International Law and International Jurisdiction

At the end of the 19th century, governments met at the First Peace Conference at The Hague and decided to codify international law in treaties. Furthermore, they reached an agreement to establish the first permanent international court, the Permanent Court of Arbitration. However, as arbitration brings with it an air of ad hoc exceptional solutions, the international community soon decided to move towards international adjudication, where a court would implement international law. Article 14 of the Covenant
of the League of Nations provided for the creation of a judicial body entrusted with two kinds of jurisdiction: contentious and advisory were clearly envisaged. In 1921, the predecessor of the International Court of Justice (ICJ), the Permanent Court of International Justice (PCIJ) materialized. The PCIJ was dissolved in 1946 at the same time as the League of Nations.

The ICJ is an organ of the United Nations and the Statute of the International Court of Justice forms an integral part of the Charter of the United Nations. The court has functioned since 1945. It does not have compulsory international jurisdiction, and its main function remains to decide in accordance with international law all disputes submitted to it (Article 38).

Of course, the ICJ is not the only international court, there are many regional international courts, such as the European Court of Human Rights (ECHR), and there are many specialized international courts, such as the International Criminal Court (ICC). Additionally, the ICJ is not the only court that applies international law. Today, more and more national courts choose to apply international law for crimes that are defined according to the principles of international law. However, the ICJ remains the only court that continues the tradition of the Permanent Court of securing “the pacific settlement of international disputes.” (Guerrero, 1946).

Research Resources & Tools

In Print and Online at Columbia

HeinOnline
World Court Reports: A Collection of the Judgments, Orders, and Opinions of the Permanent Court of International Justice
(Hudson, Manley and Bacon, Ruth eds)

This publication in four volumes cover the PCIJ’s jurisdiction from 1922 through 1942.

2nd Fl Microfilm Cabinet 48 -- JX1975.A5 P91
Publications of the Permanent Court of International Justice

It contains judgments (Series A), advisory opinions (Series B), orders (A/B), pleadings, oral statements, (Series C), acts, and documents regarding the organization of the court (Series D) and annual reports (Series E). Our library has Series A, no. 1-24 (1923-30); Series B, no. 1-18 (1922-30); Series A/B, no. 40-80 (1931-40); Series C, no. 1-19, 52-88 (1922-39); Series D, no. 1-6; Series E, no. 1-16 (1922-45); Series F, no. 1-4.


Published by Kluwer Law International, this is a concise overview of the role of the ICJ within the international community, and especially of its function of dispensing both advisory and contentious adjudication.

Online

• International Court of Justice, Official Web Site.
The International Court of Justice (ICJ). Overview

The International Court of Justice (ICJ) was established in 1945. It sits at The Hague, in the Netherlands, and acts as a world court in view of the customary international norm which states that all states “shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” Article 2(3) of the Charter of the United Nations.

According to Article 34 of the ICJ Statute, only states may be parties in cases before the court. "The Court has a dual role: to settle in accordance with international law the legal disputes submitted to it by States, and to give advisory opinions on legal questions referred to it by duly authorized international organs and agencies." Individuals do not have access to the court. International organizations may seek advisory opinions. Although a state does not need to be a member of the UN to bring a case before the court, if it chooses to bring such a case it must comply with the decision of the Court and accept all the obligations of a member.

The basis of the Court’s jurisdiction in contentious cases is given by the State party’s consent (Art 36 of the Statute). However, in light of declarations made under Article 36 of the Statute, for the parties to the Statute, the ICJ’s jurisdiction has been described as being compulsory. The ICJ jurisdiction ratione materiae is also regulated by its Statute and it covers legal disputes concerning:

a) the interpretation of a treaty;

b) any question of international law;

c) the existence of any fact which, if established would constitute a breach of an international obligation;

d) the nature or extent of the reparation to be made for the breach of an international obligation.

The Court’s advisory jurisdiction is governed by Article 65 of its Statute and Article 96 of the Charter of the United Nations.

The ICJ consists of fifteen members. Members of the court serve for nine years. The members are elected by the General Assembly and the Security Council. To be elected, a candidate must obtain an absolute majority of votes in both the General Assembly and the Security Council.

Research Resources & Tools

In print and Online at Columbia. Official Publications

4th Floor -- KZ6275 .U55 1989
Charter of the United Nations, Statute and Rules of Court and Other Documents.
This is a primer for any researcher interested in the ICJ. Each annual volume contains information on the ICJ’s composition, and proceedings. It also covers judgments delivered by the Court and summaries of the judgments delivered by the Grand Chamber in that year. The 2001 volume is the most recent one in our collection.

