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Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)Platform & Workflow by: [Open Journal Systems](#)<https://doi.org/10.5281/zenodo.21309327>**Effectiveness of the International Court of Justice (ICJ) in Enforcing Compliance****Asmia Habib**

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This paper critically evaluates the practical effectiveness of the International Court of Justice (ICJ) in making its rulings with the international legal system. It examines the law underlying ICJ jurisdiction such as the UN Charter and the ICJ Statute, and considers the tools for incentivizing compliance such as self-compliance, reputation, diplomacy and national ratification. The study shows a lack of uniformity and strong contextual variation in conformance through selected cases covering Nicaragua v. United States, Cameroon v. Nigeria, Avena and more recent provisional measure cases. The results indicate that, although the ICJ does not have the enforcement powers to coerce, it can still play a role in shaping legal norms, influencing state action, and enable peaceful dispute resolution. The paper rather concludes that in considering ICJ effectiveness, one should look not at its enforcement abilities, but at its normatively authoritative and systemic influence.

This work discusses compliance, international law, enforcement mechanisms, the role of civil society, judicial authority, dispute settlement, international adjudication, and legal effectiveness, amongst others, in light of the International and Civil War Court. The International Court of Justice is discussed in the context of compliance, international law and enforcement mechanisms, state sovereignty, and judicial authority, among other topics, concerning the effectiveness of the legal system in international adjudication

Keywords: *International Court of Justice; compliance; international law; enforcement mechanisms; state sovereignty; judicial authority; UN Charter; dispute settlement; international adjudication; legal effectiveness.*

1: Introduction

One of the most basic aims of modern international law is to settle disputes in a peaceful manner. Established in 1945, the International Court of Justice (ICJ) is the primary judicial body of the United Nations, and has held a pivotal role in resolving inter-sovereign disputes (Al-Qahtani 2002). The Court is organized so that states can use the legal means to resolve their disputes without having to use force, in furtherance of international peace, security and the progressive development of international law.

This is an important issue for ICJ, and its success is subject to substantial academic discussion, especially regarding its ability to make judgments that result in compliance (Sarraf 2023). The international legal system is different from their domestic judicial systems, because in the latter there are hierarchical courts and executive enforcement bodies to assure access to justice, while in the international system the system is largely voluntary and lacks any hierarchy of courts and executive enforcement bodies.

The ICJ thus has no coercive powers, but rather consists of the voluntary compliance of states with respect to legal obligations. The Principle of Bona Fide's Application of ICJ Judgments is provided in Article 94(1) of the United Nations Charter through its command for member-states to abide by the Court's decisions as part of any case to which they are a party (Chapter et al. 1945). Additionally, when a judgment is not followed a second state, Article 94(2), has the right to be able to apply to the Security Council for recourse. But in reality, it has proven to be difficult to use since political factors can influence the enforcement of the Security Council's decisions, and its permanent members hold veto power (Couzigou 2017).

Questions of "compliance" are especially relevant because the "play by rules," legitimacy and authority of any judicial body is not simply based on its legal statements, but on how obedient it is to them. One of the problem areas highlighted at the ICJ is the lack of direct enforcement powers. Some of the key cases in which compliance has not taken place in the Court, especially in the face of displeased powerful states, are often attributed to weakness in the Court (Llamzon 2007a).

Modern scholarship, however, has increasingly been pointing to the need to gauge compliance with international judicial rulings not only by coercive enforcement methods. The findings below show that the states often acquiesce to international judgments due to reputational, diplomatic, reciprocity, domestic legal, and credibility motivations. Research reveals that states have been known to comply with the judgements rendered by international courts only to increase their reputation, secure diplomatic backing, promote reciprocity, satisfy domestic legal obligations, or uphold their credibility in the eyes of the international community (Madsen 2018a). Compliance thus comes about in a wider context of legal and political incentives, beyond the formal enforcement mechanisms.

The question of what impact the Court has had on the lives of people has come to the fore again recently. The armed conflict, allegations of genocide, territorial disputes and environmental protection cases have been the subject of international attention and important questions have been raised around the power of international judicial institutions (Alexianu 2025). The growing importance of advisory proceedings and provisional measures has also broadened the debates over the role of the ICJ in influencing state actions, even if strict obligations are not met straight away.

This paper considers critically the effectiveness of the International Court of Justice in enforcing compliance with its decisions. It reviews the legal environment for compliance, delves into enforcement options, looks at other precedent-setting compliance and non-compliance cases, and discovers the political and legal impulses pervading state action. Although the ICJ does not have traditional enforcement powers, it is an institution which can be evaluated in the context of international law and international relations, the paper argues.

2: Legal Framework Governing Compliance with ICJ Judgments

The capacity of the International Court of Justice (ICJ) to achieve compliance of its ruling depends upon the legal system in which it operates. The ICJ is part of a different set of rules—a global legal system with a distinct set of features—that operates within a different legal framework from domestic courts, whose enforcement relies on executive institutions but is quite decentralized. To understand the effectiveness of the Court, certain elements of the legal foundation for the binding nature of its orders, the state's obligation and the means available to deal with its failure to comply must be understood (Franck 1990a). The fundamental law of the ICJ lies in the UN Charter and the Statute of ICJ. The ICJ Statute is part and parcel of the Charter and the Court in accordance with its jurisdiction is the main judicial body of the United Nations on article 92 of the Charter (Sloan and Tams 2013a). The Court thus has a special place in the international legal system: it is independent and attached to the United Nations system. The main task for the Court is to decide legal disputes submitted by States, and it may give advisory opinions on legal questions put to it by organs or agencies of international organizations under the authority of those organizations.

