

The International Court of Justice and the Pursuit of Global Justice

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When states go to war, the consequences are immediate and visible. When states go to court, the consequences are quieter, but often just as significant. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, was established to ensure that disputes between states are resolved through law rather than force. Yet an important question remains: does the ICJ truly advance global justice, or is its influence more limited than it appears?

What the ICJ Does

Founded in 1945 and based in The Hague, the ICJ was created under the United Nations Charter as the main judicial body of the international system. Its primary function is to settle legal disputes between states. Only states may bring cases before the Court, and in contentious proceedings, its judgments are legally binding on the states involved.

In addition to resolving disputes, the ICJ also provides advisory opinions at the request of authorized UN organs and specialized agencies. Although advisory opinions are not binding, they carry significant legal weight and often influence international norms and state behavior.

The Court deals with a wide range of issues, including territorial disputes, maritime boundaries, treaty interpretation, allegations of genocide, and violations of international obligations. Through these cases, the ICJ plays a central role in interpreting and clarifying international law.

The ICJ's Contribution to Global Justice

At its core, the ICJ represents an effort to replace power politics with legal reasoning. Instead of resolving disputes through military force or unilateral action, meaning action taken independently by a state without the consent or cooperation of others, states can submit their disagreements to judicial examination. This commitment to peaceful dispute resolution is itself a major contribution to global justice.

First, the ICJ reinforces the principle of the rule of law at the international level. By requiring states to justify their actions within a legal framework, the Court promotes accountability. Even powerful states must present legal arguments and defend their positions publicly. This helps shape expectations about lawful conduct in international relations.

Second, the ICJ provides smaller or less powerful states with a formal legal platform. In a system often dominated by political and economic influence, access to an impartial judicial body offers an alternative path to resolving disputes. The existence of the Court signals that international law applies to all states, not only to those with the greatest power.

Third, through its judgments and advisory opinions, the ICJ contributes to the development and clarification of international legal principles. Its decisions help interpret treaties, define state responsibilities, and strengthen norms relating to sovereignty, human rights, and the prohibition of the use of force. In this sense, the Court does not merely settle disputes. It shapes the evolution of international law itself.

The Limitations of the Court

Despite its important role, the ICJ faces significant structural limitations.

One of the most important restrictions is jurisdiction. The Court can only hear a case if the states involved have consented to its jurisdiction. This means that states may refuse to participate in proceedings or limit the scope of the Court's authority. As a result, some disputes never reach judicial resolution.

Another limitation concerns enforcement. While ICJ judgments are legally binding, the Court has no independent enforcement mechanism. Compliance ultimately depends on the willingness of states to follow the ruling. In cases where states choose not to comply, enforcement may rely on political processes within the United Nations, including the Security Council, where geopolitical interests can complicate outcomes.

Additionally, individuals and non-state actors cannot directly bring cases before the ICJ. This restricts access to justice at the international level, particularly in cases involving human rights violations. Other international courts and tribunals address some of these gaps, but the ICJ itself remains limited to inter-state disputes.

These constraints illustrate a broader reality: global justice operates within a system built on state sovereignty. The ICJ cannot transcend that system; it must function within it.

Conclusion

The International Court of Justice is neither a perfect instrument of global justice nor a purely symbolic institution. Its impact lies somewhere in between. While its jurisdiction depends on state consent and its enforcement mechanisms are limited, the Court nonetheless plays a vital role in promoting peaceful dispute resolution and strengthening the rule of law at the international level.

In a world where international tensions and conflicts continue to arise, the existence of a judicial body dedicated to resolving disputes through legal reasoning remains significant. The ICJ may not eliminate injustice, but it represents a continuing commitment to the idea that law, not force, should guide relations between states. In that sense, it remains a cornerstone of the global development of justice.

Resources and Further Reading

- International Court of Justice (ICJ), Statute of the International Court of Justice (1945).
- United Nations Charter, Chapter XIV (The International Court of Justice).
- International Court of Justice, Official Website: Overview of contentious cases and advisory opinions.
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States), Judgment, ICJ Reports 1986.
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004.
- Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, ICJ Reports 2012.

