Analysis of Roles of the International Court of Justice (ICJ) in Ensuring Global Peace and Security

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Abstract
Discussions relating to global peace and security are of abiding interest to humanity. The reason is that world leaders do not want to experience another world war after the first and the second world wars. Prior to the First World War, there was no international organization saddled with the responsibility to maintain international peace and security. However, after the First World War the League of Nations was formed. Unfortunately, the league failed to prevent the occurrence of the Second World War. Monumental killings and wanton destruction of properties witnessed during the Second World War led to the formation of the United Nations Organization (UNO) in 1945. The UNO has six principal organs that work together to achieve the lofty dreams of the organization. One of the principal organs of UNO is the International Court of Justice (ICJ). Through this organ-ICJ global Peace and Security has been maintained by dispensing cases and giving landmark judgments. The crux of this work is to analyze the roles of the ICJ in ensuring global peace and security. In so doing, this paper adopted doctrinal research design, with reliance placed on primary materials like: relevant statutes, conventions and legal instruments. Secondary materials such as: textbooks, journal articles, print and electronic media were also used. The primary task of this paper is to determine whether the ICJ has played certain roles in maintaining global peace and security. Aside from that, the challenges of ICJ was analyzed while recommendations were made to strengthen the ICJ by ensuring compliance to its judgements. The paper analyses the functions of the ICJ, focusing on various judgments of ICJ which is critical to global Peace and Security. The analysis ultimately leads to and justifies the claim that ICJ has played positive roles in ensuring global Peace and Security.

Introduction

Global peace and security are of interest to humanity. Reasons for that are not far-fetched. After the first and second world wars, world leaders appreciated the need for friendliness and peaceful co-existence among nations of the world. Great killings, hunger and starvation that led to the loss of millions of lives of both soldiers[1] and civilians taught the world lessons in a hard way hence the need to go the extra mile in search of global peace and security.

Convincingly, after the First World War, there was need to ensure that such evil which claimed many lives does not occur again. There were no agencies established to keep records of fatalities during World War I, however, it is very clear that the displacement of people through the movement of the war in Europe and in Asia minor, accompanied as it was in 1918 by the most destructive outbreak of influenza in history, led to the deaths of large number of people.[2]

It was the need to ensure that such terribly bad experience does not occur again that led to the formation of the League of Nations.[3] Suffice to say that the league was formed to provide a forum for resolving international disputes without going to war after the experiences of World War I. About thirty nations participated during the Paris peace conference[4] held after the World War I. Unfortunately, the

[1] <https://www.nytimes.com>Accessed 3 January 2024.
[2] <https://www.britannica.com>Accessed 3 January 2024.
[3] The League of Nations was formed in 1920. It's headquarters is at Geneva, Switzerland.
[4] Conference held by nations of the world in search of peace.

representatives of France, Italy, United States of America (USA) and United Kingdom (UK)[5] dominated the discussions that led to the formation of the treaty of Versailles which ended World War I.

Historical Account of the Emergence of the UNO

Eventually, the failure of the League of Nations to prevent the occurrence of the World War II led to the formation of the UNO.[6] This is in continuation of the quest to ensure that an enduring and lasting peace and security return to the world. While about thirty countries formed the League of Nations; the UNO was formed by fifty-one countries and the UNO has about one hundred and ninety member nations. This undisputedly showed how serious peace was needed in the world then and even today. In order to carry out its cardinal responsibilities [7] and process which are as follows

> To keep peace throughout the world; to develop friendly relations among nations; to help nations work together to improve the lives of poor people, to conquer hunger, disease and illiteracy and to encourage respect for each other's rights and freedoms; to be a centre for harmonizing the actions of nations to achieve these goals.

The UNO has the following organs: The General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the ICJ, and the Secretariat[8]. Through the Instrumentality of the above organs of the UNO the world has enjoyed relative peace. It also appears that the UNO is living up to its bidding as the world has not witnessed another world war since the UNO was formed. The efforts of the principal actors during the formation of UNO are quite commendable. The organization is universally acceptable and it's approaches to the issue of world peace and security are superb. The UNO is classified under global or universal organization and not regional because its actions affects the entire world.

The organization adopts a system called collective security system in its approach to ensure the maintenance of International Peace and Security. This implies that a wronged state is to be protected by all member nations, and a wrong doer is to be punished by all. This system demonstrates how flexibility and textual interpretation have prevented the UNO system from failing completely.[9]
This idea of collective security system is very strong under the UNO system than it was during the League of Nations. The reason is essentially because the concept of collective security was perceived to be far weaker than individual states desire to protect what they perceived as their national interest.[10]However, contentious issues involving nations who are willing to submit to the jurisdiction of the ICJ are adjudicated by the ICJ. Furthermore, the ICJ gives advisory opinions when sought.

The UNO and Other Regional Organizations

Achievements in the area of maintenance of International Peace and Security are not monopolized by the UNO. Regional organizations play great roles in this regard. But regional organization has no specific definition in the UNO charter. However, it should be noted that Egypt for instance presented a proposal during the San Francisco Conference with regards to the definition of regional arrangements or agencies which will include regional organizations for mutual security and defence. League of Arab states, European community, European Union, organization of American states, Council of Europe and the African Union are some of the regional organizations that play one role or the other in maintaining International Peace and Security. These regional organizations are not as organized as the UNO. They

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[5] USA, UK, Italy and France were called the "Big Four". <https://history.state.gov>milestones>Accessed 3 January 2024 .
[6]<https://courses.lumenlearning.com>Accessed 3 January 2024.
[7]<https://www.un.org>content>history>Accessed 3 January 2024.
[8] Article 1 of the charter of the UNIO; in DJ Harris *Cases and materials on International Law*(sixth edn, London: sweet and Maxwell ltd 2004, 1091.
[9] C Gray International Law and the use of force (2ndedn London: Oxford University Press 2004), 28-36.
[10] ND White the United Nations and maintenance of International Peace and Security.

have no consistent procedure of practice and the roles they play are usually within their region except when called to participate in UNO peace keeping operations.