One of the basic rules used to evaluate ICJ judgments is that ICJ decisions are only binding to the parties to the specific case before the ICJ and only for the case before the ICJ as stated in Article 59 of the ICJ Statute (Trindade 1945). This is in recognition of the consensual principle of international adjudication. States have a treaty obligation, or declared under the optional clause of the treaty, or entered into specific agreements that bind them. The jurisdiction of the ICJ is, in the main, consensual, unlike the domestic court systems where jurisdiction will be compulsory on the basis of subject-matter or jurisdiction.

The force of binding of an ICJ decision is further strengthened by article 94(1) of the United Nations Charter that states that “each member of the United Nations undertakes to take the measures necessary to give effect to [the judgment] in the case before the Court to which it is a party” (Schrijver 2006). This provision puts into effect the obligations of compliance from mere expectations into something mandated by international law. What is significant about Article 94 is the clear indication that, in the eyes of the Court, judgments constitute “enforceable legal obligations” for the states that choose to participate. This, in theory, renders a state which refuses to comply to an ICJ judgment guilty of breaching not only such ruling but also of the obligations imposed on it by the UN Charter.

The Charter also tries to solve the issue of non-compliance with Article 94(2) which allows a party to submit a matter before the United Nations' Security Council if the other party's non-performance of obligations occurs under a judgment (Gowlland-Debbas 2021). The Security Council can then make recommendations or choose to take measures to implement the resolution. A cursory inspection of this provision might non mislead people into thinking that they were gaining an enforcement mechanism similar to the domestic model of executive enforcement. In reality, however, it has proven to be less effective. The Security Council's powers often are hampered by political preferences, pacts and vetoes

held by the permanent members of the Council. Until now, Article 94(2) has rarely proved to be a useful instrument to make people comply.

A central question of the law is to what extent do judgments differ from advisory opinions and provisional measures? In contentious matters judgments issued are binding on the parties involved (Thirlway 2016). Advisory opinions, on the other hand, are generally non-binding, since they are aimed at helping United Nations organs or specialized agencies in their interpretation of legal issues and not in the resolution of differences between States. However, advisory opinion documents have important legal and political content, and can potentially shape a state's actions, the interpretation of treaties and the evolution of customary international law.

Provisional measures have undergone extensive development in their legal standing over time. Previously, it was uncertain if provisional measures under Article 41 of the ICJ Statute have a legal nature. The Court's decision on *LaGrand* (Germany v. United States) in 2001 essentially established that provisional measures impose binding legal obligations on the parties (Romano 2016). It was because of that recognition of binding provisional measures that the Court was further empowered to safeguard the rights in anticipation of a final judgment and the development of its general jurisdiction in the international legal system were given a boost.

A key part of compliance is the notion of 'good faith.' The provision that states hold up their end of the deal is a commitment states are obligated to exercise in good faith, as enshrined in Article 26 of the Vienna Convention on the Law of Treaties, in international law. The ICJ does not have a power to enforce its orders, but the rule of good faith makes it very likely that states will comply with its rulings in an honest and effective way. It is nearly a commonplace, if not one of the most fundamental premises of comity in the international legal system, as several scholars would go so far as to say (Franck 1990b).

Besides, nowadays international law has begun to treat as valid ways of compliance not only direct but also indirect legal channels. The implementation of ICJ decisions is often affected by domestic courts as well as legislative bodies, regional bodies, and international diplomatic activities. However, compliance must be measured not just based on formality aspects of compliance through Article 94. It does not, however, capture all the jurisprudential, legal, political, and other forces that make it more likely that a state will respect judicial decisions (Sloan and Tams 2013b).

Legal systems have provided the basis for government action, but there are still many obstacles to overcome. The ICJ does not have any compulsory jurisdiction over all states, direct enforcement powers or sanctions mechanism. This means that the Court's power rests largely on the obedience of subjects and the favoritism of the rulers for its actions, and as a result, critics state that the Court's power relies on compliance and politics. It is important to note, however, that the law on compliance shows that ICJ rulings are not inherently "doing judgments. It is worth pointing out, however, that the law on compliance makes it clear that the ICJ is not a do-judge. These are legally binding obligations that result from the principles of international law contained in the UN Charter, the Court's Constitution and international law generally. The communities' normative framework, supplemented by legal and political constraints, is ultimately key in the success or failure of the provisions.

3: Mechanisms of Enforcement and Compliance

The International Court of Justice has a unique role in the international legal system. It does not have any central enforcement powers that can force obedience by means of coercive measures as does the domestic court. However, if it is to be accepted that the Court, which lacks a specific enforcement

regime, is of little value, then it is impractical to proceed with this study. If this is the case, though, and the Court, which has no specific enforcement powers is of little value, then a study of this type is impractical. The compliance mechanisms that ensure the enforcement of ICJ judgments include: legal requirements, political incentives, diplomatic pressures, domestic implementation mechanisms, and reputation. To assess the actual impact of the Court on state action, and the overall effectiveness of international adjudication in general, it is imperative to grasp these processes (Madsen 2018b).

