



The Jurisdiction of the International Court of Justice (ICJ)



The ICJ is a permanent international court created in 1945 by the United Nations Charter as “the principal judicial organ of the United Nations.”



The ICJ’s functions are set out in the Statute of the ICJ—an annex to and “an integral part” of the UN Charter.



The ICJ was created to provide a peaceful means for resolving disputes.



Only states, and not government officials or other individuals, may be parties in cases before the ICJ. Some UN bodies may also appear before the ICJ to seek its opinion.

Two Types of ICJ Case Jurisdiction

1. Contentious Jurisdiction

Jurisdiction to Decide Disputes Between States

All states that are parties to the case must consent to the ICJ’s jurisdiction in one of **three** ways:

i Consent to Compulsory Jurisdiction

A state may consent to the compulsory jurisdiction of the ICJ to resolve disputes with another state accepting the same obligation. The United States consented in 1946 but withdrew from the ICJ’s compulsory jurisdiction in 1985.

ii Consent to Jurisdiction in a Treaty

A state may consent to jurisdiction by including a specific clause in a treaty known as a compromissory clause. Most of the cases involving the United States have been based on compromissory clauses setting forth the terms for all future disputes related to the treaty.

iii Consent to Jurisdiction Over a Specific Dispute

A state may consent to jurisdiction via a special agreement reached between the parties to resolve a particular dispute after it has occurred. For example, in 1981, the United States and Canada entered into a special agreement regarding a maritime boundary.

2. Advisory Jurisdiction

Jurisdiction to Answer a Question of International Law

The ICJ has jurisdiction to decide questions of international law that are submitted by:

i The UN Security Council

The Security Council, which has “primary responsibility for the maintenance of international peace and security,” may request an advisory opinion on any legal question. The United States is a permanent member of the Council.

ii The UN General Assembly

The General Assembly, which is the “main policy-making organ” of the UN, may request an advisory opinion on any legal question. The United States is a member of the General Assembly.

iii Another U.N. body or specialized agencies

The UN Charter provides that “[o]ther organs of the United Nations and specialized agencies . . . may also request advisory opinions of the Court on legal questions arising within the scope of their activities.” An example is the International Fund for Agricultural Development, of which the United States is a member.

The Effect and Enforcement of ICJ Decisions

- The UN Charter requires parties to **contentious cases** to comply with judgments.
- If a state does not comply, an opposing state party in the case may request enforcement by the Security Council.

Advisory opinions are nonbinding.

The ICJ’s opinions in all cases can contribute to the development of international law and are generally considered to be authoritative by many states and the international community more broadly.

ICJ in Practice: Examples from the Court’s Docket



Nicaragua v. Germany



In March 2024, Nicaragua filed a case against Germany alleging that Germany’s provision of arms to Israel for use in its military campaign in Gaza violates:

1. international humanitarian law as codified in the Geneva Conventions, and
2. the Convention on the Prevention and Punishment of Genocide (Genocide Convention).

Nicaragua invoked two bases of the ICJ’s contentious-case jurisdiction:

1. compulsory jurisdiction, which Nicaragua and Germany had accepted; and
2. jurisdiction under the compromissory clause of the Genocide Convention. (Article IX)



Obligations of States in respect of Climate Change

In April 2023, the General Assembly requested an advisory opinion on the international legal obligations related to climate change. Ninety-one states and entities filed statements on the matter, the highest number to have been filed in an advisory proceeding.

In July 2025, the ICJ issued its opinion. The ICJ concluded that states have certain obligations to protect the climate system under various sources of international law and may be responsible for a failure to meet those obligations.

Sources: United Nations Charter, <https://www.icj-cij.org/charter-of-the-united-nations>; Statute of the International Court of Justice, <https://www.icj-cij.org/statute>. For more information, see CRS Report R48004, *The International Court of Justice and the International Criminal Court: A Primer*, by Karen Sokol (2024).

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