The International Court of Justice (ICJ)

The ICJ is the principal judicial organ of the UNO[11]. It was established in June 1945 by the charter of the UNO. It began work in April 1946. The seat of the Court is at peace palace in the Hague (Netherlands). This makes the ICJ the only principal organ of the UNO that is not located in New York, United States of America. The establishment of ICJ is a vital step in the consolidation of an international legal system. The role of the ICJ is to settle legal disputes submitted to it by states in accordance with rules of international law. The court also gives advisory opinions on legal questions brought before it by UNO organs and specialized agencies authorized to do that. Noteworthy is the fact that there is no distinction made between the cases decided by the permanent court of International Justice (PCIJ) and the ICJ.[12]

Composition of the ICJ

The ICJ is composed of 15 judges. The judges are elected to serve for 9 years. The organs responsible for the election of judges of the ICJ are the General Assembly and the Security Council of the UNO. The ICJ has both a registry and an administrative organ. The official languages of ICJ are English and French. The 15 judges shall be elected regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juris-consults of recognized competence in international law.[13]

During the election both the General Assembly and the Security Council roles are separate. Political pressure is reduced to nothing during voting. However, in practice there is always noticeable close coordination between the General Assembly, the Security Council and Political factors do obtrude, especially in view of the requirement of the statute of the ICJ which provides that the electors should bear in mind not only that the persons to be elected should be an individual who posses the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.[14] Candidates contesting for ICJ election must obtain absolute majority of votes in both the General Assembly and Security Council votes.[15] It is also important to asset at this juncture that there is provision for re-election under the statute of the ICJ.[16] A judge of ICJ cannot be dismissed unless the unanimous opinion of other member judges are of the effect that the said judge can no longer fulfill the required conditions of his office.[17] In 1946 the rules of the court that govern its procedure and operations were adopted. Later revised in 1972 and 1978.[18] The ICJ has power to regulate its own proceeding. Written pleadings are governed by the provision of the rules of the court.[19] If a judge dies or resigns during his or her tenure of office, a special election is held as soon as possible to elect a judge to complete the remaining part of the term.

Jurisdiction of the ICJ

The court's jurisdiction is twofold: it decides, in accordance with International Law, disputes of a legal nature that are submitted to it by states (jurisdiction in contentious cases); and it gives advisory opinions on legal questions at the request of the organs of the UNO, specialized agencies. The task of the court is to respond to any legal dispute brought before it on the basis of international law. The ICJ interprets and applies the law within the confine and dictates of international law. The court's jurisdiction is purely

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[11] <http://www.icj-cij.org >The court Accessed on 4 February, 2024. see also Art. 92 of the UNO charter.
[12] M. Shahabudden, *Precedent in the world court*(Cambridge 1996), 22.
[13] Article 2 of the statute of the ICJ.
[14] Article 9 of the status of ICJ; in MN Shaw, *International Law*<6th edn Cambridge University Press 2008> 1059.
[15] Article 10 of the status of ICJ.
[16] Article 13.
[17] Article 18 of the ICJ Statute.
[18] Rosenne Law and Practice vol. 111, 1074.
[19] Article 44 and 45.

legal in nature and essentially to resolve international disputes brought before it in line with international law and international best practices. The duty of the court includes but not limited to giving fullest decision it may give in the circumstances of each case[20]. The question of ICJ's jurisdiction in any matter brought before it is a matter for the Court itself to decide. Again, the ICJ can only exercise jurisdiction over a state with the consent of such state. This is a serious impediment to the jurisdiction of the court. The implication being that a state that declines consent cannot have its case or case against such state deliberated upon by the ICJ.

Any case brought to ICJ by way of application must contain the party making the application, the party against whom such claim contained in the application is made and the subject matter of the dispute. Provisions on which the jurisdiction of ICJ is sought must be stated in clear terms. So also, the precise nature of the claim must be stated in clear terms. The claimant must also give a succinct statement of facts and grounds on which the claim is based. All these must be placed before the court to enable it assume jurisdiction.[21] Before dealing with the merits of any case the court deals with preliminary objections as to its jurisdiction or the admissibility of the application.[22] Again, during trial the standard of proof vary from cases to cases while burden of proof lies on the party which asserts a fact or facts to prove it.

ICJ's Advisory Opinion Jurisdiction

Basically, the ICJ has jurisdiction in Contentious issues brought before it. The Court also gives advisory opinions the purpose of the later is not to adjudicate or settle a dispute as such. It is merely to offer legal advice or legal opinion to those who request for such. The essence of the advisory opinion[23]is to furnish the requesting party the elements of law necessary for them in their action. The advisory opinions when requested and offered help the party that requested for it to get abreast with the position of international law on the subject matter. It guides the action of the recipient party properly. The primary function of the ICJ in giving advisory opinion cannot be affected or stopped because of the fact that a legal question has political aspect. This is the position of the court in the legality of the threat or use of Nuclear weapons case.[24]

Three conditions must be present for ICJ to give advisory opinion. The conditions are: that the specialized agency seeking for advisory opinion must be duly authorized by the General Assembly of the UNO to request opinions from the ICJ; that the question for which opinion is sought must arise within the scope of activities of the requesting agency and finally that the opinion requested was on a legal question.[25]

The General Assembly, the Security Council, other organs of the UNO and specialized agencies may at any time request advisory opinions of ICJ on legal questions arising on their activities. However, such request may be authorized by the General Assembly.[26]

Advisory opinions exercised by the ICJ are not binding but its importance cannot be underestimated.[27] It may have prevented many prospective litigants from approaching the court for its contentious jurisdiction by way of litigation.