Voluntary compliance with an obligation under international law is the most important support to the "mechanism of compliance. International law assumes that, typically, states faithfully fulfil their stipulations since it helps to enhance stability, predictability and mutual cooperation in the international system (Koh 1997a). The bulk of the cases that reach the ICJ have been brought by two parties which both had agreed to the Court's jurisdiction and had shown an interest in settling their differences by means of the law. As such, much of the judgment is put into practice without any outside pressure. Compliant behavior may demonstrate a state's awareness that its own compliance issues, in turn, enhance its image as a good citizen in the international community and the legitimacy of international legal institutions in general.

The notion of legitimacy is tightly linked with voluntary compliance. International court rulings have sparked debate as to the factors that make states comply with such rulings, and the fact that states often do comply should not be forgotten, in that they see the international institutions from which the rulings are derived as legitimate and authoritative (Guzman 2008). The legitimacy of the ICJ comes from its status as the United Nations's main judicial body, the expertise and independence of its judges and its unwavering adherence to the legal principles. If states feel the decisions are just, and come from a legal process, they are more likely to abide even if it is a politically unpalatable ruling. This has shown that law consent is more likely driven by acceptance of legal authority than by coercion.

Reputational elements are also very important in the promotion of compliance. States exist in an interdependent international world where trust and credibility impact on international relations, treaty talks, foreign investment and membership in international organizations (Downs and Jones 2002). A non-execution of an ICJ judgment could ruin a state's reputation and loss of faith in the state's commitment to international law. It is often calculated that the real expenses of not complying are higher than the "short-term political advantages of standing up for an unfavorable decision." It is especially important for those states that want to assume a leadership position in international institutions, or which depend on diplomatic and economic ties to a great degree.

Another compliance tool is through diplomacy pressure. Once a decision is rendered by the ICJ, states often are pushed into complying with the Court's ruling by other states, international and regional organizations, as well as civil society groups (Helfer 2017). These actions could involve negotiations, public speeches, resolutions, mediation or joint political campaigns meant to secure compliance. These have no coercive force as would be associated with their use at home, but can have a significant effect on state behavior by raising the political cost of not complying. Diplomatic pressure has helped in many cases in negotiations for settlements and steps towards realization of judicial verdicts.

The United Nations Security Council is the one official body explicitly named in the UN Charter with a mechanism for enforcement. If a party fails to uphold an ICJ ruling, according to Article 94(2), a state may refer a case to the Security Council. If a party does not uphold the ICJ decision, Article 94(2) provides a right for a state to refer the case to the Security Council (Hurd 2014). The Council can then make any

recommendations or determine any measures that it should take to ensure that the judgment is obeyed. Although it looks important, this mechanism has been rarely successfully put to good use. Various considerations of politics can often stand in the way of collective action, especially if a permanent member of the Council is involved in the dispute or is supporting the non-complying state. The *Nicaragua v. United States* case was typical of how the Security Council's actions are constrained by political realities even in the face of a goodwill decision. Thus, scholars consider Article 394(2) to be symbolically strong, but practically weak.

The mechanisms of implementation often are more effective at the domestic level than international enforcement procedures. Enforcement of ICJ rulings often involves national court, national legislation, executive or administrative bodies (Benvenisti and Downs 2009). Any rules, policies, laws, or agreements that governments may make to carry out their duties under a judgment. The support of international law within domestic institutions can have an important influence on compliance rate. Judicial independence is more conducive to promoting effective implementation of ICJ judgments in states that have robust constitutional foundations for international obligations. On this aspect, domestic legal frameworks act as important mediators between international adjudication and real-world enforcement.

Regional and international organizations are another means to encourage compliance. The monitoring of state action, the ability to provide technical assistance and convene, and bring in regional political bodies and other organizations, such as the United Nations, may encourage implementation (Madsen 2018c). Whilst these institutions do not typically have direct enforcement powers, they are an important element in creating the political incentives under which compliance is more appealing and non-compliance more expensive. Their involvement may also assist in raising awareness and transparency in the implementation of the judicial decisions.

Indirect compliance mechanisms have been bolstered, in turn, by the increasing influence of international public opinion and transnational civil society. The monitoring of state practice following international judicial decisions has become more a feature of the activities of nongovernmental organizations, academic research institutions, and media and advocacy networks in recent years (Koh 1997b). Judicial oversight can produce political leverage against the government, especially in the case of democratic governments where leaders might be concerned about issues of international condemnation and legal liability. These effects have been blown out of scale with modern communication technologies that permit information to be distributed quickly about compliance/non-compliance.

Impact of economic factors on states could also be relevant. A failure to comply could have indirect consequences on the economic cooperation between states and international financial flows, on the level of development assistance, and on a state's economic relationship with other actors in the international system. A state's failure to comply could impact its relationship with other actors in the international system, including trade relations, investment flow, development assistance and other forms of economic cooperation. Therefore, often there are additional economic pressures to complement legal and political pressures.

