



## AN ANALYTICAL OVERVIEW OF THE FUNCTIONALITY AND MERIT OF THE INTERNATIONAL COURT OF JUSTICE IN INTERNATIONAL RELATIONS

By *Krishnokoli Basu*

Assistant Professor of Law, Kolkata Police Law  
Institute.

### Abstract:

The purpose of this work has been to inquire and understand the role and functioning of the International Court of Justice or ICJ. The author has chronologically studied how the ICJ came into existence as a competent successor to the Permanent Court of International Justice or the PCIJ and its evolving relevance over time. Appropriate references have been made of the United Nations (UN) Charter and the Statute of the ICJ throughout the paper. After introducing the subject, the author has divided the work into several sections where elaborations have been made on different matters regarding the activities and importance of the ICJ in international relations. Elections of the judges of the ICJ, composition of the ICJ, its jurisdiction in international law, its functions in matters of disputes between international organisations have been discussed in this work. Then the role and significance of the ICJ in international relations is studied in detail. References have been made of the pertinent articles of the UN Charter and the Statute of the ICJ and specific data have been provided. Apposite cases dealt with by the ICJ are described. Vital case studies of contemporary importance have been explained. For instance, study has been shown on the role played by the ICJ in connection with Corfu Channel case, Russia-Ukraine conflict, Nicaragua-the USA dispute, Israel-Gaza tension, Jadhav's case, Rohingya Genocide etc. Vital cases resolved by the ICJ where India had been a party

have also been mentioned. Finally, limitations of the structure and system of the ICJ are touched upon. In this regard a few suggestions for improvement have been provided by the author in conclusion. This paper seeks to make an analytical study of the background that facilitated the establishment of the ICJ as a primary body of the UN and the impact it has made on the world entities so far.

**Keywords:** ICJ, international law, international relations, PCIJ, UN Charter.

### Introduction:

The origin of the International Court of Justice can be traced back to the beginning of nineteenth century when theorists started realising that war could be prevented if states or governments had a chance to resolve their dissensions in a world court. The Hague Peace Conference convened by the Russian Tsar in 1899 was aimed at achieving international peace and banning big wars<sup>1</sup>. However, the results of the conference were trivial. Nevertheless the conference helped to find small ways for regulation of international war.

One important treaty was The Hague Convention for the Pacific Settlement of International Disputes. Countries which signed the treaty agreed to abide by it with regard to settlement of international disputes through peaceful means, like through the Permanent Court of Arbitration.

It was followed by setting up of the Permanent Court of International Justice (PCIJ) in 1920 alongside the League of Nations. The PCIJ dealt with 29 contentious cases that were brought before it by concerned states in between 1922 and 1940. It also gave advisory opinions in 27 matters to the Council of the League of Nations.<sup>2</sup>

<sup>1</sup> Keith Suter, "The Successes and Limitations of International Law and the International Court of Justice", 20(4) *Medicine, Conflict and Survival* 348 (2004).

<sup>2</sup> Available at: <https://www.icj-cij.org/pcij> (visited on January 20, 2026).



Necessity to set up a new international court was felt during the Second World War. Thus the Statute of the International Court of Justice was drafted along with the Charter of the United Nations. A state which is a member of the United Nations becomes a member of the International Court of Justice by default.

The tasks of the ICJ revolved around the two main tasks of the PCIJ. The primary function of the ICJ was to settle disputes between states which accepted its jurisdiction. The jurisdiction of the ICJ is limited only to states. States can seek compulsory jurisdiction of the ICJ in matters of claims against any other state and with the consent of that responding state. The ICJ was established in June, 1945 by the UN Charter and it started its activities in April, 1946. The seat of the International Court of Justice (ICJ) is at the Peace Palace in The Hague, Netherlands.<sup>3</sup> At present the President of the ICJ is Judge Iwasawa Yuji of Japan<sup>4</sup> and Vice-President is Judge Julia Sebutinde of Uganda.<sup>5</sup> Currently the ICJ has 193 member countries. As per the UN Charter, UN member states become state parties to the Statute of the ICJ by default. The ICJ is barred to hear cases of corporations, individuals, non-governmental organisations or private entities.<sup>6</sup> The Corfu Channel<sup>7</sup> Case was the first case that was enlisted in the General List of the ICJ on 22<sup>nd</sup> day of May, 1947.<sup>8</sup> A total number of 201 cases were registered in the General List of the ICJ between 22<sup>nd</sup> day of May 1947 and 18<sup>th</sup> September 2025.<sup>9</sup>