**Online**
The Court’s Registrar. **Bibliography of the International Court of Justice**

The library's collection is available from Hein. This is a source of eclectic information about the ICJ, and among its lengthy and hard to decipher bibliographical lists is a list of the cases the Court hears each year.

**Online** International Court of Justice]. **Yearbook**

The library has all the volumes. The most recent one is from 2003. Until 1963 it also published the Court’s bibliographical lists. Every volume contains basic information about the procedure before the Court, its organization, and the cases the Court heard during that year.

**In Print at Columbia. Unofficial Publications**

4th and 3rd Floor Ref-- [KZ4968 .O84 2003]

This reference source includes the text of the Statute of the International Court of Justice.

2nd Floor -- [JX1976.C5 In75]
**The International Court of Justice at a Crossroads.** (Damrosch Lori Fisler, ed) (1987)

2nd Floor -- [JX1976.C5 In75]
Eyffinger, Arthur. **The International Court of Justice, 1946-1996**

This is a must-take-first-step for any student of ICJ. Its ten chapters offer an impressive though easy to follow guide to the history, composition, jurisdiction, procedure and decisions of the Court.

2nd Floor -- [JX1976.C5 Sz13 1993]
Renata Szafarz **Compulsory Jurisdiction of the International Court of Justice**

An excellent overview of the ICJ’s compulsory, compromis and *ratione materiae* jurisdiction.

**Offsite storage --** [JX1910 Un3 no.84]
Washington : U.S. G.P.O -- **International Court of Justice, Selected Documents Relating to the Drafting of the Statute.** (1946)

This volume comprises a selection of documents emanating from the meeting of the United Nations Committee of Jurists which was held in Washington from April 9 to April 20, 1945 and which formulated a draft statute for the proposed international court, as well as official comments related to the Statute and the Statute itself.

2nd Floor -- [JX1976.C5 R742 2003]
Shabtai Rosenne. **Rosenne's The World Court: What It Is and How It Works.**

This work contains an insightful overview of the Court’s role, the Rules, the Statute, a list of
parties to the Statute, judicial statistics, and the composition of the Court from 1922 to date.

Online

- The Official Homepage of the International Court of Justice (ICJ).

Research Guides


The ICJ: Judgments & Advisory Opinions. How to Find a Judgment

Within the limits of its *ratione materiae*, as mentioned above, the ICJ has both contentious and advisory jurisdictions. For the last sixty years it has had the opportunity to render hundreds of opinions which, due to numerous print and online sources are relatively easy to research.

The judgments of the Court are binding in law, although states do not always comply with the ICJ judgments. However, as statistics show -- see Paulson, Colter, "Compliance with Final Judgments of the International Court of Justice since 1987" 98 Am. J. Int'l. L. 434, 458-459 (2004) -- while the overall percentage of full compliance by states has decreased since 1987 from 80% from 1946 to 1987 to 60% from 1987 to 2004, partial compliance has probably increased. Furthermore, the ICJ continues to be perceived as fulfilling its role a part of the United Nations system of maintaining peace and security.

Research Resources & Tools

In Print at Columbia. Digests for ICJ and PCIJ

2nd Fl-- JX1976.C2 P42
Institut universitaire de hautes études internationales, Genève. Précis de la jurisprudence de la Cour internationale. Digest of Decisions of the International Court.

This two-volume source includes summaries of cases brought before the PCIJ (1922-1939) and of cases brought before the ICJ (1947-1974). The summaries are signed by their contributors, and while their presentation aims to be chronological, the main purpose of this source is to be a digest and thus it presents the covered cases within the context of their international law issues. For example, cases regarding the German interests in Upper Silesia are grouped together as there are the cases regarding the interpretation of the Convention of 1919 regarding the Employment of Women During the Night.

Offsite Storage-- JX1975 .A5 V621
Verzijl, J. Jurisprudence of the World Court: A Case by Case Commentary.

This source is a compilation of today’s students would call case notes. Vol. 1. covers the jurisprudence of the Permanent Court of International Justice (1922-1940) and volume two covers the first two decades of the International Court of Justice case law (1947-1965).

Offsite Storage -- JX60 F7 Ser.A Sect.1 v.5

This bi-lingual source (French, and English) is an unusual source for the American student as it is not a mere collection of case law blurbs but a commentary of the sources of international law, an overview of the court’s grounds of jurisdiction and only in its latter part it covers commentaries of the Court’s case law. This is the fifth volume of Max Planck Institute collection **Fontes Iuris Gentium**, which contains 11 volumes of international-law-related topics.

