

UNITED NATIONS PRINCIPAL JUDICIAL ORGAN

International Court of Justice



A complete, exam-focused reference on the ICJ — history, structure, jurisdiction, procedure, landmark cases and Pakistan's engagement with the World Court.

Established 1945

Seat: The Hague

15 Judges

Principal Judicial Organ of the UN

1 Introduction & Overview

DEFINITION

The **International Court of Justice (ICJ)**, also known as the **World Court**, is the principal judicial organ of the United Nations. It settles legal disputes submitted to it by sovereign states in accordance with international law, and gives advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies.

The ICJ occupies a unique position in the architecture of global governance. Unlike domestic courts, it has no automatic jurisdiction over states — its authority rests entirely on the consent of the parties appearing before it. Despite this structural limitation, the Court has, since its establishment, become the most authoritative forum for the peaceful settlement of inter-state disputes and the progressive development of international law.

Seat: Peace Palace, The Hague, Netherlands

Working Languages: English & French

Founded: 26 June 1945 (Charter) / Began work 1946

Position within the United Nations System

The ICJ is one of the **six principal organs of the United Nations**, alongside the General Assembly, Security Council, Economic and Social Council, Trusteeship Council, and Secretariat. It is the only principal organ not located in New York — it sits at the Peace Palace in The Hague. Unlike the other organs, the Court is essentially independent of political

direction; it decides cases purely on legal grounds, applying international law to the facts before it.

Quick Facts for MCQs

- The ICJ is **not the same** as the International Criminal Court (ICC) – a common exam confusion.
- The ICJ deals with **disputes between states**; it does not try individuals.
- The Court's Statute is an **integral part of the UN Charter** (Article 92 of the Charter).
- All 193 UN member states are automatically parties to the ICJ Statute.
- The Court has two types of jurisdiction: **contentious** and **advisory**.

2 Historical Background

The idea of a permanent international court to resolve disputes between states did not emerge with the United Nations — it has roots stretching back over a century of efforts to institutionalize peaceful dispute settlement.

1899 & 1907

The Hague Peace Conferences established the **Permanent Court of Arbitration (PCA)**, the first global mechanism for resolving disputes between states through arbitration. The PCA still exists today, distinct from the ICJ, and shares the Peace Palace building.

1920–1922

Under the League of Nations, the **Permanent Court of International Justice (PCIJ)** was created — the direct predecessor of the ICJ. It was the first permanent international tribunal with general jurisdiction, sitting at the Peace Palace from 1922.

1939–1945

The Second World War effectively suspended the PCIJ's work. As the Allied powers planned the post-war order, they decided to replace the League system with the United Nations and to create a new court as its judicial arm.

26 June 1945

The **UN Charter** was signed at San Francisco. The **Statute of the ICJ**, closely modelled on that of the PCIJ, was annexed to the Charter as an integral part of it (Article 92, UN Charter).

18 April 1946

The PCIJ was formally dissolved, and the **ICJ held its inaugural sitting** at the Peace Palace, The Hague, replacing it as the principal judicial organ of the new United Nations.

2025–2026

The Court marked its **80th anniversary**, continuing to hear a heavy docket of contentious and advisory cases spanning genocide, territorial disputes, environmental obligations, and human rights.

Exam Tip

A favourite CSS/PMS question: *"The ICJ is the successor of which body?"* — Answer: the **Permanent Court of International Justice (PCIJ)**, not the Permanent Court of Arbitration (PCA). The PCA is older and still functions separately.

3 Establishment & Legal Basis

The ICJ's authority derives from three interlocking legal instruments, each of which a serious aspirant should be able to name precisely.

3.1 The UN Charter

Chapter XIV of the UN Charter (Articles 92–96) establishes the Court as the principal judicial organ of the United Nations and provides the constitutional framework for its functions, including the duty of member states to comply with its decisions (Article 94) and the authorization of organs to request advisory opinions (Article 96).

3.2 The Statute of the ICJ

The detailed rules governing the Court's organization, competence, and procedure are set out in the **Statute of the International Court of Justice**, a 70-article document annexed to and forming an integral part of the UN Charter. Every UN member state is automatically a party to the Statute; non-UN states may become parties on conditions set by the General Assembly on Security Council recommendation (as Switzerland did before joining the UN).

3.3 The Rules of Court

Adopted by the judges themselves under Article 30 of the Statute, the **Rules of Court** govern the detailed day-to-day conduct of proceedings — filing of pleadings, time limits, oral hearings, and internal judicial practice. The Rules have been revised periodically, most comprehensively in 1978, with further amendments since.