The second function of the ICJ is to provide Advisory Opinion to the major organs or institutions of the United Nations when sought for. However, the advisory opinions of the ICJ have no binding effects upon the UN institutions and organs.

Professor Mac Iver had observed in the Carnegie Endowments series of National Studies on International Organisation that the International Court of Justice had nothing new to promise as an institution.<sup>10</sup>

The ICJ was set up in 1945 and it was modelled upon the Permanent Court of International Justice. As per Article 92 of the UN Charter, the Statute of the ICJ is closely based on that of the Permanent Court of International Justice. However, it was declared that the new Court, i.e. the ICJ is the chief judicial organ of the UN and would play a more serious role than the old Court i.e. the Permanent Court of International Justice. The old court had never been of any weighty significance in the League of Nations structure. But according to Professor Mac Iver, the promise under Article 92 of the UN has remained unfulfilled in many respects.<sup>11</sup>

A study of the institutional features of the Court and the role it plays in discharging the judicial functions will throw light on the position of the ICJ in international relations. There are many elements that must be scrutinised in this respect.

<sup>3</sup> Available at: <https://www.icj-cij.org/court> (visited on January 20, 2026).

<sup>4</sup> Available at: <https://www.icj-cij.org/presidency#:~:text=In%20the%20absence%20of%20the,as%20President%20or%20Vice%2DPresident:> (visited on January 20, 2026).

<sup>5</sup> Available at: <https://icj-cij.org/node/205530#:~:text=The%20Vice%2DPresident%20of%20the,Sebutinde%20%7C%20INTERNATIONAL%20COURT%20OF%20JUSTICE> (visited on January 20, 2026).

<sup>6</sup> Available at: <https://www.icj-cij.org/frequently-asked-questions> (visited on January 20, 2026).

<sup>7</sup> *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania) (Preliminary Objections)* [1949] ICJ Rep 1.

<sup>8</sup> Available at: <https://www.icj-cij.org/cases> (visited on January 20, 2026).

<sup>9</sup> Available at: <https://www.icj-cij.org/cases#:~:text=The%20first%20case%20entered%20in,entered%20in%20the%20General%20List.> (visited on January 20, 2026).

<sup>10</sup> Max Sorensen, "The International Court of Justice: Its Role in Contemporary International Relations", 14(2) *International Organisation* 261 (1960).

<sup>11</sup> Robert M. MacIver, *The Nations and the United Nations* 132 (Manhattan Publishing Company, New York, 1959).



### Election of the Judges and Judicial Independence:

Independence of the judiciary is one fundamental quality for any Court of Law, whether national or international. The Statute of the Court enjoins that the ICJ shall be comprised of a body of independent judges. It is also prescribed that the judges are not allowed to discharge any administrative or political duties or to be occupied in any other profession. Finally, the judges cannot be dismissed from their positions except by unanimous decision of the other members of the Court. However, this prescribed standard of independence of the judges was never realised completely.

Again, the election procedure of the Judges has always been widely criticised for their vouching for their political backgrounds while selecting them.

