

03 – 03 – 2022

News: International Court of Justice (ICJ) and Genocide Convention

- Recently, Ukraine has filed an application before the International Court of Justice (ICJ), instituting proceedings against Russia.
- Ukraine has accused Russia of falsely claiming that "acts of genocide have occurred in the Luhansk and Donetsk oblasts of Ukraine", and of using that as a pretext to recognise the independence of these regions and of going to war against Ukraine.
- The dispute is concerning 1948 Convention on the Prevention and Punishment of the Crime of Genocide” (the “Genocide Convention”).

International Court of Justice (ICJ)

- International Court of Justice (ICJ) is the **only one of the principal organs of the United Nations not located in New York.**
- Headquarters of ICJ is located in **The Hague, Netherlands.**
- It settles **disputes between states and gives advisory opinions** on international legal issues referred to it by the UN. Its opinions and rulings serve as sources of international law.

- Judgments delivered by the Court (or by one of its Chambers) in disputes between States are **binding** upon the parties concerned. Judgments are **final and without appeal**.
- The Court has **no jurisdiction to deal with applications from** individuals, non-governmental organizations, corporations or any other **private entity**.
- It **cannot provide them with legal advice or help them in their dealings** with national authorities.
- The **ICJ has no jurisdiction to try individuals accused of war crimes or crimes against humanity**.
- ICJ consists of a **panel of 15 judges elected by the General Assembly and Security Council for nine year terms**.
- The court is seated in **the Peace Palace in The Hague, Netherlands, five judges are elected every three years** to ensure continuity within the court. Should a judge die in office, the practice has generally been to elect a judge in a special election to complete the term. No two judges may be nationals of the same country.
- Membership in **ICSID (under World Bank) is available to IBRD members, and those which are a party to the Statute of the International Court of Justice (ICJ)**, on the invitation of the ICSID Administrative Council by a vote of two-thirds of its members.

Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention)

- The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) is an instrument of international law that codified for the first time the crime of genocide.
- The Genocide Convention was the first human rights treaty adopted by the General Assembly of the UN on 9th December 1948.
- It signified the international community's commitment to 'never again' after the atrocities committed during the Second World War.
- Its adoption marked a crucial step towards the development of international human rights and international criminal law as we know it today.
- According to the Genocide Convention, genocide is a crime that can take place both in time of war as well as in time of peace.
- The definition of the crime of genocide, as set out in the Convention, has been widely adopted at both national and international levels, including in the 1998 Rome Statute of the International Criminal Court (ICC).
- Importantly, the Convention establishes on State Parties the obligation to take measures to prevent and to punish the crime of genocide, including by enacting relevant legislation and punishing perpetrators, "whether they are

constitutionally responsible rulers, public officials or private individuals” (Article IV).

- That obligation, in addition to the prohibition not to commit genocide, has been considered as norms of international customary law and therefore, **binding on all States, whether or not they have ratified the Genocide Convention.**
- **India is a signatory** to this convention.

International Criminal Court (ICC)

- International Criminal Court (ICC) is an **intergovernmental organisation** and **international tribunal** that sits in **Hague**, Netherlands to **prosecute individuals** for the **international crimes of genocide, crimes against humanity, war crimes and crime of aggression.**
- ICC began operations on 1st July 2002, upon the entry into force of the **Rome Statute**, a multilateral treaty that serves as the court’s foundational and governing document.
- Rome statute was adopted on 17th July, 1998. As a commemoration of the adoption of Rome Statute, **17th July every year is celebrated as World Day for International Justice or Day of International Criminal Justice or International Justice Day.**

- States which become party to Rome statute become members of ICC.
- As of 2019 November, there are 123 ICC member states, 42 states including India have neither signed nor become parties of Rome Statute.
- Each state party has one vote and “every effort” has to be made to reach decisions by consensus. If consensus cannot be reached, decisions are made by vote.
- The ICC is the first and only permanent international court with jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes, and the crime of aggression.
- The Assembly is presided over by a president and two vice-presidents, who are elected by the members to three-year terms.
- It does not have the capacity to arrest suspects and depends on member states for their cooperation.
- ICC judgments are binding, final and cannot be appealed.
- Recruiting Child Soldiers is considered a war crime under the Rome Statute.

News: World Wildlife Day

World Wildlife Day

- World Wildlife day is celebrated on every 3rd March of by UN General Assembly in the commemoration of adoption of Convention on International Trade on Endangered Species of Wild Flora and Fauna (CITES).
- Theme for the year theme for the year 2021 was "Forests and Livelihoods: Sustaining People and Planet" and theme for the year 2022 is "Recovering key species for ecosystem restoration".
- Implementing Agency of World Wildlife Day is CITES Secretariat.

Convention on International Trade in Endangered species of Wild flora and fauna (CITES)

- CITES Convention, also known as Washington Convention, is a result of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN).
- It is administered by United Nations Environment Programme (UNEP).
- Headquarters of CITES is located in Geneva, Switzerland.
- CITES is in force since 1st July 1975 when 10 countries ratified the agreement.

- Aim of the convention is to **control or prevent international commercial trade in endangered species or products derived from them.**
- India became a party to the convention in 1976.
- Although CITES is **legally binding** on state parties to the convention it is not self-executing. Parties are **obliged to adopt their own domestic legislation** to implement its goals.
- Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) along with World Customs Organisation; United Nations Office on Drugs and Crime (UNODC); Interpol; and World Bank form the International Consortium on Combating Wildlife Crime (ICCWC).
- It classifies plants and animals according to three categories, or appendices, based on how threatened. They are:

Appendix I species

- Appendix I list species that are in **danger of extinction**. It **prohibits commercial trade of these plants and animals except in extraordinary situations** for scientific or educational reasons.

Appendix II species

- They are those that are not threatened with extinction but that might suffer a serious decline in number if the trade is not restricted. Their trade is regulated by permit.

Appendix III species

- They are protected in at least one country that is a CITES member state and that has petitioned others for help in controlling international trade in that species.
- Conference of Parties (CoP) to CITES is done once in every 3 years
- Most recent CoP was held in 2019 at Geneva and the next CoP is scheduled to be held at Panama by 2022 November.
- In the most recent CoP (2019), India proposed the changes in listing of Smooth-coated otter, small-clawed otter, Indian star tortoise, Tokay gecko, wedgefish from Appendix II to Appendix I & removal of Indian rosewood.