Yet although these mechanisms exist, there are problems with enforcement, and they vary from time to time and place to place according to local politics. The stronger a state is, the more it can withstand negative ratings, the more it can withstand the payment of the expenses, a more powerful state, the

more it can withstand the expenses laid on it, while the weaker state may have a much more pronounced urge to accede to such obligations. However, today, because of binding rules, security, reputation, it is also possible today – through domestic implementation and worldwide monitoring - for the ICJ to become more effective than it may have hoped to be, and have a mechanism which would have been entirely ineffective without any coercive powers. The Court's authority is not to the extent imposed by force but through a rich combination of normative and political mechanisms that promote states' compliance with international law and promotion of judicial rulings.

4: Case Studies of Compliance and Non-Compliance

It is not possible to evaluate the effectiveness of the International Court of Justice solely by looking at its legal structure and/or its enforcement mechanisms. The real behavior after judicial rulings should be taken into account in a more accurate assessment. There has been a mixed track record throughout the Court's history. Many states have succumbed to judgments despite the need to pay a political and territorial price, while others have defied judgments, especially when they felt that their interest in the country was involved. This section reviews a few of the landmark cases that highlight the extent and restrictions of the ICJ's powers and offer guidance on some of the issues impacting acceptance.

4.1 The Corfu Channel Case: Early Compliance Through Diplomatic Settlement

Today, the pre-war Corfu Channel (United Kingdom v. Albania) case of 1949 is the first important case decided by the ICJ that is contentious and became the framework for assessing how to treat the expenses of state assistance. In 1949, the ICJ, through the Corfu Channel (United Kingdom v. Albania) case, provided the template for determining the treatment of state expenses when involved in state assistance. The conflict broke out when British naval vessels, accusing of setting naval mines in territorial waters and causing heavy damage to the Albanian vessels, took a lot of casualties and damage. The Court found that Albania did not notify other States of the presence of mines, and ordered payment of compensation to the United Kingdom (Rosenne and Shaw 2016a).

The conflict had to be postponed for several decades till the end of the Cold War when it was peacefully settled through diplomatic negotiation. Finally, compensation was paid following general political normalization of the parties (Kabirou 2024). Compliance can happen even if it couldn't be done immediately in the case. Delayed compliance isn't necessarily a sign of judicial inadequacy but may reflect a message that ICJ decisions can have considerable legal and political force for a long time.

The Corfu Channel case further set an important precedent on state responsibility and the view of judicial rulings in the absence of an enforcement mechanism in place, that it can aid in long-term dispute settlement. Finally, the eventual settlement had propped up the power of the Court and shown the longlasting impact of their decisions in international relations.

4.2 Nicaragua v. United States: The Classic Example of Non-Compliance

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States) is cited more often than any other case when speaking of the effectiveness of the ICJ (Kabirou 2024). In 1986 the Court finally decided that the United States was in breach of United Nations law in supporting Contra rebels and mining Nicaraguan ports. The Court instructed the United States to put an end to its illegal actions and to give reparations.

The United States subsequently declined to voluntarily submit itself to the jurisdiction of the Court, its compliance with the judgment under compulsory jurisdiction under Article 36(2) of the Statute of the ICJ, and the jurisdiction of the ICJ in general (Glennon 2003). Nicaragua then asked for the United Nations

Security Council action under Chapter IV of the UN Charter, Article 94(2). The Council, however, was pretty powerless to take action with the U.S. as a Council member, since it was a permanent member. What seems to be a complete fiasco of international adjudication from a first look. The Court's judgement was legally-binding but the respondent state blatantly ignored it without giving any direct penalty. It is often used as a criticism of the ICJ's lack of any enforcement mechanisms when challenged by the great powers (Ginsburg and Schoppe 2025).

When analyzed more carefully, though, the effect is greater. The judgment had proven to be powerful politically for diplomacy, in public opinion across the world, and in legal norms on the legal prohibition of force and intervention. However, for many scholars, the failure to comply on the spot did not stop the ordeal impacting international law and the United States' international image, as it is widely believed that it provided a crucial impetus to the formation of international law, and hurt the international reputation of the United States (Kriener 2025). The case, thus, portrays the restraints, as well as the covert impact of the Court.

4.3 Avena and Other Mexican Nationals: Domestic Obstacles to Compliance

In *Avena and Other Mexican Nationals* (Mexico v. United States), the Court considered that United States' "compliance failures" with the Vienna Convention on Consular Relations in arresting and detaining numerous Mexican nationals without notifying them of their rights to consular assistance violated that Convention. The Court set aside and remanded for review and reconsideration convictions and sentences tainted by these violations.

The Federal government actually promised and had even asked State government officials to put into practice part of the judgment. However, certain constitutional challenges arose. The United States Supreme Court in *Medellín v. Texas* (2008), determined that ICJ rulings were not binding in domestic law without any implementing legislation by Congress (Rosenne and Shaw 2016b).

This prevented the acceptance of the Court's compliancy by the federal government, although it was formally accepted. As the *Avena* case shows, opposition may stem from domestic legal barriers and the constitution, and not just from politics. It emphasizes the role of national institutions for translating the international commitments into actual implementation.

The case also demonstrates the need to consider compliance as a process and not just an "on and off" switch. Although a full effect on the law was not realized, the decision led to changes in the law, law study, and increased attention to the rights of Consuls in the United States.

