Article 54

1 When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2 The Court shall withdraw to consider the judgment.

3 The deliberations of the Court shall take place in private and remain secret.

Article 55

1 All questions shall be decided by a majority of the judges present.

2 In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1 The judgment shall state the reasons on which it is based.

2 It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1 An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2 The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open for revision, and declaring the application admissible on this ground.

3 The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4 The application for revision must be made at latest within six months of the discovery of the new fact.

5 No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1 Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2 It shall be for the Court to decide upon this request.

Article 63

1 Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2 Every state so notified has the right to intervene in the proceedings, but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV
ADVISORY OPINIONS

Article 65

1 The Court may give an advisory opinion on any legal question at the request of whatever body may be authorised by or in accordance with the Charter of the United Nations to make such a request.

2 Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

1 The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2 The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organisation considered by the Court or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3 Should any such state entitled to appear before the Court have failed to receive the special communication referred to in para 2 of this article, such state may express a desire to submit a written statement or to be hear; and the Court will decide.

4 states and organisations having presented written and oral statements or both shall be permitted to comment on the statements made by other states or organisations in the form, to the extent, and within the time limits which the Court or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statement to states and organisations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary General and to the representatives of Members of the United Nations, of other states and of international organisations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognises them to be applicable.

CHAPTER V

AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject, however, to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have the power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary General, for consideration in conformity with the provisions of Article 69.

13.8.2 Composition of the Court

The Court is composed of 15 judges nominated by the national groups on the panel of the Permanent Court of Arbitration. No two judges may be of the same nationality. The judges are elected by absolute majority by secret ballot at meetings of the Security Council and General Assembly held simultaneously in an attempt to avoid fixing. In practice there is much disagreement and political bargaining. Those eligible are persons of high moral character who possess the qualifications required in their country for appointment to high judicial office or, alternatively, are recognised international jurists (Article 2 of the ICJ Statute). Judges are to be elected without regard to nationality, although under a current 'understanding' the regional distribution of judges to be elected is as follows:

Africa	3
Asia	3
Latin America	2
Eastern Europe	2
Western Europe + others	5

and in general the five permanent members of the UN Security Council are represented (US, UK, Russia, China, and France). Judges are appointed for a period of nine years which is renewable. Elections are staggered and five judges are elected every three years. The judges themselves elect a President and Vice-President who serve for a three-year term. Presidents and Vice-Presidents can be re-elected. The current composition of the Court is as follows (term expires on 5 February of the year in parentheses):

Mohammed Badjaoui (Algeria) (2006)

Carl-August Fleischhauer (Germany) (2003)

Gilbert Guillaume (France) (2000)
Geza Herczegh (Hungary) (2003
Rosalyn Higgins (United Kingdom) (2000)
Sui Jiuyong (China) (2003)
Pieter H Kooijmans (Netherlands) (2006)
Abdul G Koroma (Sierra Leone) (2003)
Shigeru Oda (Japan) (2003)
Gonzalo Parra-Aranguren (Venezuela) (2000)
Raymond Ranjeva (Madagascar) (2000)
Jose Francisco Rezek (Brazil) (2006)
Stephen M Schwebel (United States) (2006)
Christopher G Weeramantry (Sri Lanka) (2000)
Vladlen S Vereshchetin (Russian Federation) (2006)

On 6 February 1997 Stephen M Schwebel was elected President of the Court for a three-year term. Christopher G Weeramantry was elected Vice-President. The Registrar of the Court is Eduardo Valencia-Ospina (Colombia) and the Deputy Registrar is Jean-Jacques Arnaldez (France).

Although the nationality of judges may be significant in their selection, once appointed they are expected to be impartial and not subject to control by the states of which they are nationals. A judge is not prohibited from sitting in a case in which his national state is a party, although a President should not act as President in such a case. A party not represented on the bench can be represented by an *ad hoc* judge. This is to provide equality of the parties – the alternative would be to exclude judges from hearing cases about their own national state. Article 17(2) of the Statute provides that no member of the court should participate in the decision of any case in which he has previously acted as a representative for one of the parties although this rule has not always been observed in practice. For example, in the *Namibia* case (1971) members of the Court had previously been involved in UN discussions as national representatives on the Security Council and had played an active part in Resolutions directly relevant to the case. South Africa challenged the court's jurisdiction on this basis but the challenge was rejected.

