

HANDOUT 1: The International Court of Justice (ICJ)

The International Court of Justice, commonly referred to as the World Court, is the principal judicial body of the United Nations. Established in June 1945 by the Charter of the United Nations, it began work in April 1946. The Court was established in part because of the many disputes that arose out of the conflict and settlement of the Second World War.



The seat of the Court is at The Hague, Netherlands because of the city's long-standing history as a center of peaceful international relations (the world's first peace conference was held in the city in 1899). 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 bodies.

The Court is composed of 15 judges elected for terms of office of nine years by the United Nations General Assembly and the Security Council (United Kingdom, France, Russia, China and United States). The official languages of the court are English and French. Since its beginning it has heard relatively few cases but in recent decades the Court is hearing more cases.

The Court hears two types of cases 1) legal disputes between states known as contentious cases and 2) requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies. These rulings are known as advisory proceedings and are nonbinding rulings of the Court.

Contentious Cases

Only states that are members of the United Nations or agree to be parties to contentious cases may ask to have a case heard. The Court is competent to entertain a dispute only if the states concerned have accepted its jurisdiction and agreed to the terms it will apply for settlement. This means the Court's jurisdiction and influence is restricted by the necessity of having both sovereign states in the conflict in agreement.

A contentious case can include any number of civil matters, for example some pending cases involve the extradition of criminals to face trial (Belgium and Senegal), territorial sovereignty over an island (Columbia and Nicaragua), building pulp mills on a river (Uruguay and Argentina) and ratifying a convention on racial discrimination (Georgia and the Russian Federation).

Advisory Proceedings

Advisory proceedings before the Court are open solely to five bodies of the United Nations and to 16 specialized agencies of the United Nations family.

The United Nations General Assembly and Security Council may request advisory opinions on “any legal question”. When it receives a request for an advisory opinion, the Court, in order that it may give its opinion with full knowledge of the facts, is empowered to hold written and oral proceedings, certain aspects of which recall the proceedings in contentious cases.

The ruling of the Court is not binding and may only be used as a guideline for the resolution of disputes among states. Some of the advisory rulings have been quite controversial. For example, the Court was asked to rule on whether it was legal for nations to use or threaten to use nuclear weapons. The Court’s ruling suggested that such weapons were only to be used in a case of self-defence and that any other use was, in effect, a war crime. www.icj-cij.org