terpreting treaties, however, have "*no binding force* except between the parties and in respect of that particular case." [291] ICJ decisions "are therefore entitled only to the 'respectful consideration' due an interpretation of an international agreement by an international court." [292]

Even when an ICJ decision has binding force as between the governments of two nations, it is not necessarily enforceable by the individuals affected. If, for example, the ICJ finds that the United States violated a particular defendant's rights under international law, and such a decision "constitutes an *international* law obligation on the part of the United States," it does not necessarily "constitute binding federal law enforceable in United States courts. . . . [W]hile treaties may comprise international commitments . . . they are not domestic law unless Congress has either enacted implementing statutes or the treaty itself conveys an intention that it be self-executing and is ratified on these terms." [293] A memorandum from the President of the United States directing that the United States would "discharge its international obligations" under an ICJ decision interpreting a non-self-executing treaty, "by having State courts give effect to the decision," is not sufficient to make the decision binding on state courts, unless the President's action is authorized by Congress.[294]

---

[291] Sanchez-Llamas v. Oregon, 548 U.S. at 354, quoting Statute of the International Court of Justice, Art. 59, 59 Stat. 1062, T.S. No. 933 (1945) (emphasis added by the Court).

[292] Sanchez-Llamas v. Oregon, 548 U.S. at 355, quoting Breard v. Greene, 523 U.S. 371, 375 (1998) (per curiam).

[293] Medellin v. Texas, 128 S. Ct. 1346, 1356 (2008) (emphasis in the original, internal quotation marks omitted). As in the case of the foreign nationals in *Sanchez-Llamas*, Medellin's nation's consul had not been notified that he had been detained in the United States. Unlike the foreign nationals in *Sanchez-Llamas*, however, Medellin was named in an ICJ decision that found a violation of Article 36 of the Vienna Convention.

[294] Medellin v. Texas, 128 S. Ct. 1346, 1353 (2008). "[T]he non-self-executing character of a treaty constrains the President's ability to comply with treaty commitments by unilaterally making the treaty binding on domestic courts." Id. at 1371. The majority opinion in *Medellin* was written by Chief Justice Roberts. Justice Stevens, concurring, noted that, even though the ICJ decision "is not 'the supreme Law of the Land,' U.S. Const., Art VI, cl. 2," it constitutes an international law obligation not only on the part of the United States, but on the part of the State of Texas. Id. at 1374. This, of course, does not make it enforceable against Texas, but Justice Stevens found that "[t]he cost to Texas of complying with [the ICJ decision] would be minimal." Id. at 1375. Justice Breyer, joined by Justices Souter and Ginsburg, dissented, writing that "the consent of the United States to the ICJ's jurisdiction[ ] bind[s] the courts no less than would 'an act of the [federal] legislature.'" Id. at 1376. The dissent believed that, to find treaties non-self-executing "can threaten the application of provisions in many existing commercial and other treaties and make it more difficult to negotiate new ones." Id. at 1381–82. Moreover, Justice Breyer wrote, the Court's decision "place[s] the fate of an international promise made by the United States in the hands of a single State. . . . And that is precisely the situation that