The cases are heard in either English or French and are decided by majority vote. If it is necessary the President has a casting vote in addition to his own vote. The Court delivers a single judgment, but individual judges can add their own judgment whether or not they are dissenting. The cases can be heard by the full court (quorum = nine) or by a Chamber of three or more for a particular case (Article 26 of the ICJ Statute). The composition of the Chamber is decided by the Court after the parties have been consulted. In the *Gulf of Maine* case (1982) the US and Canada threatened to withdraw their case if their wishes as to the composition of the Chamber were not respected. Since then a number of other cases have been heard by a Chamber of the Court and this has led to the expression of some concern on the possible effects on the reputation of the Court as a whole. The apparent ability of states to choose the composition of the

Chamber may have an adverse effect on the Court's ability to develop a universally applicable body of international law.

13.8.3 Jurisdiction of the Court

13.8.3.1 Jurisdiction in contentious cases

Article 34 of the Statute of the Court declares that only states may be parties before the ICJ and the court is open to all members of the UN (who are automatically parties to the Statute).[12] states which are not UN members may become parties to the Statute on conditions set by the UN General Assembly (Article 93 of the UN Charter) and two states, Switzerland and Nauru, have taken advantage of this provision. Access to the Court is also available to non-parties to the Statute if they lodge a declaration with the court accepting the obligations of the Statute and Article 94 of the UN Charter. Declarations can be particular to a particular dispute, or they can be general.

In contentious cases, in principle, the exercise of the court's jurisdiction is conditional on the consent of the parties to the dispute. This was confirmed in the separate opinion of Judge Lauterpacht given in the *Case Concerning the Application of the Genocide Convention* (1993) where he stated:

> The Court can only act in a case if the parties, both applicant and respondent, have conferred jurisdiction upon it by some voluntary act of consent ...

and he indicated that consent could be given in one of three ways:

(i) under the provisions of a treaty;

(ii) by acceptance of the court's compulsory jurisdiction under Article 36(2) of the Statute;

(iii) by acceptance of jurisdiction by the respondent through its conduct following the unilateral initiation of proceedings by the applicant.

A joint decision to make reference to the court will usually be drawn up in a special agreement (*compromis*). A unilateral reference by one state will be sufficient to vest the court with jurisdiction if the other state subsequently consents under the doctrine known as *forum prorogatum*. Such a situation arose in the *Corfu Channel* case (1947). If there is no consent, then the court cannot hear the case. Nor can the court hear a case in the absence of a materially interested state.

The most usual method of conferring jurisdiction under Article 36(1) is by treaty. A treaty may be one providing for the reference of specific disputes, or it may be couched in more general terms. For example, Article 16(1) Convention on Unlawful Acts Against Maritime Navigation 1988 provides that:

> Any dispute between two or more State Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration, the parties are unable to agree on the organisation of the arbitration any one of those

12 There are currently 185 members of the United Nations – see Appendix 1.

> parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

In the *US Diplomatic and Consular Staff in Tehran* case (1980) the ICJ founded jurisdiction on Article 1 of the Optional Protocols concerning the Compulsory Settlement of Disputes which accompany both the Vienna Convention on Consular Relations 1963 and the Vienna Convention on Diplomatic Relations 1961.

Although it is true to state that the jurisdiction of the ICJ is conditional on the consent of the parties, matters are slightly confused by Article 36(2) of the Statute. Under this provision states may make a declaration recognising as compulsory the jurisdiction of the court in a number of defined disputes. Such declarations obviate the need for special agreement. Making the declaration is optional, but once it has been made acceptance of the court's jurisdiction is compulsory. The effectiveness of Article 36(2) depends on many, if not all, states making such a declaration. So far fewer than 50 states have done so. Declarations are lodged with the UN Secretary General, and once a state has made the declaration it has the right to bring to the Court any other state accepting the same obligation, providing the subject matter of the dispute falls within the specified categories. Article 36(3) provides that declarations may be made unconditionally or on condition of reciprocity on the part of several or certain states or for a certain time. Reservations are to be found in most declarations and the Court's jurisdiction over a case is restricted to those disputes that states have not excluded from its 'compulsory' jurisdiction. Declarations can also be made subject to a reservation permitting withdrawal at any time. They may be made indefinitely or for a fixed term of years.

