory for countries, they are of significant importance given the fact that they have been issued from one of the most important international judicial institutions.

In any case, the Court is subject to the following limitations not only during the qualification phase, but also during the substantive proceedings:

First, in international law, there is an irrefutable principle that no state is required to communicate its dispute with another government to an international authority without its prior consent. In other words, "this consent of the parties is a matter which gives the court jurisdiction". This is a direct effect of the principle of the sovereignty and equality of states (Koroma, 2005: 1910). This principle is referred to in Article 36 of the Statute of the Court, and is also considered and has been approved in various ways and repeatedly in the opinions of the Permanent and the present Court. As an instance, the Court ruled in the case of the Iran-British Oil Company that "the general rules contained in Article 36 of the Statute are based on this principle that the jurisdiction of the Court to examine and decide on a case in the nature of the lawsuit is subject to the will of the parties. The Tribunal will not have such jurisdiction power unless the parties of

the dispute grant the jurisdiction right to it according to the Article 36. "Therefore, in order for the Court to be competent, the parties to the dispute, while admitting to the Statute, must also accept the exercise of jurisdiction by the Court in an appropriate manner. (Ibid: 189).

Secondly, as stated, it is only the states that can be present as plaintiffs or defendants, so the Tribunal cannot resolve disputes among governments and international organizations or between international organizations themselves. There is no direct possibility of litigation by individuals in the ICJ, regarding the disputes between governments and real or legal persons. However, the government of a person who has suffered damage as a result of a violation of an international obligation can raise the issue in the court by accepting his own national lawsuit. The measure is called diplomatic support. (Mir Abbasei, 2005: 391-353) [3]. Thirdly, the Tribunal will only deal with legal disputes, and the handling of disputes of a political nature will be linked to other United Nations pillars, such as the General Assembly and the Security Council. In other words, the Tribunal is competent to resolve disputes concerning the interpretation of a treaty, any matter that is the subject of international law, the truth of any matter which, if proven, constitutes a breach of an international obligation, and the type and amount of compensation that must be paid for a breach of an international obligation. However, the ICJ's approach has been in a way that does not accept the distinction between legal and political differences, and the Chief Justice of the Supreme Court has always emphasized this point in his speeches to the General Assembly. (Coleman, 2003: 29-31) [11].

Part 3

3. Legal documentation on the jurisdiction of the Tribunal

A. Article 36 of the Statute of the Court

The voluntary nature of the mandatory admission of the jurisdiction of the Tribunal from the very beginning of the establishment of the International Court of Justice was not welcomed. Some countries, because of their distrust of the Court and their strong adherence to their sovereignty, believed that the decisions of the Supreme Court were closer to the views and opinions of Western lawyers and thinkers than to the actual judiciary. Therefore, they were not willing to accept the jurisdiction of the Court. Some countries limited the scope of the jurisdiction by including clauses in the declarations of compulsory jurisdiction. And, by virtue of these clauses, considered issues within the scope of internal jurisdiction and tried to free themselves from the requirement to accept compulsory jurisdiction. States, while accepting the Statute, should also adhere to the implementations of such jurisdiction by the ICJ in a sufficient way (Amerasinghe, 2003: 549). Accepting the jurisdiction of the Court is possible in two ways. Acceptance of the jurisdiction of the Court after the occurrence of a dispute through the conclusion of a specific agreement (the admission of voluntary jurisdiction) and the acceptance of the jurisdiction of the Court before the occurrence of a dispute (the adoption of compulsory jurisdiction). Clause 1 of Article 36 of the Statute observes the voluntary jurisdiction, and clause 2 of Article 36, observes the compulsory jurisdiction. Concerning the way in which clause 2 of this article was drafted, a draft drawn up in 1920 by a committee of lawyers responsible for drafting the Statute of the Court, should be noted here. In that plan, it was supposed that by filing a lawsuit by the plaintiff state, the court was required to process the lawsuit, but this proposal was faced with the opposition of major and mighty governments. Following their insistence on the voluntary nature of the referral to the Tribunal, the final acceptance of compulsory jurisdiction was approved by the Assembly of Nations in accordance with paragraph 2 of Article 36 (Shabtai, 1963: 365) [12]. However, the number of states that have issued declarations of compulsory jurisdiction pursuant to article 36, paragraph 2, is not significant. In one period, some governments, including China, France and the United States, withdrew declarations of compulsory jurisdiction, while the governments that had issued such declarations, have restricted the jurisdiction of the Tribunal to the extent that it contains clauses in it. Some of these states have made the declarations of compulsory jurisdiction conditional through which, those domestic and local disputes are claimed out of the governance of the ICJ, and decisions on such issues are hold in the power of the state, not in the ICJ. In accordance with clause 6 of Article 36 of the Statute, which provides the Court with the authority to determine its jurisdiction, some legal scholars have expressed doubts about the validity of such a condition, and have argued that the Tribunal cannot, under any circumstances, deprive it of its competence. And it is inconsistent with the parties to the dispute, as it is contrary to Section 6 of Article 36 of the Statute, which imposes the right and duty to determine the jurisdiction of the Tribunal unconditionally and to the discretion of the Court. Article 36, paragraph 2, refers to the identification of compulsory jurisdiction by the parties to the statute. This article does not speak of compulsory jurisdiction after a dispute has been raised before the Court, also it doesn't bring the case that the plaintiff has a right to decide on the jurisdiction of the Tribunal (Ibid: 47). If the Court is bound to determine its jurisdiction by one of the parties to the dispute and the result is a lack of jurisdiction, then the Court may not exercise the duty conferred by paragraph 6 of Article 36 of the Statute. The court cannot act as guardian of its constitution. Although the states are completely free to accept the jurisdiction of the Tribunal, or accept it with limitations and conditions, they cannot divert from the explicit provisions of the Statute and impose force on a specific regulation, which is guardian of the ICJ's compulsory jurisdiction, using their free will. The Court has no discretion in relinquishing its duties under an explicit regulation, which is the basic guarantee of its compulsory jurisdiction. The principle contained in article 36, paragraph 6, of the Constitution, is one of the most important principles of international judicial procedures. The principle states that no international courts of any kind has the right to decide whether the dispute among parties is under its jurisdiction power or not (Coleman, 2003: 207) [11]. In any case, the right of nations to make reservations and limitations on the jurisdiction of the ICJ is not limitless.