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[20]<http://www.ICJ-ICJ.org>jurisdiction>.
[21] Article 40 paragraph 1 of the statute of ICJ.
[22] Article 36(2) of the statute of ICJ.
[23] D Pratap, *The Advisory Jurisdiction of the International Court*(Oxford 1972).
[24] ICJ Report (1966) 226, 236.
[25] The application for review of judgment No 273 (mortised) case ICJ Reports (1982), 335-400.
[26] See article 96 (2) of the UNO charter.
[27] This is so because the advisory opinions act as guide to the party that requested for it. The ICJ has delivered a lot of very influential and guiding advisory opinions for instance in the Reparations case ICJ Report (1949), 174 the certain expenses case ICJ Report (1962), 151. Such opinions are still valid and relevant till date despite the fact that they were given many decades ago.

Aside from the provision of Art. 96 of the UNO charter on the advisory opinion jurisdiction of the ICJ; the statute of the ICJ[28] also provides that: the court may give an advisory opinion on any question at the request of whatever body may be authorized by or in accordance with the charter of the UNO to make such request.

From the foregoing, the ICJ's advisory opinions are backed by statutory provisions. In that case it is humbly submitted that the provisions are that of law and going by the hallowed principle of Pacta Sunt Servanda member nations, International organizations and any other body who requests for ICJ's advisory opinions should abide by it and as such the opinions should be binding on parties thereto.

Legal Disputes

It is one of the requirements of the statute of the ICJ that matters brought before it should be a legal dispute.[29]What then is a legal dispute? It is difficult to pin point a particular definition of the subject matter-legal dispute. In determining what constitutes a legal dispute a mere assertion is not sufficient; it must be shown that a party's claim is opposed by the contention or view of the other party.

Flowing from the above postulation, the ICJ noted that whether there is an international dispute between parties is a matter for objective determination.[30] In Mavrommatis Palestine Concessions (jurisdiction) case,[31] the permanent court of International justice (PCIJ) held inter alia: that a dispute could be regarded as 'a disagreement over a point or law or fact, a conflict of legal views or of interests between two persons'. It then follows that for a matter to constitute a legal dispute, it is sufficient for the respondent to an application before the court to deny merely the allegations even if the jurisdiction of court is challenged.[32]Ideally, legal dispute arises when a clash of interest springs up between two parties over issues which could give rise to legal claims.

In Spain v Canada [33] it was held inter alia that while it is for the parties to put forward their arguments, it is for the court to determine the subject matters of the dispute brought before it. This helps the court to determine when to invoke its jurisdiction.

Judgment of the ICJ and Enforcement

The judgment of the ICJ once delivered is final and cannot be appealed anymore. [34]It has binding force between disputants involved in the case under which such judgment is delivered. Each member state undertakes to comply with the decision of the court in any case to which it is a party and if any party reneges in this regard, the other party may have recourse to approach the Security Council which may make recommendations or take binding decisions.[35]

That appears to be one of the problems of this Court. The use of "May" therein is of probable consequence. The implication is that if the party that is victorious at the ICJ decides not to approach the Security Council then the victory at the Court ends there. Again, if the Security Council fails to make recommendation or to take binding decision the victory will be Pyrrhic and the court does not give Pyrrhic victory. This is the case when the "Super Powers"[36]are involved. Who can enforce the ICJ's judgment against America for instance? The court takes judicial notice of facts which are of public knowledge, through media dissemination, but caution must be shown to be maintained.

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[28] Article 65 of the statute of ICJ.
[29] Interpretation of peace Treaties case; ICJ repots (1950), 65, 74.
[30] PCIJ Seria A No 2 (1984), 11.
[31] El Salvador/Honduras case ICJ Reports (1992) 351, 555 in MN Shaw International Law (n 15), 1069.
[32] Article 79 of the statute of ICJ.
[33] Article 60 of the statute of the ICJ.
[34] Article 94 of the Statute of ICJ.
[35] The Super powers are USA, UK, France, Britain and Russia.
[36]Nkaragua case, ICJ Reports (1986) p. 14, 41.

The ICJ has no power to compel production of evidence generally, nor may witness be subpoenaed. There is also no equivalent to proceedings for contempt of Court.[37] The use of experts has been comparatively rare.[38] The ICJ must satisfy itself that an advisory opinion sought by any party does not relate to a legal question within the meaning provided in ICJ statute[39] and the UNO charter. The judgment in the Right of passage case was negated by the Indian invasion of Goa. Unfortunately, the powers of the Security Council to enforce decisions of the ICJ are yet to be exercised. The ICJ has a very important duty to efficaciously respond to disputes brought before it by Sovereign states and international organizations.