The majority of declarations made according to Article 36(2) operate on the basis of reciprocity. This means that the ICJ will only have jurisdiction to the extent that the two declarations of the parties to the dispute coincide. This point was confirmed by the ICJ in the *Norwegian Loans* case (1957) where France sought to rely on the fact that both it and Norway had made declarations accepting the compulsory jurisdiction of the court. The ICJ found that:

> A comparison between the two declarations shows that the French declaration accepts the Court's jurisdiction within narrower limits than the Norwegian declaration; consequently, the common will of the parties, which is the basis of the Court's jurisdiction, exists within these narrower limits indicated by the French reservation.

As a result, Norway was entitled to invoke the French reservation and the ICJ found itself without jurisdiction to hear the case.

The type of reservation which was found in the French case, often known as a self-judging or automatic reservation, has caused particular problems. The French reservation was worded as follows:

> This declaration does not apply to differences relating to matters which are essentially within the national jurisdiction as understood by the government of the Republic of France.

Article 36(6) of the Statute provides it is the ICJ which must ultimately decide any dispute about its jurisdiction and it would therefore appear that such automatic reservations usurp the powers of the Court by allowing the reserving state to have the final say as to what constitutes a matter within national

jurisdiction. Judge Lauterpacht, in a separate opinion in the *Norwegian Loans* case, stated that the French declaration did conflict with Article 36(6) and was therefore invalid. He went on to consider what the effect of the invalid reservation was. He suggested two alternatives: either the invalid reservation could be severed from the declaration, or the reservation could be regarded as invalidating the entire declaration. Judge Lauterpacht favoured the latter option and was supported in this view by the dissenting opinion of Judge Guerrero. Judge Lauterpacht repeated his view in the *Interhandel* case (1959) where the Court was faced with an automatic reservation contained in the US optional declaration. However, in that case the Court itself did not find it necessary to comment on the validity of such reservations. It would seem to be settled that automatic or self-judging reservations are themselves invalid. As to the effect of such invalidity on the rest of the declaration the position is less clear, although the view preferred by the majority of writers is that the invalid reservation can be severed from the rest of the declaration thus leaving the amended declaration effective.

States are free to modify and withdraw their declarations and the question of the extent of notice required has created some problems. The declaration made by the USA in 1946 provided for termination after a six-month notice period. When it became clear that Nicaragua was going to bring proceedings against it in the ICJ, the US sought to modify, with immediate effect, its declaration so as to exclude the Court's jurisdiction. In considering the question of jurisdiction in the *Nicaragua* case (1984) the ICJ held that Nicaragua (whose declaration contained no reservation) was entitled to invoke against the US the six-month notice requirement and that this requirement would apply to modifications to the declaration. The US's modification, which was made on 6 April 1984, three days before the Court became seised of the case, would therefore only take effect on 6 October 1984, by which time the Court would already have begun to hear the case.

A final point to note in respect of reservations to optional declarations made under Article 36(2) is that they only relate to the Court's jurisdiction under Article 36(2). Even if a reservation provides an effective bar to Article 36(2) jurisdiction, the Court may be able to base jurisdiction on some other manifestation of a common will of the parties. In practice, jurisdiction in very few cases is based solely on the optional declaration.

13.8.3.2 Incidental jurisdiction

The ICJ may be called upon to exercise an incidental jurisdiction, independently of the main case: hearing preliminary objections, applications to intervene, and taking interim measures.

Preliminary objections: often, before it looks at the merits of the case, the Court will be asked to consider objections to jurisdiction. These jurisdictional issues are decided first. As has already been stated, it is the Court itself which has authority to settle disputes about jurisdiction by virtue of Article 36(6) of the Statute of the ICJ.

Intervention: a state not a party to the dispute may intervene under Article 62 and 63 of the Statute if it considers it has an interest in the case and it is for the ICJ to decide as a preliminary matter whether or not such an interest exists. In

the *Continental Shelf* case (1982) the Court rejected Malta's application to intervene. While Malta did have an interest similar to other states in the area in the case in question, the Court said that in order to intervene under Article 62 it had to have an interest of a legal nature which may be affected by the Court's decision in the instant case. In the *Land, Island and Maritime Frontier* case (1992) the ICJ gave permission to Nicaragua to intervene in the dispute between Honduras and El Salvador. In doing so it suggested a number of general principles which would apply with regard to any application to intervene. First, the intervening state has the burden of proving it has an interest of a legal nature which may, rather than will, be affected by the dispute. Secondly, the court can grant permission to intervene even if one or both of the other parties object. Thirdly, if permission is granted, the intervening state does not become a party to the dispute and no binding determination of its rights will occur. The purpose of intervention is to allow the intervening state to remind the Court of rights that may be affected by Resolution of the dispute between the two parties.