4.4 Cameroon v. Nigeria: A Model of Successful Compliance

The most often referred to successful compliance is the *Bakassi Peninsula* case (p. 151 of Patel 2014) which concerns the Land and Maritime Boundary between Cameroon and Nigeria (Patel 2014). Even though Cameroon had been administered by the Nigerians for long and there was domestic opposition within Nigeria over the sovereignty of the Bakassi Peninsula, the ICJ gave the land to Cameroon in 2002. The case featured some very sensitive territorial and political questions which had the great danger of rejection. But both states reluctantly agreed to the Court ruling and began trying to work out a compromise with the help of the U.N. Nigeria earlier signed the Greentree agreement of 2006 which stipulated the withdrawal of its military and administrative structures from the territory (Akpan and Onya 2018).

One of the most important achievements of international adjudication is considered to be the successful processing of the judgment. A number of things helped to lead to compliance, such as persistent efforts

by diplomats, United Nations brokers and regional powers and both government's reluctance of using military force (Thakur, Thakur, and Schnabel 2001).

It is true to say that even the most politically-charged territorial disputes can be disposed of judicially, provided appropriate diplomatic avenues are followed. It offers good credence that a successful facilitation of peaceful dispute settlement and considerable compliance rate is possible in the ICJ under conducive political situations.

4.5 Contemporary Cases: Ukraine v. Russian Federation and South Africa v. Israel

Recent events have breathed new life into a global debate about the effectiveness of the ICJ, including the issuance of provisional measures in armed conflict situations and humanitarian crises.

Please note that in *Ukraine v. Russian Federation*, the case was brought by Ukraine after the Russian invasion in 2022, and Ukraine had asked for provisional measures, including a suspension of Russian military actions, to be issued. Please note: in *Ukraine v. Russian Federation* the proceedings were initiated by Ukraine after a military invasion by Russia in 2022 and Ukraine requested provisional measures, among others, for the suspension of military operations by Russia (Wyrozumska 2022). The Court gave its consent and ordered the Russian people to disarm militarily. But Russia failed to do so, and once again raised the usual doubts about the Court's power to force the changes of the strategic military policy of strong states.

The proceedings have nevertheless had many diplomatic and legal implications, even if they have not been directly in line with the strict compliance. The judgment has been cited many times by different countries and international or United Nations institutions as proof of the illegality of Russia's actions (Fedorenko and Fedorenko 2022). Therefore, although not always enforced on the spot, the Court has, as a consequence, helped to clarify the norms and in so doing, helped to increasingly hold states to account for their failure to observe the norm.

Likewise, in *South Africa v. Israel*, relating to claims under the Genocide Convention, the Court ordered provisional measures ("reasonable measures to be taken") that should include actions to prevent genocidal acts and improve the situation of human suffering (Becker 2024). Unprecedented international interest in the proceedings, and a greater debate on the legal responsibilities of States during armed conflicts.

There is still a degree of uncertainty and change regarding assessment of compliance. It shows, however, just how important provisional measures are becoming as tools to affect the international debate and state actions. In some places, full compliance is still not guaranteed but the litigious process reveals the Court's ability to construct law narratives, draw public and international criticism, and strengthen norms.

4.6 Comparative Assessment

The chosen cases illustrate that in terms of following ICJ rulings, there is no dichotomy between doing what they say and neither doing or not doing what they say. The case of the disputed Corfu Channel and disputed Bakassi Peninsula serves as examples of good or ultimate performance, while Nicaragua highlights the power of politics over the power of the courts. The Avena case is an example of the role of domestic legal systems, while the Ukraine and South Africa cases illustrate the ongoing interest of the Court in today's international crisis.

The cases considered collectively, they show that the effectiveness of the ICJ could not be judged by its direct enforcement activities only. The Court has no coercive authority but its rulings often affect diplomacy; they have a beneficial effect on international relations and norms, they ease the tensions

between parties to a dispute that falters or requires alternative resolution processes, and they create political pressure for more or less compliance. The suggested model of effectiveness therefore suggests a very different concept of 'effective', one that includes not just legal implementation but also greater normative impact.

5: Factors Influencing State Compliance with ICJ Decisions

International Court of Justice (ICJ) decisions will not be judged on the basis of a single legal rule or a single enforcement mechanism! Rather, it is a product of the interaction of political, legal, institutional and normative context shaping state action in the international system. Although ICJ has binding decisions to make, it is in the state's self-interest, self-necessity and/or self-autonomy to make them adhere to the decisions taken. Some of the most crucial factors influencing compliance are legal requirements, power imbalances, domestic institutions, reputational issues, and issue-specific factors (Jones 2012a).

5.1 Legal Obligation and Consent-Based Jurisdiction

This is more of an obligation than about consent-based jurisdiction. This is more obligation than consent based jurisdiction. The first principle of ICJ is that of consent. Under the principle of accepted jurisdiction, the Court only has jurisdiction if the states specifically consent to it in treaties, special agreements or Article 36(2) of the ICJ Statute to accept such jurisdiction (Scott and Carr 1987). This consensual basis leads to great expectations that States will accept judgments because they have 'run afoul' of them. Legally, conforming is thus not only a political one, but also a violation of the international commitment given in the United Nations Charter, Article 94.

But the fact that something is required by law does not ensure that it will be adhered to. States voluntarily submit judgments to a government of a higher authority, but have authorized sovereignty and discretion in their interpretation of the consequences of judgments. This puts pressure on the question of the legal bond and the political freedom. Consequently, compliance tends to be selective and favors those friendly issues that capture the immediate will of influential actors and are not deemed to be threatening in other respects, including territorial, national security, and regime protection.