The Consent of the parties confers jurisdiction on the Court. Unfortunately, neither the statute of ICJ nor the rules of Court prescribed the format in which the consent shall be expressed. Another detrimental issue is the issue of "willingness of the parties to a dispute to accept the jurisdiction of the ICJ. So, if a party is unwilling to go to ICJ the court cannot assume jurisdiction. This is not just unfortunate but quite appalling. How can that be? The court is always mindful of its responsibilities as "the principal judicial organ of the UNO. In attending to each of such request the Court is mindful of the fact that it should not in principle refuse to give advisory opinion when sought.

The ICJ and the Security Council

Both are organs of UNO. However, the Security Council seems to be the "Most powerful" organ of the UNO. Its activities affect every other organ. For instance the judges of the ICJ are elected by the General Assembly and the Security Council.[40] Again, in the trusteeship territories, designated strategic areas fall within the domain and authority of the Security Council. The Security Council works for the interest of the UNO and its organs.

Conversely, the judgments of the ICJ are binding, final and cannot be appealed[41] but what happens when there is non-compliance to the judgment of the ICJ by a party to a dispute? For instance, the United States of America (USA) did deliberately with impurity and utmost disrespect to the judgment of the court refuse to comply with the judgment.[42] In the instant case Nicaragua applied to the Security Council to call for an emergency meeting to look into the non-compliance to the judgment of the ICJ by the "Almighty" USA. Under the UNO charter despite the fact that the USA failed to provide a legal argument or reasons for non-compliance, yet the USA being a "powerful member of the Security Council was able to use veto power to frustrate the judgment of the ICJ.

Delay in Compliance with the Judgment of the ICJ

Aside from outright non-compliance with the judgment of the ICJ another cog in the wheel of progress of this court is delayed compliance. Instances abound where some countries reluctantly comply with the judgment much later either as a result of persuasion or by a change of attitude.

The case that readily comes to mind is the corfu channel cases.[43] Though the judgment was delivered on 15 December 1949; it took Albania 40 years to comply with the judgment in 1972.

[37] K. Highet, Evidence the Court and the Nicargua case, 10.
[38] Corfu Channel Case ICJ Reports (1949) 4.
[39] Article 65 of ICJ charter.
[40] Article 4 of the statute of ICJ.
[41] Article 59 of the statue of ICJ.
[42] Article 94 (2) does not impose obligation on the Security Council expressly enforce the judgment of the ICJ but merely allow a discretional power by the use of the phrases "if it deems necessary" and "upon measures to give effect to the judgment of the court". With utmost respect, the provision neither here nor there especially when a powerful nation like USA is involved.
[43]<http://www.ICJ-CID.org/docket/files/1/1647.pdf>accessed 10 March, 2024.

In the case, two British cruisers and two destroyers entered the North Corfu Straight which was Albanian waters. Since the channel was swept in 1944 and 1945 it was regarded as safe. However, one of the destroyers, the Saumarez went off track, struck a mine and was massively damaged. The other volage went to assist but struck another mine while towing the first one and was also gravely damaged. While forty-wo and British officers and sailors sustained varying degrees of injuries, forty-five others lost their lives. During trial, the United Kingdom (UK) alleged that the mine which led to the accident was laid by Yugoslav at the request of Albania, with the latter's connivance. The court found that the degree of certainty required on the part of UK to sustain the allegation has not been made before it. However, the court found that Albania had time to notify the ships of mines being there but failed to discharge that obligation and even when the second ship aimed to tow the first damaged ship, Albania failed to inform the ship of the existence of the sea and mine. It was held inter alia: that the failure to give such vital and lifesaving information was an omission on the part of Albania which led to the explosion and subsequent injuries and death.[44]The principle of international law supported in the instant case is that "Every state has an obligation not to knowingly allow its territory to be used for acts contrary to the rights of other states".

It is further recommended that there should be immediate creation of a department whose responsibility shall include in clear terms the enforcement of the judgments of the ICJ. Such department shall ensure strict compliance with judgments delivered by the ICJ. When this is done the issue of referring to the ICJ as toothless bull dog will be a thing of the past.

The ICJ and the General Assembly

The General Assembly is one of the organs of the UNO just like the ICJ. The General Assembly provides an important avenue for deliberation on questions that relates to the international community. Under the UNO charter, the General Assembly though not expressly stated can take responsibility to ensure that the decisions of the ICJ are complied with.[45] The General Assembly could enter into discussions, make and adopt resolutions towards ensuring that ICJ judgment is complied with.

By virtue of Resolution 289 the recommendations of the General Assembly, Somalia, Libya and Eritrea were bound because the major forces in the Italian treaty agreed to take it in good faith as it concerns the disposal of former colonies of Italy. The General Assembly has the power to make recommendations in respect of any question dealing with state (s) to the UNO Security Council.[46] The organs of the UNO work together in the overall interest of the UNO to maintain International Peace and Security at all times. The General Assembly has implied powers to ensure that the decisions of the ICJ are complied with.

Enforcement of ICJ Judgments

Part of the reasons why people abide by the decisions of any court is the enforcement of the decisions of that court. If a court lacks the powers to ensure that its judgments are obeyed then the court can at best be described as "toothless bull-dog".