Interim measures: under Article 41 of the Statute the Court may grant provisional measures of protection in order to preserve the respective rights of the parties. These are awarded to assist the Court to ensure the integrity of the proceedings and are not to be regarded as judgments on the merits of the case. Interim measures have been awarded in a number of cases but compliance with such orders has been poor. In making interim indications, which are heard first, the court has to be satisfied that there is a *prima facie* basis for jurisdiction. In the *Lockerbie* case (1992) the ICJ refused Libya's requests for interim measures of protection from the use of sanctions and possible use of force against it. The principal ground for refusal was that the sanctions and possible use of force were being effected by a UN Security Council Resolution and the Court drew back at the interim stage from ruling such a Resolution *ultra vires*. The Court was therefore unable to find that there was a risk of Libya's interests in the case suffering irreparable damage. The Court was also required to consider the effect of a conflict between treaty obligations and Security Council Resolutions and Judge Lachs, in a separate opinion, expressly stated his view that treaty obligations could be overridden by Resolutions passed by the Security Council. It seems likely that when the court considers the merits of the case it will have to consider the relationship between itself and other organs of the UN and the extent to which it can rule on the validity of Resolutions passed under provisions of the UN Charter.

In the *Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria*, the Court issued an Order indicating the following provisional measures:

> (1) Unanimously,
>
> Both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it;

(2) By 16 votes to 1,

Both Parties should observe the agreement reached between the Ministers for Foreign Affairs in Kara, Togo, on 17 February 1996, for the cessation of all hostilities in the Bakassi Peninsula;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; Judge *ad hoc* Mbaye;

AGAINST: Judge *ad hoc* Ajibola.

(3) By 12 votes to 5,

Both Parties should ensure that the presence of any armed forces in the Bakassi Peninsula does not extend beyond the positions in which they were situated prior to 3 February 1996;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Ranjeva, Herczegh, Fleischhauer, Koroma, Ferrari Bravo, Higgins, Parra-Aranguren;

Judge *ad hoc* Mbaye;

AGAINST: Judges Shahabuddeen, Weeramantry, Shi, Vereshchetin;

Judge *ad hoc* Ajibola.

(4) By 16 votes to 1,

Both Parties should take all necessary steps to conserve evidence relevant to the present case within the disputed area;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; Judge *ad hoc* Mbaye;

AGAINST: Judge *ad hoc* Ajibola.

(5) By 16 votes to 1,

Both Parties should lend every assistance to the fact-finding mission which the Secretary General of the United Nations has proposed to send to the Bakassi Peninsula;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; Judge *ad hoc* Mbaye;

AGAINST: Judge *ad hoc* Ajibola.[13]

The Court goes on to observe that the power conferred upon it by Articles 41 of the Statute of the Court and 73 of the Rules of Court to indicate provisional measures has as its object to preserve the respective rights of the Parties, pending a decision of the Court, and presupposes that irreparable prejudice shall not be caused to rights which are the subject of dispute in judicial proceedings; that it follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by the Court to belong either to the Applicant or to the Respondent; and that such measures are only justified if there is urgency.

13 *Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria)* (Provisional Measures) Order of 15 March 1996.

