

# LAW not War presents

## Success stories of the International Court of Justice

### 192 cases – most of them implemented

The International Court of Justice (ICJ) is one of the most effective organs of the United Nations. Since its establishment in 1945 it has considered 192 cases. Judge C.G. Weeramantry, following his term as Vice-President of the ICJ, indicated that about 90% of ICJ cases are implemented, either fully or mostly. Here are just a few of the many ICJ success stories.

### Compliance with ICJ decisions



### Success Story #1: Chad v. Libya



In 1994, the Court settled a longstanding and often bloody dispute between Chad and Libya over ownership of the resource-rich Aouzou Strip between their countries. The Court ruled in Chad's favor. Libya accepted the decision, withdrew their forces and signed a peace agreement with Chad that still holds today.

Photo: Fighters in the Libya-Chad War

Graphic: Disputed territory between Libya and Chad.

*“The rule of law requires States to comply systematically with decisions of international courts and tribunals that are binding on them, even if they disagree with a decision. It is encouraging to note that there has been compliance with the vast majority of cases decided by the International Court of Justice to date.”*

**Judge Joan E. Donoghue**

President of the International Court of Justice (2021-2024). Speech to the UN Security Council, January 12, 2023

Legal Alternatives to War (LAW not War) is a global coalition and campaign to strengthen the jurisdiction and use of the International Court of Justice in order to assist countries resolve international disputes peacefully rather than through recourse to the threat or use of force.

## Success Story #2: Nuclear Tests Cases



France started atmospheric testing (detonating) nuclear weapons in French territories in the Pacific Ocean from 1966. The tests released massive amounts of radioactive fallout impacting severely on human health and the environment in the Pacific Islands.

In 1973, New Zealand and Australia took France to the Court over their nuclear testing program. France announced that it would not participate in the case nor accept a decision from the Court. However, the case increased the pressure on France to end its atmospheric tests, which it did in 1974, even before the case reached a conclusion.

New Zealand returned to the Court in 1995 to challenge France's underground nuclear tests. The result was that France ended its nuclear testing program for good in 1996, closed down the nuclear test site and joined the Comprehensive Nuclear Test Ban Treaty.

## Two more ICJ success stories

In 1989 the Court considered a case lodged by **Nauru against Australia** for environmental damage from Australian-led mining which stripped away nearly 90% of Nauru's topsoil. The case helped move Australia and New Zealand into agreeing with Nauru on a sizeable settlement package.

In 2010, **Costa Rica**, a state without a military since 1948, challenged Nicaragua at the ICJ, when Nicaraguan military forces entered the disputed territory of Isla Portillos between their countries. The Court sided with Costa Rica. Nicaragua withdrew their troops and paid compensation to Costa Rica for environmental harm.

## Success Story #3: Nicaragua v. USA



In 1984 Nicaragua lodged a case against the United States challenging US military actions against Nicaragua, which included the laying of explosive mines in Nicaraguan ports and providing military training and financial support for the Contra's armed rebellion against the government.

The Court found in favour of Nicaragua.

The US administration announced that it would not adhere to the Court's decision. However, the decision provided considerable support for congressional and legal efforts within the US to change US policy, which were eventually successful.

The Court's decision also played a significant role in providing a legal and political framework for the negotiation and adoption of the Central American Peace Accords, which ended the civil wars in the Central America countries.

## ICJ case on Climate Change

*A powerful case currently before the Court*

The ICJ is currently considering an Advisory Opinion on the **Obligations of States in Respect of Climate Change**, having been formally requested to do so by the UN General Assembly in March 2023.

The ICJ has a mandate to consider the most up-to-date scientific information and the full range of applicable law. As such, the case could provide considerable legal and political impetus for **full implementation of the Framework Convention on Climate Change** and other law protecting the climate.