Unfortunately, enforcement of judicial decisions of the ICJ and some other courts of International Standing[47] has received minute attention[48]. The enforcement of the judgment of the ICJ is not the business of the Court itself; it is left for other political bodies that form the UNO to carry out the

[44]<http://www.law school case briefs.net/2012/04/corfu-channel-case united kingdom-v htm#sttash.skb/swk.dpu f-.> accessed 10 March 2024.
[45] See sections 11, 14, 22 and even 35. See also General Assembly Resolution 377 known as "Uniting for Peace Resolution.
[46] Article 12 of the UNO charter.
[47] Courts like the International Criminal Court, International Tribunal for Rwanda.
[48] R. Jennings, '*The Judicial Enforcement of International Obligations'* 472 ORV 1987, 3-16.

enforcement.[49] The methods adopted by domestic courts of various nations towards the enforcement of decisions of courts seem to be more forceful and compelling than that of the ICJ. The reverse is the case in the enforcement of the ICJ's decisions. The Court is usually seen as a toothless bull dog as a result of the fact that it can bark but cannot bite. There is no executive arm with power of enforcement as regards to the enforcement of ICJs decisions.

Generally, the implication seems to be that the disputants, the parties involved in the dispute are left with the choice to either enforce or abandon the judgment. This seems not palatable but it can work in some cases and has really worked in some cases. Again, parties can suo motu deliberate on disputes involving them, make an agreement on that and approach the court for a consent judgment. Be that as it may, a court of this status ought to have a coercive force of law that can compel performance of its decisions.

Sanction as a way of Ensuring Compliance with ICJ Judgment

This is one of the ways the UNO punishes nations who deviate from rules of International law. However, this is a very controversial means of punishing violators of international law. The reason is not far-fetched. Under municipal law there is a legislature which makes law; a judiciary which tries offences and punishes those who committed offenses; and an executive body which inter-alia: enforces the decisions of both the legislature and the judiciary but these features are unarguably almost lacking in International law. There is no established executive authority saddled with the responsibility of enforcing judgments[50] under international law especially judgments of the ICJ.

However, there appears to be solace provided in the UNO charter; the UNO Security Council is empowered to initiate and institute enforcement action against a state or states to maintain or restore International Peace and Security, if there is report of any act of aggression, breach of peace or threat to the peace which if not checkmated may lead to full scale war or serious threat to global peace and security.[51]

Again, a state party that fails to comply with or by any means fail to abide or refused to perform any obligation incumbent upon such state may be sanctioned.

How Has the ICJ Used its Judgment to Maintain Global Peace and Security?

This question is the rationale behind this paper. The answer to the question above is the thesis of this paper. It does appear that since 1990s the record of compliance has been generally good. Before that time non-compliance was recorded. For instance, in the Corfu channel Case,[52] Albania did not comply with the decision of ICJ. Iceland did not comply with the decision of the ICJ in the fisheries jurisdiction case[53] to mention but a few.

This notwithstanding, the ICJ has maintained international Peace and Security through its judgments and advisory opinions in retinue of cases and situations as the case may be. The ICJ decision in Cameroon V Nigeria[54] for instance helped to stop further armed conflict and hostilities along the disputed area-Bakassi Peninsular. Despite initial reservation by Nigeria, the country eventually accepted the judgment and that singular action ensured that peace and normalcy returned to the area. The situation before and immediately after the judgment was characterized with hostilities. However, the judgment and compliance thereto has stabilized the situation and restored friendliness between the two countries.

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[49] B Ajibola,'Compliance with judgments of the International Court of Justice' in Bulterman, MK and Kuijer *Compliance with Judgments of International Courts*(Martinus Nijhoff publishers 1996), 11.
[50] DO Anumba, *International Law, An Introduction* (Enugu: Zik-Chuks Nig Ltd 2004) 22.
[51] Arts 39-51 of the UNO charter.
[52] ICJ Reports (1949) 4.
[53] ICJ Reports (1974) 3.
[54] ICJ Report (2002) 303.

This paper has made and will make copious presentations of the roles of ICJ in maintaining global peace and security. High prevalence of hostilities in developing states begats poverty which in turn threatens global peace and security. However, the ICJ when called upon always delivered judgment or give advisory opinions which if adhered to, usually ensure global Peace and Security.

In Lagrand Case[55] (Germany V United States) the US conceded that it had infringed the provision of Article 36(1) a, of the Vienna convention.[56] This case would have led to serious hostilities or even full scale war but the two parties accepted the decision of ICJ and the matter was laid to rest. The ICJ's judgment in the instant case also resolved a question that had been "the subject of extensive controversy in the literature" viz whether indications of provisional measure are legally binding. That stated that: whereas on a request for provisional measures the Court just need to satisfy itself that it has jurisdiction on merits of the case brought before it. However, it does appear that generally, states have not respected provisional measures that are indicted against them.[57]

In Lockerbie case [58](Loizidou v. Turkey) the ICJ determined the status of treaty obligations and binding decisions adopted by the Security Council. It was held inter alia: that the Security Council of the UNO can impose sanction and that the sanction issued by the UNO Security Council prevailed over obligations contained in any other International agreement. This is indeed a very good one. Since the ICJ has no duty over the execution of its judgments recalcitrant party or parties can at least be punished by way of sanction.

Since States cannot avoid International law as they are banned to enter into international transactions, treaties, cooperation's and even international politics recourse are usually made to the ICJ either in contentious matters or when advisory opinions are sought. The judgments of ICJ have great societal, political and legal weight and therefore bound to be obeyed.

Judgments of the ICJ contribute immensely to the development of International Law. it ensures that stronger nations do not maltreat weaker ones by taking laws into their hands.

In a landmark case,[59] the ICJ held that International organizations like the UNO could indeed have international legal personality and thus have rights and obligations even duties under international law. The ICJ asserted that the legal personality of the UNO was derived from the UNO charter.[60] The decision is well acceptable because if companies could have legal personality an organization in the statutes, magnitude and profile of UNO should also have legal personality.