It was advised by the Institute of International Law that election procedure of Judges of the ICJ should be entirely separated from elections of other bodies.<sup>12</sup>

The Statute of the ICJ requires the Judges to be elected by the General Assembly and the Security Council, the bodies voting independently and an absolute majority of the votes is essential for choosing the candidate. But instances are there where this provision of the Statute was disregarded. For example, when elections were conducted in 1956 for filling a vacancy caused by the death of Judge Hsu Mo, the Nationalist Government of China recommended Ambassador Wellington Koo. The election procedure stood witness to disagreement over the representation of China. Though Mr. Wellington Koo achieved majority in the Security Council, a majority in the General Assembly was possible only after a fourth meeting and 18 ballots.<sup>13</sup>

<sup>12</sup> Institut de Droit International, 44(2) *Annuaire* 440-455(1952).

<sup>13</sup> Shabtai Rosenne, *The International Court of Justice* 577 (Central Book Company Inc, New York, 1957).

<sup>14</sup> Available at: <https://www.icj-cij.org/members#:~:text=The%20International%20C>

### Composition:

The ICJ consists of 15 judges who hold office for 9-year terms and they are elected by the Security Council and General Assembly of the United Nations.<sup>14</sup> Voting for the election of the Judges is held simultaneously but separately by these organs of the United Nations.

Organisational constructions of the UN are grounded on the principle of equitable geographical distribution. According to Article 23 of the Charter of the United Nations, this above-mentioned principle is to be followed in the process of election of non-permanent members of the Security Council. But this principle is not strictly recognised by the Statute of the Court. Article 9 of the Statute of the Court provides that in the composition of the Court; the leading forms of civilisation and the chief legal systems shall be represented. Again, the Statute does not shut out the possibility of a likelihood of a single legal system having more than one representative.

But after the setting up of the ICJ, remarkable evolution was observed in the matter of composition of the Court, if compared with that of the PCIJ. Islamic law and Soviet law also found representation in the ICJ. It became a common practice to ensure that the 5 permanent members of the Security Council find representation in the ICJ. Significant changes took place to allow sufficient representation from diverse legal systems from across the globe. Currently the ICJ is composed of judges from Japan, Uganda, Slovakia, France, China, India, Germany, Australia, Brazil, Mexico, the United States of America, Romania, South Africa, Jordan and Kenya.<sup>15</sup>

Article 38 of the Statute of the ICJ lists General Principles of Law recognised by Civilised Nations as

ourt%20of%20Justice,the%20votes%20in%20both%20bodies. (visited on January 20, 2026).

<sup>15</sup> Available at: <https://www.icj-cij.org/current-members> (visited on January 20, 2026).



a source of international law and this principle signifies the utility of corresponding applications of various state laws in international law. The ICJ has consistently drawn on this source.<sup>16</sup>

#### **Jurisdiction:**

As per Article 93 of the UN Charter, all members of the United Nations are parties to the Statute of the ICJ by default. States which are not members of the United Nations may also be parties to the Statute but subject to conditions set by the General Assembly and recommendation of the Security Council. Also, as per Article 35 of the Statute of the ICJ, on terms of the Security Council, the ICJ is open to even those countries which are not parties to its Statute. Such states have to recognise the jurisdiction of the ICJ by a special declaration to that effect. Declarations like this were made by Vietnam in relation to the Japanese Peace Treaty and by the Federal Republic of Germany in the matter of some European Treaties.<sup>17</sup>

Thus, it is very true that the ICJ is a World Court and it is open to all states of the world. But access to the ICJ and submission to its jurisdiction are distinct aspects altogether and are to be followed properly.

The fundamental basis of the system is that jurisdiction over any state may be exercised only by the state's assent. Such assent may be derived or given by a number of means. The Court deals with issues between states. It should also be made quite clear that the Court only deals with civil cases and has no jurisdiction of a penal character.<sup>18</sup>

The oldest method of referring a case for international adjudication is by special agreement and this method is envisaged under Article 36 of the Statute.

Consent of the state parties may also be obtained through treaty or convention with respect to future disputes falling under specific categories. According to Article 37 of the Statute of the ICJ, such treaties shall mean that the concerned states have conferred jurisdiction upon the ICJ.