> The Court finds that the mediation conducted by the President of the Republic of Togo and the ensuing communiqué announcing the cessation of all hostilities published on 17 February 1996 do not deprive the Court of the rights and duties pertaining to it in the case brought before it. It is clear from the submissions of both Parties to the Court that there were military incidents and that they caused suffering, occasioned fatalities – of both military and civilian personnel – while causing others to be wounded or unaccounted for, as well as causing major material damage. The rights at issue in these proceedings are sovereign rights which the Parties claim over territory, and these rights also concern persons; and armed actions have regrettably occurred on territory which is the subject of proceedings before the Court.
>
> Independently of the requests for the indication of provisional measures submitted by the Parties to preserve specific rights, the Court possesses by virtue of Article 41 of the Statute the power to indicate provisional measures with a view to preventing the aggravation or extension of the dispute whenever it considers that circumstances so require.
>
> The Court finds that the events that have given rise to the request, and more especially the killing of persons, have caused irreparable damage to the rights that the Parties may have over the Peninsula; that persons in the disputed area and, as a consequence, the rights of the Parties within that area are exposed to serious risk of further irreparable damage; and that armed actions within the territory in dispute could jeopardise the existence of evidence relevant to the present case. From the elements of information available to it, the Court takes the view that there is a risk that events likely to aggravate or extend the dispute may occur again, thus rendering any settlement of that dispute more difficult.
>
> The Court here observes that, in the context of the proceedings concerning the indication of provisional measures, it cannot make definitive findings of fact or of imputability, and that the right of each Party to dispute the facts alleged against it, to challenge the attribution to it of responsibility for those facts, and to submit arguments, if appropriate, in respect of the merits, must remain unaffected by the Court's decision.
>
> The Court draws attention to the fact that the decision given in the present proceedings in no way prejudges the question of the jurisdiction of the Court to deal with the merits of the case, or any questions relating to the admissibility of the Application, or relating to the merits themselves and leaves unaffected the right of the governments of Cameroon and Nigeria to submit arguments in respect of those questions.[14]

13.8.3.3 Advisory opinions

In addition to having contentious jurisdiction, Article 65(1) of the Statute allows the ICJ to give advisory opinions on any legal question at the request of any body so authorised by or in accordance with the UN Charter. The General Assembly and the Security Council are authorised by Article 96 of the UN Charter to request advisory opinions and a large proportion of the specialised agencies of the UN have been authorised in accordance with the Charter. states are not able to request advisory opinions themselves. Although advisory opinions are not binding in law on the requesting body, they have generally

14 *Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria)* (Provisional Measures) Order of 15 March 1996.

been accepted and acted upon by any state concerned. In exercising jurisdiction to give advisory opinions the ICJ is keen to avoid situations where an answer to a question would have the effect of deciding a specific dispute between two states since to do so would infringe the general requirement of the consent of states to the Resolution of contentious cases. Thus, in the *Eastern Carelia* case (1923) the PCIJ declined to give an opinion which would have directly affected a dispute between Finland and the USSR.

> 10 The Court must first consider whether it has the jurisdiction to give a reply to the request of the General Assembly for an advisory opinion and whether, should the answer be in the affirmative, there is any reason it should decline to exercise any such jurisdiction.
>
> The Court draws its competence in respect of advisory opinions from Article 65, para 1, of its Statute. Under this article, the Court
>
> > ... may give an advisory opinion on any legal question at the request of whatever body may be authorised by or in accordance with the Charter of the United Nations to make such a request.
>
> 11 For the Court to be competent to give an advisory opinion, it is thus necessary at the outset for the body requesting the opinion to be 'authorised by or in accordance with the Charter of the United Nations to make such a request'. The Charter provides in Article 96, para 1, that:
>
> > The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
>
> Some states which oppose the giving of an opinion by the Court argued that the General Assembly and Security Council are not entitled to ask for opinions on matters totally unrelated to their work. They suggested that, as in the case of organs and agencies acting under Article 96, para 2, of the Charter, and notwithstanding the difference in wording between that provision and para 1 of the same article, the General Assembly and Security Council may ask for an advisory opinion on a legal question only within the scope of their activities.
>
> In the view of the Court, it matters little whether this interpretation of Article 96, para 1, is or is not correct; in the present case, the General Assembly has competence in any event to seise the Court. Indeed, Article 10 of the Charter has conferred upon the General Assembly a competence relating to 'any questions or any matters' within the scope of the Charter. Article 11 has specifically provided it with a competence to 'consider the general principles ... in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments'. Lastly, according to Article 13, the General Assembly 'shall initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification'.
>
> 12 The question put to the Court has a relevance to many aspects of the activities and concerns of the General Assembly including those relating to the threat or use of force in international relations, the disarmament process, and the progressive development of international law. The General Assembly has a long-standing interest in these matters and in their relation to nuclear weapons. This interest has been manifested in the annual First Committee debates, and the Assembly Resolutions on nuclear weapons; in the holding of three special sessions on disarmament (1978, 1982 and 1988) by the General Assembly, and the annual meetings of the Disarmament Commission since 1978; and also in the commissioning of studies on the effects of the use of nuclear weapons. In this