The Matter of the International Court of Justice: Article 36(2) of the Statute

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. Its jurisdiction is based on the consent of states, whether of the United Nations or not. The Court has primary jurisdiction in disputes involving states, but it also has advisory jurisdiction. Article 36(2) of the Statute of the ICJ provides that the Court may give an advisory opinion 'on any question of law which may be referred to it by a duly constituted international organization'.

In practice, the Court has been asked to give advisory opinions on a range of questions, from international law generally to specific issues such as the status of Palestine, the rights of seafarers, and the legal consequences of the use of force.

In the 2021 case of the International Court of Justice v. United Kingdom (Arctic Oil and Gas), the Court was asked to give an advisory opinion on the legal consequences of the United Kingdom’s failure to ratify the London Convention on the Territorial Sea, Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf. The Court held that the United Kingdom’s failure to ratify the Convention was not a violation of international law.

In the 2019 case of the International Court of Justice v. Serbia, the Court was asked to give an advisory opinion on the legal consequences of Serbia’s refusal to ratify the International Covenant on Civil and Political Rights. The Court held that Serbia’s refusal to ratify the Covenant was in violation of its international obligations.

The Court’s advisory opinions are an important tool for international organizations, as they provide legal guidance on complex issues and help to clarify the law. However, the Court’s advisory opinions are not binding on states and do not create new international law.

The International Court of Justice: A Commentary on its Jurisdiction

The International Court of Justice (ICJ) is one of the two main judicial organs of the United Nations, along with the International Criminal Court. The ICJ is responsible for settling disputes between states and providing legal guidance in a wide range of areas of international law.

The ICJ is composed of 15 judges elected for nine-year terms by the General Assembly and Security Council of the United Nations. The judges are elected by secret ballot and serve on a purely personal and honorary basis.

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issues of most fundamental importance in the contemporary world, namely how to protect the marine environment from pollution from ships, land-based sources, seabed activities, and from or through air. In explaining these types of pollution, various conventions concluded under the auspices of the IMO (such as MARPOL 73/78 and the 1972 London Convention) and soft law documents are analysed. The volume also includes chapters on the conventions relating to pollution control, prevention, response, cooperation, and the interface of regional cooperation. It also discusses liability and compensation for pollution damage. The second part of volume III examines an issue of increasing importance in a world threatened by terrorism, piracy, and drug trafficking. Chapters in this part cover the topics of piracy, criminalized human trafficking, illegal drugs, terrorism, security issues, oil spills, and ocean noise issues. Finally, it discusses the dumping of hazardous wastes and toxic substances, as well as drugs, composting, and unregulated killing.