

LEGAL ISSUES CONCERNING THE ENFORCEMENT OF THE DECISIONS OF THE INTERNATIONAL COURT OF JUSTICE (ICJ)

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ABSTRACT

There are many cases where a party of a dispute does not comply with the decisions of the ICJ. When a party does not comply with the decisions, there is no certain method on enforcing it. The insignificant number of academic writing relating this topic motivates writer interested to do research on this topic. Another background in writing this topic is the issues are still occurred. This writing elaborates the issues concerning the compliance with the decisions of the ICJ and possible methods to enforce the decisions of ICJ. The research shows that there are arguments supporting the enforcement and also against the enforcement of the decisions of the ICJ. It also shows why states are unable to comply with the decisions of the ICJ. Another result of this research is the possible method on enforcing the decisions of the ICJ which is through UN Security Council, UN General Assembly, and UN Secretary General. But enforcement through UN Security Council left an issue when the Council member who is also parties in dispute use their veto right to affect the Council resolution. Another issue is provision regarding the enforcement does not explicitly allow UN General Assembly and UN Secretary General to take part in the enforcement of the decisions. Thus certain provision concerning the enforcement methods on the ICJ decisions is needed and the Charter of the United Nations needs to be revised due to its veto right by member of Security Council who is also parties in dispute.