Three-Tier Legal Framework

- **UN Charter** — constitutional foundation (Arts. 92–96)
- **ICJ Statute** — organizational & jurisdictional detail (70 Articles)
- **Rules of Court** — procedural implementation, made by the judges

Composition & Structure

4.1 The Bench

The Court is composed of **15 judges**, elected for **nine-year terms** and eligible for re-election. Elections are staggered so that **one-third of the bench (five judges) is renewed every three years**, ensuring continuity of experience. No two judges may be nationals of the same state.

4.2 Election Process

Judges are elected simultaneously — but independently — by the **UN General Assembly and the Security Council**. Candidates are nominated by "national groups" (typically the same groups that nominate members of the Permanent Court of Arbitration), not by governments directly. A candidate must secure an **absolute majority in both organs** to be elected; in the Security Council, the veto of permanent members does not apply to judicial elections.

4.3 Qualifications of Judges

Under Article 2 of the Statute, judges must be persons of **high moral character** who possess the qualifications required for appointment to the highest judicial offices in their own countries, or are jurists of recognised competence in international law. In practice, the composition of the Court reflects the **"representation of the main forms of civilization and of the principal legal systems of the world"** (Article 9), and by convention includes one judge from each of the five permanent Security Council members, though this is not a formal rule.

4.4 President, Vice-President & Registrar

The Court elects its **President and Vice-President** from among its own members for renewable three-year terms. The President presides over hearings and deliberations and has a casting vote in the event of a tie. The **Registrar** heads the Registry — the Court's permanent secretariat — handling administration, records, and communications, and is elected by the judges for a seven-year term.

Current Leadership (as of 2026)

- **President:** Judge Iwasawa Yuji (Japan) — elected President 3 March 2025
- **Vice-President:** Judge Julia Sebutinde (Uganda) — elected 6 February 2024
- **Registrar:** Mr Philippe Gautier

4.5 Current Members of the Court

Judge	Country	Notes
Iwasawa Yuji (<i>President</i>)	Japan	Member since 2018
Julia Sebutinde (<i>Vice-President</i>)	Uganda	Member since 2012
Peter Tomka	Slovakia	Former President (2012–2015)
Ronny Abraham	France	Former President (2015–2018)
Xue Hanqin	China	Former Vice-President
Dalveer Bhandari	India	Member since 2012
Georg Nolte	Germany	Member since 2021
Hilary Charlesworth	Australia	Member since 2021
Leonardo Nemer Caldeira Brant	Brazil	Member since 2022
Juan Manuel Gómez Robledo	Mexico	Member since 2024
Sarah H. Cleveland	United States	Member since 2024
Bogdan-Lucian Aurescu	Romania	Member since 2024
Dire Tladi	South Africa	Member since 2024
Mahmoud Daifallah Hmoud	Jordan	Member since 2025
Phoebe N. Okowa	Kenya	Member since 2025

Note: Bench composition changes through elections and occasional vacancies; aspirants should verify the current line-up on [icj-cij.org](https://www.icj-cij.org) closer to their exam date.

4.6 Judges Ad Hoc

If a state party to a contentious case does not have a judge of its nationality on the bench, it may appoint a **judge ad hoc** for that case alone (Article 31 of the Statute). This preserves a degree of equality between the litigating parties and is a distinctive feature of ICJ procedure not found in most domestic courts.

4.7 Chambers

While the Court normally sits as a full panel, the Statute allows it to form smaller **Chambers** — including a standing **Chamber for Environmental Matters** (historically) and ad hoc Chambers for particular cases, formed at the request of the parties (e.g., the *Gulf of Maine* case, 1984).

5 Jurisdiction of the Court

The ICJ exercises two fundamentally distinct types of jurisdiction — a distinction that is one of the most frequently tested concepts in CSS/PMS papers.

5.1 Contentious Jurisdiction

This is the Court's power to decide legal disputes between **states**. Crucially, **only states may be parties** to contentious cases — individuals, companies, NGOs, and international organizations have no standing to sue or be sued before the ICJ. Jurisdiction is founded strictly on **state consent**, which may be expressed in four principal ways:

1. **Special Agreement (Compromis):** States jointly agree to submit an existing dispute to the Court.
2. **Jurisdictional (Compromissory) Clauses in Treaties:** Many treaties contain a clause providing that disputes over the treaty's interpretation or application will go to the ICJ (e.g., Article IX of the Genocide Convention).
3. **Optional Clause Declarations (Article 36(2)):** States may unilaterally declare that they accept the Court's jurisdiction as compulsory in relation to any other state accepting the same obligation — this is called the "**Optional Clause**" system. As of the mid-2020s, roughly one-third of UN member states have made such declarations, often with reservations.
4. **Forum Prorogatum:** Consent given informally, after proceedings have begun, through conduct indicating acceptance of the Court's jurisdiction.