5.2 Power Asymmetry and Geopolitical Influence

In the international system, distribution of power is one of the most important factors which influences compliance. Empirical research indicates that it is easier for weak states to implement ICJ rulings than strong ones, at least when it does not affect or pose threat to core national interests (Llamzon 2007b). On the other hand, the big powers can withstand negative decisions because of their political, economic and military power.

In the Nicaragua v. United States case, the most obvious example of this dynamic occurs when a powerful state would consider it incompatible with their strategies to abide by ICJ decisions (Jones 2012b). But, when it comes to non-compliance, it is not always the power-scorer who will be non-compliant. In a few cases, powerful states could yield to a directive to keep the legitimacy they are seeking, keep their allies, or try to avoid questionable long-term reputational damage.

The end result is that power inequities are determinant of compliance but not in a deterministic way. On the contrary, it comes into contact with legal and institutional limitations, which can accentuate or reduce the impact of such actions.

5.3 Domestic Legal and Political Institutions

Domestic institutions are pivotal in the process of making the international commitments into the reality of compliance. In dualist legal systems, nothing happens to ICJ decisions automatically, they are not legally binding on the land or subject to implementation through legislation and executive fiat (Staton and Moore 2011). Monist systems, by comparison, could enable it to be possible to incorporate international judgements in domestic law in a direct way, which would make the compliance easier.

The influence of Judiciary, constitutional profile and interrelation between executive and legislative branches of government are significantly related to implementation. Avena and Other Mexican Nationals is such a case wherein the U.S. Supreme Court ruled that rights adjudicated by the ICJ were not self-executing in U.S. law, thereby restricting its ability to enforce the ruling at the state level (Kirgis 2008).

But the same is true of domestic political concerns. Resistance from the ICJ is not the deciding factor – and it is politically expensive for governments whose well-being is linked to election outcomes or who struggle with opposition on electoral grounds or from within their institutions to abide by ICJ rulings where the law is clear. However, states with well-developed methodology of rule of law and independent judiciaries are more compliant.

5.4 Reputation, Credibility, and International Standing

One of the most important mechanisms of compliance under international law has to do with the reputation of States. The price of reputation is enhanced for states who are willing to be considered dependable partners who honor contracts. Failure to comply could lead to loss of credibility in future negotiations, lessen the force of treaties, and provide less influence in international bodies (McLaughlin Mitchell and Hensel 2007).

A vital way in which the ICJ aids in this reputation system is by articulating in public the legal obligations and making known any breaches of international law. Judicial findings can mean political and diplomatic costs to states that don't comply even if they do so despite the absence of enforcement. This applies especially in the multilateral side where states rely on one another to cooperate in areas of trade, security, and diplomatic engagements.

Reputational damage may be a factor in non-compliance; while short term political advantage might make it more attractive, the cumulative effect of the reputational damage may be more significant to the state. Thus, it is often a matter of strategy and not simply law when it comes to compliance.

5.5 Nature of the Dispute and Sensitivity of Issues

Dispute topic has an impact on compliance results. ICJ cases dealing with the issues of existence or territory, like armed conflict or territorial sovereignty, are less likely to result in compliance than those presenting technical legal questions like the interpretation of treaties and how they are being executed (Coutinho 2026).

However, territorial issues are among the most contentious and challenging areas of compliance, for example as closely aligned with aspects of national identity, security and political legitimacy. Countries in highly sensitive territorial conflict are capable of complying as in the Bakassi Peninsula scenario only with a sustained diplomatic squeeze and through negotiation.

On the other hand, when the alleged problems concern human rights violations or force, resistance can be seen when a conization of political measures has to be made and/or guilt needs to be acknowledged.

5.6 Role of International Institutions and External Pressure

Compliance behavior is also influenced by the International Institutions, such as the United Nations, the Regional Organizations and the Allied States. To make implementation of ICJ rulings politically costly, diplomatic pressure, mediation, and collective statements can be used to pressure non-compliance of ICJ rulings (Abdulyakeen 2022).

The Security Council, however, is not an effective enforcement mechanism because it is often constrained by politics and due to the fact, it can be wielded through the veto practice by members of the Security Council. However, there is wide-ranging institutional networks, most notably in the UN system and in the regions, that have a less direct influence on compliance but by maintaining diplomatic relations and overseeing the implementation.

Compliance is also helped by NGOs and transnational advocacy networks, which help to raise awareness of international opinion and put incidents on the agenda. Multi-layers of governance are more likely to affect compliance, rather than one enforcement authority, in current international relations.

5.7 Normative Commitment to International Law

Lastly, there is the factor of state internalization of international rules. States are more inclined to abide by ICJ decisions when they are politically unfavorable when it comes to states with an identity of international law (Surekha 2021). This was a "normative commitment" that goes beyond the socialization in international legal culture, typically resulting from treaty membership, diplomacy or involvement in multilateral institutions.

The pressure to be 'normative', that is to assume a leading position in the international legal order or intensively use multilateral cooperation particularly surfaces in states that steer towards becoming 'leaders' in the international legal order. Where this occurs, it will be a challenge not only for the state to comply with ICJ decisions, but also to demonstrate legal identity and the will to govern by the rule of law.