Consent to the jurisdiction of the ICJ may also be accorded by making a declaration to that effect under the optional clause.<sup>19</sup>

Finally, a simple method of submitting to the jurisdiction of the ICJ is by expressing positive response to unilateral summons.

#### **Disputes between international organisations:**

Article 34 of the Statute of the ICJ provides that only states can be parties in cases before the ICJ. But this restriction is felt to be a little restrictive. Yet questions of law regarding matters of international organisations have been brought many times before the ICJ for seeking its advisory opinion. Most legal queries submitted before the ICJ for its advisory opinion were relating to the powers and functions of the organs of the United Nations or disputes where the United Nations or any other international organisation was a party in an individual capacity as an independent subject of international law. The Reparations case is one remarkable example in this regard where the ICJ declared that the UN had the right to bring claim against a state for obtaining reparations in respect of a damage that is suffered by an agent of the UN at the time of discharging his duties.<sup>20</sup>

Article II was inserted by the General Assembly in the Statute of the UN Administrative Tribunal in 1954. This Article II contained a special provision which allowed for seeking an advisory opinion through an

<sup>16</sup> Sir Hersch Lauterpacht, *The Development of International Law by the International Court* 158-172 (Cambridge University Press, Cambridge, 1982).

<sup>17</sup> *Supra* note 7, at 231-235.

<sup>18</sup> Edvard Hambro, "The Jurisdiction of the International Court of Justice", 2(3) *The International Law Quarterly* 464(1948).

<sup>19</sup> The Statute of the International Court of Justice, art. 36.

<sup>20</sup> Available at: <https://www.icj-cij.org/case/4> (visited on January 20, 2026).



intervention of a special committee of the General Assembly for the purpose of rectifying an erroneous decision of the tribunal.

Advisory opinions of eminent members of the ICJ have always enabled the Court to discipline and rightly regulate the activities of international organisations.

#### International Relations:

The Statute of the ICJ lacks compulsory jurisdiction clause. But it may be assumed that state members of the UN have a general obligation to honour the jurisdiction of the ICJ.

The ICJ plays two vital roles in maintaining international relations and these roles are resolving disputes and providing advisory opinions. Resolution of disputes by the ICJ involves settling of legal battles between state parties as per the principles of international law. The ICJ can exercise this power only when a state requests so; it cannot start action suo motu. Apart from this function, the ICJ's advisory opinion in matters is sought regarding various issues. Specialised organs and agencies of the United Nations refer questions of legal nature to the ICJ for seeking its advisory opinions.<sup>21</sup> Thus types of cases that come before the ICJ are either contentious or advisory in nature.

The ICJ decided many kinds of legal matters, including genocide and aggression, state responsibility, humanitarian action, the use of nuclear weapons, self defence and use of armed forces.

It is noted that the decisions of the ICJ are final in nature and binding on the parties involved. But

sometimes the judgements become subjects of revision or interpretation when new data is found.<sup>22</sup>

The ICJ handled many international disputes between the years 1946 and 1966. After that the ICJ's activities slowed down. The Third World Countries and Communist Countries like most countries in Asia, Africa, Latin America and Oceania, shunned the role of the ICJ and called it a club only for the Western Countries. The ICJ again found its relevance since late 1980s when states realised the greater utility of it. Many African countries referred their disputes to the ICJ.<sup>23</sup>

#### Cases:

Some important cases decided by the ICJ may be discussed as follows:

##### Nicaragua v. United States of America (1986)<sup>24</sup>:

It was held by the ICJ that the USA had violated provisions of international law by backing rebel groups in Nicaragua. The ICJ asked the USA to pay reparations to Nicaragua. But the USA refused to follow the decision of the ICJ and eventually declined its compulsory jurisdiction. Nicaragua then requested the United Nations Security Council for enforcing of the ICJ order but it was vetoed by the USA.