Exam Tip

Remember the phrase "**the Court's jurisdiction rests on consent**" — this single principle explains why the ICJ cannot compel any state to appear before it unless that state has, in some form, agreed in advance.

5.2 Advisory Jurisdiction

Under Article 96 of the UN Charter, the Court may give **non-binding advisory opinions** on legal questions at the request of:

- The **UN General Assembly** or **Security Council** — on any legal question; and
- Other UN organs and specialized agencies (e.g., WHO, UNESCO, ILO) — but only on legal questions arising within the scope of their own activities.

Advisory opinions are formally non-binding, yet they carry immense legal and moral authority and have significantly shaped international law — examples include opinions on the *Legality of the Threat or Use of Nuclear Weapons* (1996), the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (2004), and the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory* (2024).

5.3 Provisional Measures

Under Article 41 of the Statute, the Court may indicate **provisional (interim) measures** to preserve the respective rights of either party pending a final decision — comparable to an interim injunction in domestic law. These orders are legally binding, as confirmed by the Court in *LaGrand (Germany v. United States, 2001)*.

Feature	Contentious Jurisdiction	Advisory Jurisdiction
Who may approach the Court	Only States	UN organs & authorized agencies
Outcome	Binding Judgment	Non-binding Opinion (usually)
Basis	State consent required	Authorization under UN Charter
Parties	Adversarial (two or more states)	No formal "parties"

Sources of Law Applied by the Court

Article 38(1) of the ICJ Statute is one of the most frequently cited provisions in all of international law — it is regarded as the most authoritative statement of the sources of international law. The Court applies:

1. **International conventions (treaties)** — general or particular, establishing rules expressly recognized by contesting states;
2. **International custom** — evidence of a general practice accepted as law (requiring both *state practice* and *opinio juris*);
3. **General principles of law** recognized by civilized nations (e.g., good faith, *res judicata*);
4. **Judicial decisions and the teachings of the most highly qualified publicists**, as a *subsidiary* means for determining rules of law (Article 59 clarifies that ICJ decisions have no binding force except between the parties to that particular case — there is no strict doctrine of binding precedent).

Exam Tip

A near-guaranteed short question: "*List the sources of international law under Article 38 of the ICJ Statute.*" Learn this list verbatim — treaties, custom, general principles, and (subsidiary) judicial decisions & juristic writings.

Additionally, if the parties agree, the Court may decide a case ***ex aequo et bono*** — "according to what is fair and good" — rather than strictly

applying existing law (Article 38(2)). This has never actually been used by the Court to date.

Procedure Before the Court

7.1 Institution of Proceedings

A case may be brought either by notification of a **special agreement** jointly submitted by the parties, or by a unilateral **Application** filed by one state against another, which is then communicated to the respondent.

7.2 Written & Oral Phases

Written Phase

- Memorial (Applicant)
- Counter-Memorial (Respondent)
- Reply & Rejoinder (if authorized)

Oral Phase

- Public hearings at the Peace Palace
- Oral arguments & agents' statements
- Judges may pose questions to counsel

7.3 Preliminary Objections

A respondent state may raise **preliminary objections** challenging the Court's jurisdiction or the admissibility of the case before the merits are examined — as in the pending *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* proceedings.

7.4 Deliberation & Judgment

After hearings conclude, judges deliberate in private. Decisions are reached by a **majority of judges present**; in the event of an equal division, the President (or the judge acting in the President's place) casts the **deciding vote**. Judges may append **separate or dissenting opinions** and declarations. Judgments are **final and without appeal** (Article 60), though a party may request **interpretation** or, in limited circumstances, **revision** based on newly discovered decisive facts.

Typical Case Timeline

- Filing of Application → Provisional Measures request (if urgent) decided within weeks
- Written pleadings exchanged over months to years
- Preliminary objections phase (if raised) — separate judgment
- Oral hearings on the merits
- Final Judgment — often several years after filing

Enforcement of Judgments

Under **Article 94 of the UN Charter**, every UN member state undertakes to comply with the decision of the ICJ in any case to which it is a party. If a party fails to perform its obligations, the other party may have recourse to the **UN Security Council**, which may, if it deems necessary, make recommendations or decide upon measures to give effect to the judgment.

