



CANDIDATE
NAME

CT GROUP

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NUMBER

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HISTORY

8814

International History, c. 1945 – 2000

August 2015

Additional Materials: Answer Paper

3 hours

INSTRUCTIONS TO CANDIDATES

Write your **name** and **CT class** clearly in the spaces at the top of this page.

Write in dark blue or black pen on both sides of the paper.

Do not use staples, paper clips, highlighters, glue or correction fluid.

Attempt **both** Section A and Section B.

Attempt **one** question from Section A and only **three** questions from Section B.

Please start every question on a *fresh* sheet of paper and label each question clearly.

If you did not manage to complete a question, please hand in a piece of blank paper with your name and CT on it.

At the end of the examination, fasten your responses with the string provided **together**.

All questions in this paper carry equal marks.

Section A

You **must** answer Question 1.

The United Nations International Court of Justice

1. Read the sources and then answer the question.

Source A

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ.

Extract from the ICJ website

Source B

The bottom line is clear. Judges vote in favour of their own countries and in favour of countries that match the economic, political, and (somewhat more weakly) cultural attributes of their own countries.

Whether this level of bias matters depends on what the ICJ is supposed to accomplish. According to one study, compliance with ICJ judgments hovers around 60 percent level. It may be that states are aware that the ICJ judges are sometimes but not always biased and that the states are more likely to use the ICJ and comply with the judgments when they believe that the judgments are not biased. When a state's own judge votes against his or her home state, or when judges from a given bloc vote against a party from that bloc, the state may take the judgment more seriously than otherwise and may be more inclined to comply with it. If so, the ICJ may play a useful role, albeit under narrow conditions and for limited purposes.

A law professor in an academic journal, 2005

Source C

First, the states in dispute have to agree to appear before it and be bound by its decisions. In the Nicaraguan case, the US chose not to submit itself to the court's jurisdiction. Second, advisory opinions are not binding anyway. Third, the court was not set up to hear criminal cases, such as the prosecution of war crimes. That has had to wait until now, with the establishment of the international criminal court. Fourth, the disputes it deals with have to be between states - individuals or groups can't use the court to bring states to justice.

The result of all this has been that the ICJ, which is full of excellent judges, has had a minimal effect on the development of postwar international law, which has been so central to the disputes of recent years, the invasion of Iraq included.

Extract of an opinion piece in the newspaper, 2004

Source D

The conflict in Central America, therefore, is not a narrow legal dispute; it is an inherently political problem that is not appropriate for judicial resolution. The conflict will be solved only by political and diplomatic means - not through a judicial tribunal. The International Court of Justice was never intended to resolve issues of collective security and self- defense and is patently unsuited for such a role. Unlike domestic courts, the World Court has jurisdiction only to the extent that nation-states have consented to it. When the United States accepted the Court's compulsory jurisdiction in 1946, it certainly never conceived of such a role for the Court in such controversies. Nicaragua's suit against the United States - which includes an absurd demand for hundreds of millions of dollars in reparations - is a blatant misuse of the Court for political and propaganda purposes.

Extract of a statement from the U.S. State Department, 1985

Source E

Observations suggest that the question of compliance with ICJ rulings, in itself, is a poor indicator for measuring these rulings' actual impact (though open defiance is easier to analyse). But compliance is also a poor indicator of the degree to which the outcomes of any or all judgments represent goal attainment by the Court. Remedies prescribed by the Court do not always distinguish between the legal and the political spheres; even when the Court indicates specific outcomes, states often negotiate the precise contours of the settlement, and can deviate from the ruling. Often, as noted, it is diplomatic or institutional pressures that generate these outcomes. It is therefore hard to isolate, let alone measure, the impact of the Court from that of associated processes.

An academic in a book on international law, 2014

Now answer the following question.

How far do Sources A – E support the view that the International Court of Justice has the mandate to settle disputes between states? [25 marks]

Section B

You must answer **three** questions from this section.

- 2** How far would you agree that the Cold War started with the Truman Doctrine of 1947? [25 marks]
- 3** How significant was the collapse of the USSR for the end of the Cold War? [25 marks]
- 4** How important was the decline of the US economy in explaining the problems of the global economy from 1973 to 1990? [25 marks]
- 5** “The meteoric rise of the Japanese economy was a product of the Cold War.” Assess the validity of this statement. [25 marks]
- 6** Critically assess the regional and global implications of religious fundamentalism in the Middle East from 1970 to 2000. [25 marks]

END of PAPER

Acknowledgements:

- Source A International Court of Justice website.
Source B Posner, Eric A., Miguel F. P. de Figueiredo; Is The International Court of Justice Biased; Journal of Legal Studies; June 2005.
Source C Berlins, Marcel; The ICJ Is The UN's Least Effective Body; The Guardian; 13 July 2004.
Source D U.S. State Department; U.S. Withdrawal from the Proceedings Initiated by Nicaragua in the International Court of Justice; 18 January 1985.
Source E Shany, Yuval; Assessing the Effectiveness of International Courts; OUP Oxford; 30 Jan 2014.