##### Israel's occupation of the Gaza Strip and West Bank<sup>25</sup>:

The ICJ delivered its advisory opinion on 19<sup>th</sup> of July 2024 and stated that Israel's occupation of the Gaza Strip and West Bank, including East Jerusalem is unlawful. The Court said that Israel dishonoured international law requirements regarding prohibition of racial discrimination and apartheid. It asked Israel to withdraw troops and occupation from the region. It also mandated Israel to provide reparations to Palestine victims and ensure the return of displaced people.

<sup>21</sup> Available at: <https://www.icj-cij.org/advisory-jurisdiction> (visited on January 20, 2026).

<sup>22</sup> Available at: <https://www.icj-cij.org/how-the-court-works> (visited on January 20, 2026).

<sup>23</sup> *Supra* note 2 at 348.

<sup>24</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) (Judgment)* [1986] ICJ Rep. 14.

<sup>25</sup> International Court of Justice "Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem" (2024).



It was held by the ICJ that Israel must stop and punish public incitements for committing genocide of the Palestinian citizens in Gaza and also ruled that Israel has to keep and preserve all evidence of every allegation of genocide.

#### Rohingya Genocide<sup>26</sup>:

The Rohingyas are Muslim Indo-Aryan ethnic minority people who faced mass persecution and ethnic cleansing in the Buddhist majority country of Myanmar. Their persecution has been termed as genocide. Governments in Myanmar described them as illegal immigrants. The Rohingya community argued that they inhabited in the region for years and over generations and that they were subjected to inhuman treatment. This case <sup>27</sup> is also commonly known as the Rohingya Genocide case and it is currently being heard by the ICJ. This issue was brought before the Court by the Republic of the Gambia which represented 57 members of the organisation of Islamic Co-operation in 2019. Aung San Suu Kyi calls this event an 'international armed conflict' caused by attacks by the Rohingyas on the government of Myanmar. Abdulqawi Ahmed Yusuf presided over the case and asked Myanmar to deploy every possible measure to stop genocide.

#### Russia-Ukraine conflict<sup>28</sup>:

This case was introduced before the ICJ in 2017 and it culminated in 2024. It was a contentious case. This case was submitted before the ICJ by Ukraine. It was regarding Russia's invasion of Ukraine. This case also involved allegations of genocide by both parties. Ukraine contended that Russia made false allegations against Ukraine. Contentious issues were also regarding the application of the International Convention for the Suppression of the Financing of Terrorism (ICSFT) and the International Convention

on the Elimination of All Forms of Racial Discrimination (CERD).

The ICJ delivered a landmark ruling in this case on 31<sup>st</sup> January 2024. The ICJ acknowledged the blatant and ongoing violations of international law by the Russian Federation. The ICJ found that the Russian Federation failed to investigate the matter of terrorism financing and the suppression of Ukrainian language and culture in Crimea. It was also found by the Court that the Russian Federation violated the provisions of the ICSFT and the CERD. This case was about allegations of violations of international law.

However, besides acknowledging the violations of international law by the Russian Federation, the ICJ did not provide any further remedy to Ukraine.

The ICJ found that Russia failed to prove that it took enough measures to stop movement of funds to Ukraine for the purpose of terror financing.

Orders of the ICJ also included the following:

The ICJ had ordered the Russian Federation to assist Ukraine in criminal investigations into allegations of terror financing.

The Russian Federation was asked to pay financial damages to Ukraine for the harm that the Ukrainians had to suffer.

The Russian Federation was asked to pay moral damages to Ukraine.

The ICJ also asked the Russian Federation to comply with the measures ordered by the Court in 2017 i.e. lifting of ban on activities of the Mejlis of Crimean Tartan People and facilitating education in the Ukrainian language.

<sup>26</sup> Available at:

[https://en.m.wikipedia.org/wiki/Rohingya\\_genocide\\_case](https://en.m.wikipedia.org/wiki/Rohingya_genocide_case) (visited on January 20, 2026).

<sup>27</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) (Preliminary Objections)* [2022] ICJ Rep 178.

<sup>28</sup> *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) (Judgment)* [2024] ICJ Rep 166.