Exam Tip

The Security Council's enforcement power under Article 94(2) is **discretionary, not automatic** — and is itself subject to the veto of the five permanent members. This is a central reason critics cite when discussing the ICJ's practical limitations.

In practice, compliance with ICJ judgments has been mixed. Most judgments, particularly on boundary and maritime delimitation disputes, are complied with — but high-profile cases of non-compliance (such as the United States' response to *Nicaragua v. United States*, 1986) illustrate the limits of enforcement in a system built on state consent and political will rather than coercive power.

9 ICJ vs. ICC — A Critical Distinction

Confusing the ICJ with the International Criminal Court (ICC) is one of the most common errors in exam answers. The table below should be memorized precisely.

Aspect	International Court of Justice (ICJ)	International Criminal Court (ICC)
Established by	UN Charter, 1945	Rome Statute, 1998 (in force 2002)
Relationship to UN	Principal organ of the UN	Independent treaty-based body, not a UN organ
Parties before it	States only	Individuals (prosecutes persons)
Subject matter	Inter-state legal disputes; advisory opinions	Genocide, war crimes, crimes against humanity, aggression
Seat	Peace Palace, The Hague	The Hague (separate premises)
Number of judges	15	18
Basis of jurisdiction	State consent	Rome Statute ratification / UNSC referral

Exam Tip

One-line answer to remember: **"The ICJ settles disputes between states; the ICC prosecutes individuals for international crimes."**

Landmark Cases & Advisory Opinions

The following cases are staples of CSS/PMS international law and current affairs papers.

Corfu Channel Case (UK v. Albania, 1949)

The ICJ's very first contentious judgment, establishing principles on state responsibility and the right of innocent passage through international straits.

North Sea Continental Shelf Cases (1969)

Landmark ruling on the formation of customary international law and equitable principles in maritime boundary delimitation.

Nicaragua v. United States (1986)

The Court found the US in violation of international law for supporting Contra rebels and mining Nicaraguan harbours — a case widely studied for its treatment of the use-of-force prohibition and non-compliance.

Legality of Nuclear Weapons – Advisory Opinion (1996)

The Court held that the threat or use of nuclear weapons would generally be contrary to the rules of international humanitarian law, though it could not conclude definitively on extreme self-defence circumstances.

Construction of a Wall – Advisory Opinion (2004)

Found Israel's construction of a wall in the Occupied Palestinian Territory contrary to international law.

Gambia v. Myanmar (2019–ongoing)

A case alleging genocide against the Rohingya population, brought under the Genocide Convention; the Court has ordered provisional measures against Myanmar.

South Africa v. Israel (2023–ongoing)

South Africa alleges violations of the Genocide Convention by Israel in the Gaza Strip; the Court has issued multiple provisional measures orders and continues to manage the written pleadings phase.

Exam Tip

For current affairs sections, keep a running note of the Court's **pending cases** — these evolve constantly and are popular in interview and essay questions on international law and organizations.

11 Pakistan & the ICJ

For CSS/PMS aspirants, Pakistan's own engagements with the World Court are especially high-yield material.

Kulbhushan Jadhav Case (India v. Pakistan, 2017–2019)

India instituted proceedings against Pakistan following the death sentence awarded by a Pakistani military court to **Kulbhushan Jadhav**, an Indian national convicted of espionage and terrorism-related offences. India alleged violations of the **Vienna Convention on Consular Relations, 1963** — specifically that Pakistan had denied consular access.

Provisional Measures (May 2017): The Court ordered Pakistan to take all measures to ensure Jadhav was not executed pending final judgment.

Final Judgment (17 July 2019): The Court found that Pakistan had breached Article 36 of the Vienna Convention by not informing Jadhav of his consular rights and denying India consular access. It ordered Pakistan to provide **"effective review and reconsideration"** of Jadhav's conviction and sentence, while notably **declining India's request** to annul the conviction, order release, or order return of Jadhav to India — the remedy was left to Pakistan's own legal processes.

Other Pakistan-Related Matters

- **Aerial Incident Case (Pakistan v. India, 1999):** Arose from the shooting down of a Pakistan Navy aircraft by India; the ICJ ultimately held it lacked jurisdiction to entertain Pakistan's application.
- Pakistan is a party to the ICJ Statute as a UN member state and has, at various points, engaged with the Court's advisory and contentious processes on matters of regional significance.