The Concept of Legal Personality of the UNO

It is very important at this juncture to make an attempt at conceptualizing legal personality. The concept of legal personality can be treated under two broad headings viz natural persons and juristic persons. Natural persons are human beings while juristic person though not human beings, have been vested with the attributes of human persons by law and are capable of exercising rights and duties under the law.[61]

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[55] Vienna convention on Consular Relations 1963. Germany and US are parties to the convention and are bound by its provisions

[56] ICJ reports (2001) 466.

[57] For instance the provisional measures of the ICJ in the Fisheries jurisdiction cases, the nuclear test cases for instance have not been complied with.

[58] (1995) 20 EHRR 99.

[59] The Reparation case ICJ Report (1949) 174.

[60] <http://www.humanrights.is>interna.> Accessed 20 March 2024.

[61] F1 Asogwu, *Vicarious Liability in Company Law*(Enugu Ezu books ltd 2012) 17.

Legal personality is not synonymous with human personality. Legal person means any being, whether human or not, to which the law attributes rights and duties.[62]

The Effect of the Legal Personality of the UNO

By the decision of the ICJ in Reparation Case the UNO assumed legal personality status. This implies that the UNO can sue in its capacity and can also be sued. The fundamental attribute of legal personality in this regard is that the UNO is a legal entity distinct from its members. It has the capability to enjoy rights and is also subject to duties, which are not the same as those enjoyed or borne by its members.

Consequently, the UNO can sue any nation to the ICJ and can also be dragged legally before the ICJ by any nation.

Unfortunately, the ICJ has no powers of judicial review over the activities of the UNO despite the fact that it is the principal judicial organ of the UNO. But the court has in its capacity as the principal judicial organ of the UNO acted on a number of issues at different occasions to ensure that global peace and security are maintained. Notable are the Lockerbie case[63] where it determined the status of treaty obligations and the binding decisions adopted by the UNO Security Council; the certain Expenses case and the reparation case[64] already stated above.

The ICJ has ensured that the global peace and Security are maintained by giving sound judgments which lead to settlement of international disputes. Though its advisory opinions are not binding, it has also led to the maintenance of global peace and security as such advisory opinions guide parties that sought it in their dealings. The ICJ has helped to ensure the creation and sustenance of "international justice".

Challenges of the ICJ in ensuring global Peace and Security through its Judgments

Agreeably, the ICJ has delivered some notable judgments that have ensured global peace and security. That however does not mean that the court does not have challenges.

Specifically, some of the challenges of the ICJ are:

Jurisdiction Issue: This is said to be dependent on the willingness of the parties to submit to the jurisdiction of the court. It follows that if a party or parties fail to submit as stated above the court cannot assume jurisdiction. With all due respect, the jurisdiction of a court of this magnitude ought not to be tied to the "willingness of the party to a dispute".

Enforcement of Judgment: The court becomes "functus officio after delivering judgment. Whether the judgment is obeyed or whether there is a need to enforce the judgment is not the "work out" of the court. Again, there is no standby law enforcement to enforce the judgment when a party-judgment debtor becomes recalcitrant.

Veto Power: This has been used to frustrate the decision of ICJ. The use of veto power to frustrate the decision of the ICJ makes the court a "toothless bull dog" to say the least.

Diplomatic Ways of Settlement of Disputes under International Law

Human activities and engagements usually result in dispute. Parties that peacefully entered into joint venture agreement most times end up as disputants and at times litigants. The reason is always as a result of clash of interests which most times arise from greed. Disputes under international law may

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[62] B O Okere,'The Concept of Legal Personality' in C O Okonkwo ed. *Introduction to Nigeria Law*(London: Sweet and Maxwell, 1980) 393.

[63] ICJ Report 1992, 3.

[64] ICJ Report 1944, 174.

arise as boundary disputes[65]or other issues.[66] The UNO ensures that disputes reported before it, is usually dealt with. In settlement of disputes, international law always has recourse to the primary purposes of the UNO which includes but not limited to maintenance of international peace and security.[67]

Going by the above written facts it is therefore important to list the diplomatic procedures and measures of settlement of disputes in International law as follows; Negotiation, Good offices and Mediation, Conciliation and inquiry. The above listed methods of dispute settlement shall be discussed here under in brief detail while adjudication procedures – arbitration and judicial decision of a court of competent jurisdiction[68]shall be discussed separately.

Negotiation

Negotiation is a consensual bargaining in which the parties attempt to reach agreement on a disputed or potentially disputed matter. This process involves complete autonomy for the parties involved, without the intervention of third parties.[69]

Lon L. Fuller observed this "Negotiation, we may say, ought strictly to be viewed simply as a means to an end; it is the road the parties must travel to arrive at their goal of mutually satisfactory settlement. But like other means, negotiation is easily converted into an end in itself; it readily becomes a game played for its own sake and a game played with so little reserve by those taken up with it that they will sacrifice their own ultimate interests in order to win it."[70]

Negotiation is the simplest, most convenient and most utilized means of settlement of both international and local disputes. It basically entails discussions between parties to dispute by themselves to the exclusion of third parties. It usually precedes other means of dispute settlement. For instance, disputants may start from negotiation and end up in court when the negotiation does not work out.