B. Clause 2(7) of the Charter

In the era of the emergence of the League of Nations, the sovereignty of the states was absolute, and the covenant was also influenced by the same description of this sovereignty. On this basis, the decisions of the Assembly and the Council of the Community were realized by consensus. And thus, the opposition of each member with the provisions of the

decisions was enough to prevent its adoption. The effect of absolute sovereignty, namely the possibility of resorting to war, was not forbidden in the Covenant of the League of Nations but was limited. The fact that a state can constrain itself with its own will, does not constitute the government's declarations on relinquishment of its sovereignty, since the establishment of such restrictions is the concept of the exercise of sovereignty. The conclusion of the statute of international organizations is one of the exercising example of the sovereignty, although the constitution also imposes limitations on the members, which does not mean abstaining from absolute sovereignty, since it has accepted these limitations on its own will; on the other hand, whenever it wishes, it can get out of it. The United Nations is one of these organizations, based on the principle of equality of rights and autonomy of nations and the achievement of international cooperation in the cultural, social and economic spheres, as well as the encouragement of States to respect human rights and fundamental freedoms. Since members of the United Nations are independent states with independent sovereignty with no hierarchy among them, Article 7, Clause 2 of the Charter obliges the organization, in accordance with the horizontal structure of the international community, not to engage in activities in matters which It is essentially not within the jurisdiction of the ICJ. This clause has also not obligated the member states to comply with the provisions of the Charter. In this article, the authority has jurisdiction over national competencies and has established a charter to prevent conflicts between national competencies and the jurisdiction of the organization, so that the organization does not interfere in the internal affairs of the states. UN obligations under Articles 1(1), 14, 33 to 38, 52 (3) provide for the settlement of international disputes or situations that jeopardize international peace and security. Clauses 1(3), (1) and 13 (2), 55, and 62 of the International Organization for the resolution of international issues that have an economic, social, cultural and human nature are also the responsibility of the organization. (Leons, 1373: 29). In this way, the organization should strive to achieve international cooperation in the realm of above mentioned clauses in order to maintain international peace and security. Also, under Article 1(3), 13, 55 and 62, the Organization is required to strive to encourage States to respect human rights and fundamental freedoms. Considering this task was also due to the fact that counter-measures by governments threaten international peace and security. In any case, by referring to clause 7, article 2 of the charter, none of the organs of the organization, including the International Court of Justice, has the right to interfere in matters that are essentially within the jurisdiction of the countries. For example, in the case of Iran and the British Oil Company in 1952, Iran in disqualification of Tribunal also states that the Tribunal should declare that, in the application of clause 7, article 2 of the charter, matters relating to the nationalization law of March 20 and May 1, 1951 are essentially within the jurisdiction of the States and cannot be the subject of the intervention of any of the United Nations organs (Ch., 1979: 354).