Exam Tip

The Jadhav case is a recurring essay and current-affairs topic. Key phrase to remember: the Court ordered **"effective review and reconsideration"** — not release or acquittal — of the conviction, respecting Pakistan's sovereign judicial process while affirming the consular-access violation.

Criticism & Limitations

- **Consent-based jurisdiction:** The Court cannot compel any state to submit to its authority without prior consent, limiting its reach in many disputes of global concern.
- **Weak enforcement mechanism:** Compliance depends on the Security Council under Article 94(2), which is itself subject to the veto power of the P5, making enforcement politically selective.
- **Slow proceedings:** Cases can take many years from filing to final judgment, reducing their practical utility in fast-moving disputes.
- **Perceived politicization of elections:** Judicial elections in the General Assembly and Security Council can reflect geopolitical alignment as much as juristic merit.
- **Limited advisory effect:** Advisory opinions, while authoritative, are not binding, which can blunt their real-world impact.
- **Non-appearance by respondent states:** States sometimes refuse to participate in proceedings altogether (Article 53 allows the Court to proceed even so), undermining the perception of universal authority.

"The Court can only do justice between those who bring their disputes before it – its authority is real, but it is the authority of law without the power of the sword."

Significance in International Law & Relations

Despite its structural limitations, the ICJ remains central to the international legal order for several reasons:

- It provides a **peaceful, judicial alternative** to the use of force in resolving inter-state disputes, in line with Article 2(3) and 2(4) of the UN Charter.
- Its judgments and advisory opinions have made **major contributions to the development of customary international law** — on statehood, maritime boundaries, state responsibility, self-determination, and humanitarian law.
- It offers smaller and less powerful states a forum in which, formally, they stand as legal equals to great powers.
- Its advisory opinions guide UN organs on complex legal questions, from decolonization to nuclear weapons to the legal status of disputed territories.
- For developing states such as Pakistan, the Court represents an important avenue for asserting and defending sovereign rights through law rather than power.

Exam Tip

In essays on "the relevance of international law" or "the role of the UN in maintaining peace," the ICJ should be discussed alongside its limitations — a balanced answer (achievements *and* constraints) scores far better than an uncritical one.

Glossary of Key Terms

Compromis

A special agreement between states to jointly submit a dispute to the ICJ.

Compulsory Jurisdiction (Optional Clause)

Jurisdiction accepted in advance by states under Article 36(2) of the Statute, binding them in relation to other states accepting the same obligation.

Opinio Juris

The belief that a practice is followed out of a sense of legal obligation — a required element, alongside state practice, for a rule of customary international law.

Ad Hoc Judge

A judge appointed by a party for a specific case when it has no national sitting on the bench.

Provisional Measures

Binding interim orders issued to preserve the rights of parties pending a final judgment.

Advisory Opinion

A non-binding legal opinion given at the request of authorized UN organs and agencies.

Ex Aequo et Bono

Deciding a case based on fairness and equity rather than strict legal rules, only if both parties agree (Article 38(2)).

Res Judicata

The principle that a matter finally decided by a competent court cannot be relitigated between the same parties.

Quick Revision Sheet

One-Page Recap

- **Full name:** International Court of Justice (World Court)
- **Established:** 1945 (UN Charter); began work 1946
- **Predecessor:** Permanent Court of International Justice (PCIJ)
- **Seat:** Peace Palace, The Hague, Netherlands
- **Composition:** 15 judges, 9-year terms, 1/3 elected every 3 years
- **Elected by:** UN General Assembly + Security Council (absolute majority in both)
- **Two jurisdictions:** Contentious (states only, binding) & Advisory (UN organs, non-binding)
- **Basis of jurisdiction:** State consent (special agreement, treaty clause, optional clause, forum prorogatum)
- **Sources of law applied:** Article 38 — treaties, custom, general principles, judicial decisions & teachings (subsidiary)
- **Enforcement:** Article 94, UN Charter — recourse to Security Council (subject to veto)
- **Not to be confused with:** International Criminal Court (ICC) — tries individuals, not states
- **Key Pakistan case:** Kulbhushan Jadhav case (India v. Pakistan, 2019) — Vienna Convention on Consular Relations

Final Tip for CSS/PMS Aspirants

Practice writing the ICJ's structure and jurisdiction from memory in under 10 minutes — this topic frequently appears both as a stand-alone short question and as a component of longer essays on the United Nations, international law, or Pakistan's foreign policy engagements.

SCHOLAR EYE

International Court of Justice

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