Negotiation is so important in settlement of disputes that some time parties are bound to enter into negotiation before any other means of dispute resolution can be resorted to. For instance, the convention on the law of the Sea provides that: when a dispute arises between state parties to the convention pertaining to the interpretation or the application of the convention or any provision therefore, 'the disputants thereof shall proceed to an exchange of views towards settlement by negotiations or by other peaceful means'.[71]

In the North Sea continental shelf cases[72] the Court held inter-alia that parties are under an obligation to enter into negotiations with a view to arriving at an agreement, and not merely to go through a formal process of negotiation as a sort of prior condition. They are under an obligation to conduct themselves ensure that the negotiations are meaningful, which will not be the case when either of the parties insist on its own position without modification borne in mind.[73]

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[65] Chad-Libya boundary dispute. The dispute over boundary between the two countries erupted in 1973. It culminated into long period of conflict and armed hostilities.
[66] This refers to disputes that are not boundary related.
[67] JG Merrill's International dispute settlement 4thedn (Cambridge, 2005).
[68] MN Shaw,*International Law* 5thedn. (Cambridge University, 2005) 1011.
[69] BA Garner,*Blacks Law Dictionary* 8th edn. (West publishing co, 2004) 1064-1065.
[70] L.L Fuller Anatomy of the law.
[71] Article 283 (1) of the convention on the law of the sea 1982.
[72](1969) ICJ Report, 3.
[73] (1969) ICJ Reports, 3, 47.

In Cameroon V Nigeria, the Court noted that "like all similar obligations to negotiate in International Law, the negotiation must be conducted in good faith".[74]

As stated above, many international disputes have been peacefully resolved using the instrumentality of negotiation. Parties are usually encouraged to negotiate when disputes arise. This is because parties are anticipated to know the truth about any dispute between them and during negotiation it is expected that parties shall tell themselves the truth to end the dispute. On a final note, for negotiation to be worthy of acceptance it must be done in good faith, it must be genuine and must not be mere formalities.[75]

Good Offices and Mediation

Here a third party encourages the disputants to settle. Parties to the dispute may be an international organization, a state or more than one state, individual or group of individuals. The third party applies the instrument of persuasion. Sometimes telling the parties to forget the past and forge ahead. Informing the parties of the need to be in harmony and things like that. In good offices a third party tries to take the disputants into negotiation while in mediation a third party is actively involved in the settlement of the said dispute. A mediator defies all odds to provide an enabling environment for the settlement of the dispute.

Bryan A. Garner[76]defined good offices as "The involvement of one or more countries or an international organization in a dispute between other countries with the aim of contributing to its settlement or at least easing relations between the disputing countries."[77]

The term 'Good offices' was used for the first time by Marshal J in Schooner Exchange v. M' Faddon[78]Good offices is often used interchangeably with mediation but the differences between both Alternative Dispute (ADR) mechanism have been stated above. The legal basis for these methods of settlement of international dispute is the UNO charter.

The charter provides that any dispute that is likely to endanger International Peace and Security should be addressed firstly through negotiation, mediation or other peaceful means.[79]In 1906 the US President played a good offices role in concluding the Japanese war. From the foregoing, there is no doubt that good offices and mediation tools used and still in use by the UNO to maintain international peace and security.

Conciliation

This is another diplomatic means of settlement of International dispute. Conciliation is an Alternative Dispute Resolution (ADR) method in which an expert is appointed to settle the dispute by persuading parties involved in the dispute to reach agreement. It is also described as the method adopted by the parties for resolving the dispute wherein parties out of their free consent appoint an unbiased and disinterested third party, who attempts to persuade them to arrive at an agreement, by way of mutual discussion and dialogue. It is confidential between the parties to the dispute and the conciliator and such confidentiality is not to be shared or disclosed to an external party.

In the celebrated International dispute between Iceland and Norway over the continental shelf delimitation and Iceland and Dan Mayen Island[80], the commission set up for conciliation proposed for

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[74] (2002) ICJ Reports 303, 423 Land and Maritime Boundary Dispute between Nigeria and Cameroon ICJ 10 October 2002 general list no 94 .
[75] Lac Lanoux arbitration 24 ILR, 101, 119.
[76] Author of Black's Law Dictionary.
[77]B. A. Garner, *Black's Law Dictionary*(n 70) 714.
[78] (1812) 7 Cranch 116.
[79] Art. 33 of the UNO charter.
[80] (1981) 20 ILM 797, 803.

joint development between the parties. The report was duly accepted by parties involved in the dispute. According to Merills "by 1940, nearly 200 conciliation treaties had been concluded.[81]

Conciliation has procedures however its decisions are not binding.[82] Some of the rules of conciliation are as follows: the function of the conciliation commission includes inquiries and mediation techniques. It shall be made up of five persons to be properly constituted. One each to be appointed by each of the opposing side while the remaining three shall be appointed from other states based on agreement between the opposing sides. The proceeding must not be in public. It shall be concluded within six months of commencement.[83]

According to Hudson: "Conciliation is a process of formulating proposals of settlement after an Investigation of facts and an effort to reconcile opposing contentions, the parties to the dispute being left free to accept or reject the proposals formulated."[84]

A lot of multilateral treaties like the 1957 European Convention for the peaceful settlement of Disputes; the 1969 Vienna Convention on Law of Treaties; the 1975 Convention on the Representation of states in their Relations with International organizations; the 1984 American Treaty of Pacific Settlement; the 1982 Convention on the law of the sea all made provisions concerning conciliation. This shows how important conciliation is in settlement of International disputes.

Inquiry[85]

This method of settlement of International dispute is resorted to or adopted where facts are disputed. Simply put, whenever different opinions exist between parties to dispute over factual matters, inquiry becomes the method to be adopted. Inquiry is an official process to discover facts about something, especially something bad that has happened.[86]Under inquiry, an impartial, contentious and independent investigator is appointed to look into a dispute in a dispassionate manner.[87]The importance of inquiry in settlement of International disputes cannot be over emphasized. However, the object of inquiry is primarily to discover the facts, truths of the matter in dispute between disputing parties. Inquiry is better carried out by distinguished and very knowledgeable experts in a particular field of dispute.