Part 4

4. Jurisdiction of the ICJ in interpreting the Charter of the United Nations

The UN Charter has not made any provision for its interpretation. The issue of the discretion of the Court in the interpretation of the Charter was raised during the San Francisco Conference and was referred to the Fourth Committee of the Conference, which concluded that the Court was one of the pillars of the organization and, as with other parties, had the right to interpret the Charter (Graefrath, 1994: 184) [12]. In other words, it was stipulated that each entity should have the authority to interpret the section related to its duties, and, in addition, the member states should be free to interpret the sectors in which they are beneficiaries. (Schachter, 2005: 12-14) As a result, no reference was made to the competent authority to interpret the Charter. In 1947, at the time of the adoption of a resolution relating to the ICJ's position in the United Nations Tribunal, the General Assembly also examined the issue of the discretion of the Court in interpreting the Charter. At the meeting, some delegations, referring to Article 96 of the Charter, stated that the Court had the discretion of interpreting the charter, and others opposed this view. The General Assembly ultimately upheld the first view, stating that the interpretation of the charter was in the jurisdiction of the Court and requested other United Nations bodies and specialized agencies to refer any legal questions related to the interpretation of the Charter to the Tribunal. The General Assembly reaffirmed this view in its resolution of 3232 in 1974, asking the United Nations and specialized agencies to use the Tribunal on any legal issue arising during their activities. (Amir Abbas, 1384: 157).

In addition to the resolutions of the General Assembly, the judicial procedure of the Court also confirms the discretion of the Court to interpret the Charter. Since 1984, the Court has repeatedly been asked to interpret the charter. The Court's procedure in this regard also shows that the Court did not hesitate to expressly and implicitly confirm its authority in this matter. The Court ruled expressly its discretion in interpreting the charter in "The conditions for the admission of a state to membership in the United Nations (Article 4 of the Charter)".

Adoption of the jurisdiction of the Court in relation to the interpretation of the charter in the course of the consideration of a number of other cases was also confirmed. For example, in the second stage of the "competence of the general assembly in relation to the acceptance of a state or government in the body of United Nations ", the Court considers that, in accordance with Article 96 of the Charter and Article 65 of the Statute, "it can comment on any legal issue, and there are no provisions to prohibit the court to interpret."

In addition, the ICJ implicitly referred to its jurisdiction over the interpretation of the Charter in several cases. For example, in the case of "Compensation for damage to United Nations personnel", it interpreted the United Nations Charter and stated that the United Nations has a legal personality. The Court also, after interpreting the charter, approved the status of the General Assembly in Southwestern Africa in the context of the "territories under the control of the United Nations. The Tribunal accepted the right of the assembly to form a judicial quarrel in the case "The Effects of the Compensation issued by the United Nations Administrative Court" (Graefrath, 1994: 317) [12].

It can therefore be concluded that the Court has jurisdiction over the interpretation of the charter, especially when there is a controversy over some of its provisions, and the intention of the charterers was to grant such a position to the ICJ.

Part 5

5. Appeals jurisdiction in the rulings of other international bodies

Another role of the International Court of Justice is its jurisdiction as a reviewing authority in relation to the rulings of other international bodies. During a conference in San Francisco in 1945, it was suggested that the Tribunal should have jurisdiction over appeals from administrative courts. But the proposal did not vote in the relevant committee. (Ostrihansky, 1988, 102). Therefore, neither the Charter nor the Statute refers to the appeals jurisdiction of the ICJ. However, in some international documents, this jurisdiction has been ruled out. Article 12 of the Statute of The Administrative Tribunal of the International Labor Organization states:

In any case where the Board of Governors of the International Labor Office or the Administrative Council of the Pension Fund has objected to a decision in that court in addition to the jurisdiction or, in their opinion, the decision of the court contains a fundamental mistake connected with the proceedings, the issue of the validity of the decision made by The court should be referred to the International Court of Justice by a Board of Governors through an advisory opinion. "The executive board of other international organizations that have adopted the Statute of the Administrative Tribunal of the International Labor Organization may also apply to the Court for review of the provisions of this court. In addition, according to the Statute of the United Nations Administrative Court, which was approved by the General Assembly in accordance with the resolution of November 22, 1949, there was a possibility for the International Court of Justice to review the rulings of this court. According to the court's statute, the competent authority was to review laws relating to non-performance of United Nations Secretary-General's recruitment contracts. In accordance with the resolution of November 8, 1955, the General Assembly, with the amendment to Article 11 of the Statute of the United Nations Administrative Court, provided the Court with an opportunity to review the rulings of this court. However, in January 1996, the General Assembly resolved to delete this article.