4th Fl-- **KZ213 .W67 1992**
**World Court digest**

This tree-volume source continues the Digest of the Decisions of the International Court of Justice, 1976-1985, **Fontes Iuris Gentium Series A Section I** (which we do not carry). Its summaries refer to cases reported in the **ICJ Reports**, and they are organized by such broad topics, as “the use of force and related problems” or “law of treaties,” etc.

**In Print and Online at Columbia. Official Reporters and Other Publications**

4th Fl-- **KZ214 .J58**
**International Court of Justice. Reports of Judgments, Advisory Opinions and Orders. Recueil des arrêts, avis consultatifs et ordonnances** (ICJ Reports)

This series contains the reports of the decisions of the ICJ. Each decision is published as soon as it is rendered. The text is printed in both English and French. An analytical index is published each January for the previous years decisions. Coverage begins with 1947 and includes new documents as they are released by the court. The original is printed on the left-hand page and the translation is on the right-hand page. Both pages carry the same number, but on the top outside corner you will find the running number of the annual volume (which you should cite) and on the bottom outside corner, the page number in the fascicle.

It is also available from [HeinOnline](https://www.heinonline.org).

2nd Fl-- **KZ218 .P54**
**International Court of Justice. Pleadings, Oral Arguments, Documents** (1948-).

This is an amazing fountain of information as it contains the written proceedings, the oral proceedings, documents filed after the closure of the written proceedings, and correspondence relating to the case. Pleadings, etc. for some cases are published in more than one volume; they carry volume numbers in addition to the "general list" number. The researcher should note that while there is no "general list" number for the cases covered by this source, as each case name is part of the name of the respective volume(s) a mere catalog search will produce the needed results. For example, if you want to find the pleadings in Nicaragua v. Honduras, a Pegasus search for those words would bring up the correct result.

**In Print at Columbia. Unofficial Reporters**

3rd Fl Fl-- **JX60 In8**
**International Legal Materials: Current Documents** (ILM)

The researcher will find that decisions are published much more quickly than they appear in the official sources; however, she will find here only selected decisions. The library covers the entire

ILM is also available online.

4th Fl -- KZ199 .I58 International Law Reports (ILR) (1919-)

ILR has indexes and tables of cases. It provides reports of the ICJ cases. The Library carries almost the entire collection. The first volumes from 1919 through 1932 are also known under the title of The Annual Digest of Public International Law Cases.

Online (World Wide Web Sources)

The Official Homepage of the International Court of Justice (ICJ)[1]

This site offers a choice of language, English or French, and provides access to recent press communiqués, important basic documents related to the ICJ, the current court docket and composition. The judgments and orders in all contentious cases and advisory opinions referred to the ICJ since 1946 are available here (while most of these are full-text, some are summaries). They are presented in reverse chronological order and also in alphabetical order by country. There is a Search function that accompanies the page, but it is under construction.

Cornell Law School ICJ Page

This is a mirror site of the ICJ Official Homepage listed above, and it offers the same features.

Online. Fee-Based Sources

ILM is not a database yet available from WestlawNext.

ILM is not a database yet available from Lexis Advance.

The ICJ: The Procedure before the Court. How to Find the Court Rules

The Statute of the ICJ contains the relevant rules regarding the procedure before the Court: "Competence of the Court" (Arts. 34-38), "Procedure" (Arts. 39-64), "Advisory Opinions" (Arts. 65-68).

Research Resources & Tools

In Print and Online at Columbia.

Online Yearbook

The library has all the volumes. The most recent one is from 2003. Until 1963 it also published the Court’s bibliographical lists. Every volume contains basic information about the procedure before the Court, its organization, and the cases the Court heard during that year.

2nd Fl-- JX1976.C2 R726

This fully indexed publication contains a commentary on the 1978 Rules in addition to the Statute, Rules of the Court, and the UN Charter.

4th Fl--KZ6275 .R67 2006

This four-volume source provides a thorough view of the Court’s history, organization, jurisdiction, contentious practice and procedure, and advisory practice and procedure.

**Online**

- [The ICJ's Web site](http://library.law.columbia.edu/guides/International_Court_of_Justice)

Please send comments regarding this guide to [Dana Neacșu, Librarian & Lecturer-in-Law](mailto:dana.neacsu@law.columbia.edu) at dana.neacsu@law.columbia.edu.