The analysis shows that ICJ rulings influence compliance in a multifaceted way influenced by the legal obligation, power dynamics, institutional structures at home, reputational incentives, nature of the dispute and other normative commitments. It's not one or another, it's all. Bear in mind, however, that compliance is a product of several interacting reinforcing and/or competing influences. This poly-dimensional approach helps to explain the fact that, in some instances the ICJ is very successful in achieving compliance, while in others it meets with resistance, even though international adjudication is a legal process.

6: Critical Evaluation of the ICJ's Effectiveness

It is hard to judge the success of International Court of Justice (ICJ) efforts at imposing compliance in a binary framework of failure or success. The ICJ is distinct from domestic courts in having to function in an international legal order which is decentralized and which is underpinned by the rule of sovereignty. Therefore, it has to be judged on the basis of several criteria: direct compliance with judgments, indirect effect on the behavior of the states, contribution to the development of the law, and stability of the system as a whole. An ICJ seen from this wider perspective, is part effective in times of sanctioned democracy, but part ineffective in times of unsanctioned constitutional or pacific revolution, and part ineffective too when it lacks institutional engagement on its institutional issues and in its legal sense, or when it is being solicited by a regime that neither believes in, nor contributes to, its operating rules (Stephens 2022).

6.1 The Enforcement Deficit Thesis

There is a dominant strand in the scholarship which views the ICJ as one that has 'enforcement deficit' (Popović 2022): it issues legally binding decisions but doesn't have a means of enforcement (Popović 2022). This critique is based on the point of observation that ultimately, compliance can only result from the willingness of the states, not from institutions. The fact that the Court does not have an international executive power to enforce its decision makes its power structure very weak compared to that of domestic ones.

This structural limitation is often cited as *Nicaragua vs. the United States*. In these cases, the Court's jurisdiction seems to be challenged by firm states' opposition, leaving one to wonder the effectiveness of Court decisions. In this way, the ICJ is perceived as a judicial body with "jurisdiction" (authority) that outweighs its "control" (enforcement).

But at the analytical level the enforcement deficit thesis is incomplete because it fails to explain fully the reasons for the deficit. It seeks to count coercion as the sole measure of and clearly overemphasizes its importance as a measure of judicial effectiveness, which does not always correspond with the way international law works

6.2 Beyond Coercion: Normative and Behavioral Effectiveness

There is a more subtle procedure that considers effectiveness of one approach in terms of behavioral change and normative influence instead of coercive enforcement. In this context, the ICJ plays a role in compliance by agenda setting, legal clarification and normative reinforcement (Lovat 2020). States rarely refuse to abide by judgments issued by the Court, but do so instead submit diabolical commentaries, changes in legal arguments, or policy adjustments in their own home countries based on the Court's reasoning when appropriate.

In point of fact, the case law of ICJ has given an integral dimension to the development and understanding of customary international law, for example, in the fields of state responsibility, use of force and interpretation of treaties. These contributions are not limited to any particular disputes, and shape the larger framework of international legal norms.

Furthermore, provisional measures and advisory opinions are more and more used to convey signals of the law. However, even in instances of political sensitivity, states will not simply reject ICJ rulings, but interact with them rhetorically, legally and diplomatically: this is an example of the fact that, even if states do not have the capacity to enforce it, the Court still possesses a certain normative authority (Zhang 2026).

6.3 Selective Compliance and Political Context

Likely, however, it is not easy to comply with the ICJ, as there is empirical evidence that this is not uniformly true. Judgments will be respected by states when they are politically in favor, when the costs of not complying are high, and when domestic institutions allow the implementation of the judgment. By contrast, compliance is less likely where the interests are "core security," "territorial sovereignty," and/or "existential political," interests (Dursun, Amani, and Yawar 2025).

The characteristics of this pattern show that the case of ICJ is not totally legal but has been constrained by politics. The Court is not considered a secluded legal tool, but a tool integrated into a larger international legal regime with legal decisions influenced by negotiations, maneuvers, and institutional twists and turns.

But most importantly, selective compliance does not harm the effectiveness of the Court. Rather, it shows the context in which international adjudication functions; the reality of its boundaries. The ICJ is not an instrument for removing the political influence but rather for putting it in the legal prism and into the mechanism of dispute solving with structures.

6.4 Structural Constraints and Institutional Limitations

The ICJ has been hampered by a number of limiting structural constraints in its enforcement power. First, jurisdiction rests on consent: If the states allowed the Court to have jurisdiction over them, then states have a lot of control over whether they are subject to the Court's jurisdiction. Second, compulsory enforcement mechanisms are not in place, meaning that it becomes dependent on external actors - primarily the United Nations Security Council that is also politically limited by the occurrence of vetoes (Amr 2021).

Third, there is a lack of monitoring and sanctions for non-implementation in the Court. The ICJ has no supervisory system of the type found in other regional courts, like the European Court of Human Rights. This makes it difficult to monitor and make sure the action plan is followed for the long term.

These limitations also imply that the ICJ was not meant to be a vehicle for making declarations to be implemented by means of force. It rather represents a compromise among judicial power, state sovereignty and the overall structure of the United Nations system.