In addition to the statutes of the two above-mentioned courts, Article 84 of the 1944 Chicago Convention also allows its member states to use the ICJ to appeal to the decisions of the ICAO Executive Council. In this regard, for example, in the jurisdiction cases of the ICAO Council and the Air Traffic Controller, it could be noted that the Member States had reviewed the decision of the Executive Council of ICAO before the International Court of Justice on the basis of this article. Therefore, it can be argued that, although the charter and the statutes did not explicitly confer jurisdiction on appeals against the rulings of the United Nations Administrative Tribunals, the above-mentioned constitutions provided this possibility to the Tribunal; though, this view has been criticized by some of the authors. According to these jurists, the International Labor Organization and the General Assembly cannot grant such a discretion to the Court, unless the statute or charter is amended (Choi, 1984: 355). However, the ICJ did not actually accept such theories. Referring to Article 65 of the Statute and Article 96 (2) of the Charter, the Court has reviewed these rulings (Kaikobad, 2000: 281).

Conclusion

The International Court of Justice, following the end of the Second World War, was established with the dissolution of the Permanent International Court of Justice as the United Nations Judiciary pillar to resolve international interstate disputes. The Court takes into account both judicial considerations and the organization in the performance of its duties, and, in issuing a judgment, in addition to complying with the requirements of justice in the subject matter, it should also consider international legal and security requirements. The fact is that if the Court finds that the full range of international law is in danger, it will take advantage of opportunities in adversarial and advisory proceedings to strengthen it.

In any case, the most important task of this institution, like any other judicial authority, is to resolve the disputes referred to it among the members of the international legal system, that is, governments. According to the Statute of the Court, only governments and not human beings can refer to the Court, and the jurisdiction of the Court is based on the consent of the parties to the dispute, and the Tribunal must acquire jurisdiction prior to any substantive review, and States may refuse to accept the jurisdiction of the Court or accept it under specific conditions like specific claims or at a certain time. The principle of satisfaction with the jurisdiction of the Tribunal, which is the direct effect of the principle of the sovereignty of states, has been repeatedly emphasized in the judgments of the International Court of Justice. However, the subject of advisory opinions is slightly different from that of an adversarial one. In the case of advisory opinions, the real people i.e., individual human beings, have no right to refer to the court. According to Article 96 of the Charter and Article 65 of the Statute of the Court, only the main organs of the United Nations and its specialized agencies are entitled to request a vote of opinion, although advisory opinions are not primarily binding on countries.

The Court not only in the stage of jurisdiction, but also in the course of the substantive proceedings, is subject to limitations such as the prior declaration of the state's consent to the dispute or judiciary but not the political nature of dispute raised. Article 36 of the Statute of the Court and Article 2 (7) of the Charter clearly outline the scope of the jurisdiction of the Court. Article 36, paragraph 1 of the Statute of the Court observes the voluntary jurisdiction, and paragraph 2 of the same article refers to the compulsory jurisdiction of the Court. However, the number of States which have issued an affidavit of jurisdiction pursuant to paragraph 2 of Article 36 is not significant. On the other hand, clause 7, Article 2 of the Charter obliges the organization, in view of the horizontal structure of the international community and the sovereignty of the states, to refrain from interfering in matters that are essentially within the jurisdiction of the countries in the performance of their duties. That is, national qualifications of governments will prevail if national jurisdiction of the state conflicts with the competence of the organization. Accordingly, the Court also has no right to interfere in matters that are essentially within the jurisdiction of the countries. The International Court of Justice has jurisdiction to interpret the Charter of the United Nations.

The International Court of Justice has jurisdiction to interpret the Charter of the United Nations. This authority was approved by the General Assembly for the first time in

1947 when the resolution on the seat of the United Nations was approved, and endorsed this view by resolution 3232 in 1974. The judicial procedure of the Court also confirms the discretion of the Court in interpreting the Charter, and since 1948 it has been repeatedly requested by the Court to interpret the Charter. In addition, the court implicitly referred to its jurisdiction over the interpretation of the Charter in several cases. It can therefore be concluded that the Court has jurisdiction over the interpretation of the charter, especially when there is a dispute as to some of its provisions, and the intention of the charterers was to give the Tribunal such a place.

The Court also has the authority to review the rulings of other international bodies. However, not in the charter and in the Statute of the Tribunal, there has been no reference to the jurisdiction of the Court. However, in some international documentations, including Article 12 of the Statute of the International Labor Court, Article 11 of the United Nations Administrative Court and Article 84 of the Chicago Convention on Appeals in decisions of the Executive Council of ICAO, such jurisdiction have given to the Court.

Finally, in order to improve the performance of the court, it is suggested that:

Firstly, the absolute dominance of states must be reconsidered and restricted in favor of the jurisdiction of the Court.

Secondly, real people, in particular non-governmental organizations, can sue the Court. In this way, the growing and systematic amount of human rights violations in autocratic regimes will be reduced.

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