Jadhav's Case (India v. Pakistan)<sup>29</sup>:

It was contentious case regarding the detention and trial of Kulbhushan Jadhav, an Indian national and naval officer, in Pakistan. Jadhav was awarded death penalty in 2017 by Court Martial in Pakistan. The ICJ passed its decision in favour of India in July 2019. It ruled that Pakistan violated the principles of the Vienna Convention on Consular Relations (VCCR). The ICJ found that Pakistan did not provide consular access to Jadhav. Pakistan was asked to review Jadhav's conviction and sentence. The ICJ found that India was deprived of its right to communicate with Jadhav when he was in Pakistan jail. Even the right to visit Jadhav during his incarceration was also denied to India. Finally, it was also observed by the ICJ that Pakistan denied India's right to facilitate India's representation for Jadhav.

This ruling by the ICJ had great significance in international law and denoted a landmark victory for India. Pakistan's Parliament then passed the International Court of Justice (Review and Reconsideration) Act, 2021 and it gave Jadhav the right to appeal against his conviction.

Apart from the Jadhav's case other important cases settled by the ICJ where India was involved are:

- Right of Passage of Indian Territory (Portugal v. India)<sup>30</sup>
- Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)<sup>31</sup>
- Aerial incident of 10<sup>th</sup> August 1999 (Pakistan v India)<sup>32</sup>
- Obligations concerning Negotiations relating to cessation of the Nuclear Arms Race to

Nuclear Disarmament (Marshall Islands v. India)<sup>33</sup>

Apart from these functions, the UN Charter and the Statute of the ICJ specified two more roles that would be played by the ICJ in course of its affairs. These roles include developing international law in a way that would reflect the perspectives of judges coming from diverse legal backgrounds from all over the world. These perspectives would be like obiter dicta i.e. it would emanate from the decision-making process of contentious cases before the Court and from its advisory opinions. Again, the ICJ has the responsibility of influencing state behaviours through the prospects of its adjudication of disputes. The ICJ's decisions would have an effect on national decision making in many instances within states.

**Limitations**

Over the years the ICJ has made a great deal of development. It has survived the ideological differences of the Cold War. It has achieved a deep sense of relevance and a very busy workload. The ICJ has lasted more than double the duration of the PCIJ and still it is showing no signs of decay. However, apart from just fulfilling its primary role of settling international disputes, the ICJ has a long way to go.

Some limitations of the ICJ may be listed as follows: First, in the present global order, there is no common philosophy that underpins complete trust for a single system of international law. It may be said that at times the ICJ operates in a very tense and hostile international environment.

Second, the autonomy of the ICJ is often affected by an impact of national sovereignty. Many states still

<sup>29</sup> *Jadhav (India v. Pakistan) (Judgment)* [2019] ICJ Rep 168.

<sup>30</sup> *Right of Passage over Indian Territory (Portugal v. India) (Preliminary Objections)* [1957] ICJ Rep 125.

<sup>31</sup> *Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan)(Judgment)* [1972] ICJ Rep 54.

<sup>32</sup> *Aerial Incident of 10 August 1999 (Pakistan v. India) (Judgment)* [2000] ICJ Rep 12.

<sup>33</sup> *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)(Jurisdiction)* [2016] ICJ Rep158.



decline to honour the compulsory jurisdiction of the ICJ. As per the fundamental tenets of international law and national sovereignty, states are not under any compulsion to abide by the provisions of international law. There are 193 members of the ICJ at present<sup>34</sup> but that does not necessarily indicate that they have automatically accepted the ICJ's jurisdiction over them.

Third, according to the UN Charter and the Statute of the ICJ, only nation states may be parties before the ICJ. Only countries can institute a proceeding before the ICJ and only countries may be defendants in a case. Indigenous people and ethnic groups possess no standing at the ICJ.

