

PREVIOUS YEAR QUESTION

UPSC 2019 · 15 marks

Evaluate the role of the International Court of Justice in inter-State disputes.

FLOW SNAPSHOT — how the answer moves

Intro routes

- R1** 1945, principal judicial organ → only forum where one state can sue another → writ bounded at both ends: consent at entry, veto at exit
- R2** judicial settlement as the alternative to force → but the Court decides only what states allow, and enforces nothing itself

Body flow

inside consent, the record is solid: impartial hearing (Jadhav) → territorial disputes settled (El Salvador-Honduras; Cameroon-Nigeria) → law-building (territorial waters, continental shelf) → then the structural limits: consent, not compulsion → judgment final and binding, but enforcement through the UNSC, veto available even to a state that consented → open non-compliance (US, Israel) + Global South charge of Western tilt → **Prabhash Ranjan**: Russia's veto shield, yet indifference does not lessen the law's importance → docket still filling (Myanmar merits, Jan 2026; Guyana-Venezuela, May 2026) → **McIntyre & Simpson**: standing widened under the Genocide Convention

Counter-view

"UN's least effective body," enforcement gap real → against this: the most far-reaching attempt at rule of law between states; at eighty, still the archetype of international adjudication

Conclusion routes

- R1** the Court fixes the legal terms on which states contest; it does not police power
- R2** authority real but conditional — the binding constraint is the veto, not the bench

Created in 1945 as the principal judicial organ of the UN, the International Court of Justice is the forum where one state can sue another. Its role turns on one condition: it decides only what states allow & enforces nothing itself.

It gives each side an impartial hearing, as when it asked Pakistan not to proceed with the execution of Kulbhushan Jadhav. It has closed territorial disputes between El Salvador and Honduras, & Cameroon, Nigeria and laid down principles states argue with, on territorial waters & the continental shelf.

The limits are structural. Jurisdiction rests on consent, not compulsion. Judgment is final and binding, but enforcement runs through the UNSC, where a permanent member can veto it, even when it consented to be bound.

The US & Israel have refused to comply ; developing countries see a western tilt.

Prabhash Ranjan argues that Russia can veto enforcement of any ruling against it, though such indifference does not lessen the law's importance.

Juliette McIntyre and Adam Simpson argue that any party to the Genocide Convention may invoke another's responsibility.

Critics call it the UN's least effective body, and on enforcement they are right. Its worthy as it settles the legal terms on which states contest and at so it remains the archetype of international adjudication.