6.5 Indirect Effectiveness and Systemic Value

However, the ICJ can still play a valuable role in international legal order, for all its shortcomings, in contributing to the stability and predictability of it. It gives authoritative interpretations of international law, helps to clarify the law in international relations, and proposes set procedures to solve conflicts peacefully (Hart 2025).

Oftentimes, ICJ proceedings help in reaching a settlement even before final judgment. States typically engage in negotiations and the alteration of behavior or compromise in order to prepare for judicial resolution. This "shadow of adjudication" phenomenon shows that the effect of the Court is not just in terms of what happens during the actual enforcement procedures.

Besides, ICJ is very important for the legit institutionalization of international law. The Court's decisions offer fair and principled rulings based on the law, reiterating the importance of settling conflicts between peoples and states through the rule of law. This normative contribution is even more relevant in a broken international system where the political tends to prevail.

6.6 Overall Assessment

The ability of the ICJ to ensure compliance is on the patchy and conditional side. It is extremely successful in fostering legal thinking, "rule writing" and self-regulation in less charged political conflicts. But it doesn't work as well when it's a high stake or high-power element.

Seeking to understand this in the context of traditional design constraints of international adjudication is more appropriate than as an admission of institutional inadequacy; it is more the product of the latter than the former. The Court's authority is not binding; it is based on legitimacy, consent and legality rather than on coercion.

The ICJ should therefore be judged not as a 'weak' domestic-style court, but as a 'hybrid' court, set up as a law body that belayed in the political arenas. The ICJ should, therefore, not be assessed as a weak domestic-style court, but as an intermediate legal-political body that could act to shape behavior from

“outside”. Even within these limits, the Court is still central to the international legal order, although it is certainly not as powerful to enforce as it could be.

7: Recommendations

The foregoing analysis provides the basis for several Recommendations to strengthen the support ICJ provides to compliance:

1. Strengthening Implementation Mechanisms within the UN System

The Security Council of the United Nations (UN), under Article 94(2), has been infrequently successful in its use. A less politicized and informal approach to the follow-up on ICJ judgments, even if such states lacked formal enforcement mechanisms, would enhance the possibility of achieving compliance monitoring.

2. Enhancing Domestic Incorporation of ICJ Judgments

States have the need to define clearer mechanisms at the legislative and constitutional level for putting ICJ's decisions into practice. Incorporation locally would decrease the political discretion and enhance standard of compliance.

3. Expanding Advisory Jurisdiction and Clarification Functions

More frequent advisory opinions likely could help clarify the law and decrease future arguments, because of the Court's significant impacts on future cases. Advisory hearings can serve as early resolution mechanisms to achieve compliance by helping to resolve obligations before conflict arises.

4. Strengthening Coordination with Regional Courts and Institutions

Better institutional links between ICJ and regional judicial institutions would help to strengthen compliance via a multi-level enforcement network, especially in human rights and boundary disputes.

5. Promoting Legal Awareness and Capacity Building

Increased access to ICJ jurisprudence among local practitioners, legislators, and judicial institutions will aid in the integration and willingness to comply with international law obligations beyond the confines of the High Court. Accessibility of ICJ jurisprudence to judicial procedures, practitioners, policy makers and institutions at the local level will facilitate the local internalization and allowance to comply with international legal obligations, other than before the High Court.

8. Conclusion

The International Court of Justice is a special place in international doctrines. It can be both legal wisdom itself by projecting legal concepts and low latitude by failing to guarantee compliance by any means. This study would illustrate that there is a need to analyze the effectiveness of the Court with a lens other than the enforcement. The ICJ is unique in that it works in a decentralized international system of law—the principle of sovereignty is predominant and there is no degree of force for adherence to its decisions, unlike in domestic systems.

Several studies of jurisprudence and state practice indicate variability and conditionality of implementation of ICJ judgments. In some instances, states have done everything from negotiation to domestic legal action to achieve a full implementation of a decision through diplomatic settlement, or implemented a decision unilaterally. In some countries, where the interests or security of statehood or key political and security concerns are at stake, adherence is incomplete, postponed, or simply absent. This one asserts that it's not just a legal requirement that determines compliance but depends on politics, institutions, reputation and dispute itself.

Concurrently, the Court's effect is far more than just on if and how laws are enforced. Although direct application is in some instances restricted, ICJ decisions make a substantial contribution to the evolution of the norms of international law, the interpretation of the obligations of the treaties and the organization of diplomatic discourse. When a state has a negative ruling, that state does not simply turn a blind eye to it, but makes important endeavors in the direction of some of its reasoning, reaffirms its stance or keeps searching for different diplomatic solutions. In this respect the Court has an ongoing, but subtle, impact on international relationship.

The greater significance of the ICJ is not whether it is a stabilizing institution in the international legal order, but that it is. It offers a comprehensive and defined process of peaceful conflict resolution, minimizes uncertainty in the legal area and strengthens the importance of resolving international disputes through the courts and not force. What it does authoritatively is not coercive, but more in normative and institutional terms.

Finally, the ICJ is not a feeble court nor an actual international court for the world. It is a mix of legal and political elements crucial to its effectiveness as a result of interaction between law and politics and international legitimacy. It is based on persuasion, reasoning, institutional authority, and not on enforcement power. In these limits, it is still a vital part of international law, although its boundaries continue to set its limits of operation.

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