This limitation is one reason for establishing the International Criminal Court (ICC).<sup>35</sup> The ICC is also located in The Hague and it can hear cases against individuals who are accused of committing crimes.<sup>36</sup> It is governed by the provisions of the Rome Statute and it is totally separate from the ICJ.<sup>37</sup> Main purpose of the ICC is to prosecute individuals accused of war crimes and crimes against humanity like genocide.<sup>38</sup>

Similarly, major non-state entities like transnational corporations (TNC) and international Non-governmental Organisations (NGOs) cannot be made parties before the ICJ.<sup>39</sup>

Fourth, international law lacks an effective enforcement system. It is a major drawback that the ICJ suffers from. There is no 'police force' to follow up any decision of the ICJ. An issue from the ICJ that is referred to the UN Security Council is always subject to the veto power of its 5 permanent members.

For instance, Nicaragua had brought a case against the US before the ICJ regarding mining of its harbours. This happened in the 1980s. The matter was turning against the US and as a result it withdrew from the ICJ. Then the US exercised its veto power in the United Nations Security Council so that the decision of the ICJ could not be enforced against it.<sup>40</sup>

Fifth, an international court is not always a suitable forum for settling all kinds of dispute. Example, in the 1950s, Egypt did not agree the using of the Suez Canal for trading with Israel.<sup>41</sup> The US tried to refer the matter before the World Court. But both Egypt and Israel refused the jurisdiction of the ICJ in this matter. This was because neither side wished to risk a clear judgement against it. States often prefer a blurred decision.<sup>42</sup>

Sixth, the ICJ suffers from procedural lacunae. The procedure of the ICJ is inadequate. In municipal law the lower courts are tasked with dealing with the facts of the case, while, the higher judiciary interprets the law and ensures due process. The ICJ has to perform both these functions. When studied from this perspective, the system of the ICJ is still young and unsophisticated.

#### Conclusion:

International law has grown and made a huge impact in matters across the globe since the two world wars. The relevance of international law has reflected the increasing interdependence of the world. States have gradually realised the necessity of international law for facilitating global cooperation. In this respect the role of the ICJ has been remarkable. The ICJ has acted as a cohesive force in matters of settlement of disputes

<sup>34</sup> Available at: <https://www.icj-cij.org/frequently-asked-questions> (visited on January 20, 2026).

<sup>35</sup> *Supra* note 2 at 351.

<sup>36</sup> Available at: <https://www.icc-cpi.int> (visited on January 20, 2026).

<sup>37</sup> *Supra* note 2 at 351.

<sup>38</sup> Available at: <https://www.government.nl/topics/international-peace-and-security/international-legal-order/the->

[international-criminal-court-icc](https://www.government.nl/topics/international-peace-and-security/international-legal-order/the-international-criminal-court-icc) (visited on January 20, 2026).

<sup>39</sup> *Supra* note 2 at 351.

<sup>40</sup> *Supra* note 23.

<sup>41</sup> Available at:

<https://history.state.gov/milestones/1953-1960/suez> (visited on January 20, 2026).

<sup>42</sup> *Supra* note 2 at 351.



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between world powers. However, the journey is far from over. More awareness has to be manifested regarding the relevance of the subject. International law is a weak law due lack of proper enforcement mechanism.

Hence it still continues to be a neglected subject. More attention is required to be drawn towards international law and its allied matters like the ICJ. Academic institutions in countries around the world must mould their university and school curricula in such a way that students are properly educated in international relations and international law.

The matter of international law is paid little attention to even by the NGOs. NGOs often campaign on specific treaties but they do very less for codification and progressive growth of international law. Monitoring systems must be set up by NGOs to check how far governments are following or failing to honour their international obligations.

Governments need to be encouraged for accepting the compulsory jurisdiction of the ICJ. This could be possible through effective campaigning by salient organisations and entities across the globe. Since every type of international dispute cannot be mitigated by the ICJ, other peaceful means of settlement of disputes must be looked into. Introducing concepts of peace studies for resolution of conflicts must achieve a new dimension. To this end exhaustive campaigning and sincere efforts are required from every possible forum.

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