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The International Court of Justice: How effective is it?

Briefing for MPs on UN processes N. 9

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The [International Court of Justice](#) (ICJ) was constituted under the United Nations Charter to help nations settle disputes peacefully in accordance with international law.

Seated in The Hague and consisting of 15 independent judges elected by the General Assembly, the ICJ has dealt with a broad range of disputes regarding land frontiers and maritime boundaries, territorial sovereignty, the non-use of force, violation of international humanitarian law, non-interference in the internal affairs of States, diplomatic immunities, hostage taking, the right of asylum, nationality, and economic rights. Most recently, the Court has been seized with the question of the legal obligations of States with respect to climate change.

Besides issuing binding *decisions* (contentious cases) to settle disputes between countries, the ICJ can also be called upon to issue non-binding advisory *opinions* to shed light on specific points of international law. To date, the Court has delivered 141 Judgements and 28 Advisory Opinions. With a few notable exceptions, compliance with Court decisions has been high. In case of non-compliance with Court decisions, the United Nations Security Council may be asked to intervene.

More important than non-compliance then may be the potentially large number of geopolitical situations and legal questions that are *not* referred to the Court altogether. Instead of appealing to the Court, national leaders may opt for “hands-on” political strategies or military solutions that suit their interests better and are more likely to deliver the desired results.

A key reason why the ICJ may be underutilized is that, generally, only countries that have accepted the Court's *compulsory jurisdiction* can bring a case forward. To date, only [74 countries](#) have voluntarily accepted the Court's jurisdiction, including just one permanent member of the Security Council (the United Kingdom). The limited recourse to the Court for advisory opinions may be due to their non-binding nature. Another limiting factor may be the resources required to present a case to the Court and the relatively long time for adjudication.

Leading questions:

- What is the overall impact of the ICJ in the system of international law?
- How difficult is it to bring a case to the Court?
- How can the compulsory jurisdiction of the Court be made universal?
- Should decisions of the Court be more enforceable?

Presenters:

- **H. E. Ambassador Mohan Maithri Pieris**, Permanent Representative of Sri Lanka to the United Nations
- **Mr. Philippe Gautier**, Registrar of the ICJ
- **Ms. Catherine Amirfar**, Partner and Co-Chair of the International Dispute Resolution Group, Debevoise & Plimpton, New York

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