

Tribunals report examples

[Law](#), [Criminal Justice](#)



The term tribunal holds several definitions. It may be likened to a court while others may choose to describe a tribunal as a committee tasked with the role of overseeing particular obligations. Tribunals usually hold powers of adjudication. Two or more countries may deem it important to form tribunals for several reasons. First, international tribunals tend to be independent of the countries that create them. This increases confidence from member countries in the neutrality of the tribunals and consequently their ability to make impartial decisions on matters that affect member countries. When a dispute between two or more countries is settled in one of the local courts of the nations involved, the likelihood of bias against a foreign country is heightened. Second, every nation is regarded as a sovereign territory with legal systems that are particular to its social context. The differences in legal systems administered within countries necessitate the establishment of court under which member countries may be adjudged by a law that is common to them. Third, through their enforcement role, tribunals ensure that perpetrators of crime between the two countries into account.

International criminal tribunals were established to try persons accused of atrocious crimes for example the international criminal tribunals of Rwanda and Yugoslavia. In this way, the impunity with which perpetrators used to act before is reduced. This is vital in countries that lack the legal machinery to try particular offenses. Fourth, international tribunals may be used as a forum for the review of acts by international actors such international non-government al organizations.

The settlement of international disputes has grown from a mere conflict of laws and interests to a conflict of cultures as well. Tribunals are affected by

cultural and political differences between countries but they are also formed as a result of them. Cultural and political differences among nations make it difficult for international disputes to be settled in the local courts of any of the disputants thus the need for a neutral international forum to facilitate the same. However, international relations even through legal systems are always awash with various political ideologies and national beliefs that countries hold. Cultural differences influence the values held by the tribunal. For example, an international tribunal that is largely made up of individualistic persons will be unable to fully appreciate the socialist views of collectivists. The converse also holds. As such it is very important to arrive at an ideal cultural mix that minimizes the influence of individual country cultures on the tribunal. Also, just as national law is often a product of cultural and political aspects of a country international law employed by international tribunals is a product of different cultures. Arriving at a law that is acceptable to all cultures is difficult as what is accepted as good in one society may be regarded as bad in another. A tribunal may thus appear biased. Having multicultural members also affects the language used during an international tribunal's proceedings. Most international tribunals prefer to hold proceedings in English, French or Portuguese. However, smaller tribunals consisting of the countries that are found in the same cultural zone may not experience such difficulty. The culture of member states cannot be entirely ignored as an international tribunal will only be considered effective by countries when its acts are in congruence with a country's ideals. Politics essentially refers to the activities of governments in their civic relations with their citizens as well as with other governments. The impact of

politics on international tribunals is fairly direct. First off, states are recognized as members of international bodies and not their governments because unlike sovereign territories, political regimes are ambulatory in nature, constantly changing. One state may fail to recognize another state because of its political ideals, for example, a democratic state may find it difficult to associate with a dictatorial regime and may choose to pull out of tribunals to which the dictatorial state is also a member. Another key influence of politics is in the selection of the members to an international tribunal from various countries. Where non-independent voting systems are used, it is not uncommon to find similarly oriented countries forming voting blocks and using their voting power to ensure that individuals of their choice end up on the tribunal in order to act in their mutual interests.

Despite the negative effects of politics and culture on the operations of tribunals there is still a great need to have tribunals. First, tribunals, when well employed, can be used to foster good relations among member countries. In their absence, any conflicts between states may lack an avenue for timely settlement leading to the aggravation of the disputes leading to negative relations between the states in conflict. Unbecoming relations may be manifested through physical war or a simple cold war. Second, the existence of tribunals promotes trade between member countries through providing an avenue for the settlement of trade disputes arising out of the engagement of international contracts. If tribunals did not exist, many traders, government departments and non-governmental organizations would be hesitant to engage in international trade. When a citizen of one country has been occasioned grief through acts that are in breach of a

contract by another country, the citizen may have his or her own state take up the matter with the offending state. In instances where other countries are members of an international tribunal, it is likely that the matter would be brought up before the tribunal. Third, international tribunals promote justice within countries over which they have jurisdiction. When member nations fail or are unable to prosecute individuals accused of grievous humanitarian crimes such as genocide, such international tribunals may assume jurisdiction over the suspects and institute proceedings against them. If this recourse was not available, many victims of humanitarian crimes would never receive justice and the perpetrator would continue acting with impunity. Fourth, tribunals play an important symbolic role signifying the existence of a higher avenue for justice than those offered by a single state. Parties who submit their dispute for determination to a tribunal are under an obligation to accept the court's determination. As such people maintain a belief in globalization and the integration of countries. Without international tribunals, globalization processes would be significantly hampered. International tribunals have an important role to play in global systems but they do suffer from several demerits. Due to the political processes that finally culminate in the establishment of an international tribunal, these adjudication bodies may not exercise the same degree of independence as that exercised by judiciaries within countries. The existence of some international tribunals depends entirely on political goodwill. Most international tribunals lack enforcement mechanisms that sovereign states have. Unlike national courts which may make use police forces within their territories to enforce their orders, international tribunals do not enjoy such a

privilege. This is why international tribunals are often likened to toothless dogs; all bark but no bite. There has been a proliferation of international tribunals. This poses a potential area of international conflict as the tribunals act independent of each other without any official legal hierarchical system in place. Consequently appeals or decisions from a particular tribunal cannot be allowed or overruled by another tribunal. Also, the increase in tribunals could lead to the overlapping of jurisdictions.

Just like other formal dispute resolution forums, international tribunals may only deliver superfluous solutions to real problems. This is because the tribunals generally address the immediate legal issue and fail to uncover the underlying causes of the problem. A dispute may only be evidence of a larger underlying problem. International tribunals tend to adopt adversarial systems of dispute resolutions with each party arguing their case before impartial third parties. Commissions of inquiry may be better positioned to identify the underlying issues and propose lasting solutions. The adversarial nature of the proceedings may serve to escalate the conflict between the parties as opposed to resolving it. International proceedings tend to be costly in terms of time and expenses. The location of the tribunal may be far from the disputing countries' location thus necessitating travel on order to be present at the proceeding. Proceedings may also be difficult to schedule because of the different availability of the representatives of the disputing countries. These proceedings may drag on for years. The overall effect of the existence of tribunals has been positive, contributing to the development of legal jurisprudence.

References

Born, G. (2012). A New Generation of International Adjudication. *Duke Law Journal*, 775-879.