In 1904 Russian naval ship fired at British fishing boats in a mistaken assumption that the British fishing boats were hostile Japanese torpedo craft.[88] Commission of Inquiry was set up to look into the circumstances surrounding the controversy.[89] The commission of inquiry found that Russian was at fault as there was no justification whatsoever to attack British fishing boat. Russia and United Kingdom (UK) accepted the report which led to the payment of £65,000 (Sixty-five thousand pounds) paid to UK by Russian government.

[81] See Murty International dispute settlement.
[82] Paragraph 6 of the annex to the Vienna convention on the law of Treaties, 1969. Also the Vienna Convention for the protection of the Ozone, 1985 provides that Conciliation awards should be considered in good faith. Article 85 (7) of the Vienna convention on the Representative of states in their Relations with International organizations provides that any party to the disputes may declare unilaterally that it will abide by the recommend actions in the report as far as it is concerned. Noteworthy is the fact that Article 14 (3) of the Treaty Establishing the organization of Eastern Caribbean states, 1981 provides that member states of the organization undertakes to accept conciliation procedure as compulsory.
[83] See the 1949 revised edn of the 1928 General Act on the pacific settlement of International Disputes. In MN Shaw International Law 6th edn. (n 15) 1023.
[84] Mo Hudson International Tribunal 1944, 223
[85] NB Yaacov, *The handling of International Disputes by means of Inquiry*(London 1974) 1.
[86]<https://dictionary.cambridge.org>accessed 24 March 2024.
[87] Art. 9 of the 1899 Hague convention for Pacific settlement of International disputes.
[88] NB Yaacov International Dispute chapter 3 in D. O. Anumba (n 51), 234-235.
[89] The Controversy is called Dogger Bank Incident of 1904.

Inquiry is a veritable tool used to settle International dispute provided the parties involved are willing to accept the outcome of the inquiry. As stated above, the dispute between Russia and UK was amicably resolved as parties accepted the outcome of inquiry. Inquiry has therefore been evident as means of settlement of International disputes especially under the UNO. Infact the use of inquiry is on the increase by the UNO in its quest to maintain International Peace and Security.

The announcement by the UNO Secretary-General of a mission in 1988 to Iran and Iraq to investigate the situation of prisoners of war at the request of those states, S/20147.[90]As a result of the inquiry adopted in the Iran and Iraq issues, by the end of 1992, the offices in Baghdad and Tehran were phased out while a permanent Peace keeping missions in Iraq and Iran became the channels of Communication between those countries and the UNO for matters related to resolution 598 (1987).[91]

What is Resolution 598 (1987)?

Generally, a resolution is a document containing an expression or authorization.[92]Resolutions are formal expressions of the opinions or will of the UNO organs.[93]Loosely speaking, resolutions are instruments, documents or means through which an organization communicates others or its members. Ans UNO resolution is a formal text adopted by an UNO body. Although any UNO body can issue resolutions, in practice most resolutions are issued by the Security Council or the General Assembly.[94]

UNO Resolution 598 (1987)[95] in summary demands that the warring nations of Iraq and Iran observe an immediate cease fire, discontinue all military actions on land, at sea and in the air. To withdraw all forces to the Internationally recognized boundaries without delay; to release all prisoners of war and repatriate them without delay after cessation of hostilities in accordance with the third Geneva Convention.[96]Call upon the two warring parties to co-operate with the UNO secretary General in implementing the resolution and so on.

This resolution was a result of inquiry initially carried out by the UNO on the situations in Iraq and Iran. Inquiry acts as a compass with which to see the cardinal directions of a dispute. It could be used in ascertaining the remote and immediate factors that led to the dispute and the available remedies through recommendations. However, the technique is limited in that it can only have relevance in the case of International disputes, involving neither the honor nor the vital interests of the parties, where the conflict centers on a genuine disagreement as to a particular facts which can be resolved by recourse to an impartial and conscientious investigation.[97] Another problem with inquiry is the choice of third party as parties to the dispute may continue to reject the third party who wants to inquiry into the dispute.

Arbitration

Arbitration as a means of settlement of international dispute grew from some diplomatic settlement of international dispute. It then developed to be acceptable as an advanced means of settlement of international dispute acceptable under international law and international legal system.[98] The 1899 Hague convention for the Pacific settlement of Disputes included a number of provisions on international arbitration.[99]

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[90]<https://www.peacekeeping.un.org>accessed 24 March 2024.
[91] Ibid.
[92] BA Garner Black's Law Dictionary, (n 70), 1337.
[93]<https://research.un.org>doc>resolutions>accessed 24 March 2024.
[94]<https://en.,.wikipedia.org>wiki>accessed 24 March 2024.
[95] Adopted by the UN Security Council at 2750c meeting on July 1987.
[96] The third Geneva Convention of 12 August 1949.
[97] Article 9 of the 1899 Hague convention for pacific settlement of international; disputes; in MN Shaw International Law Cambridge University press 6 edn 2008 R1020.
[98] MN Shaw International law, (n 15), 1048.
[99] ibid

Where diplopic means of settlement fails, international Arbitration is then the most effective manner of settlement of dispute which is also equitable. Arbitration proceeding is not made up of judges so it is not a court strict sensu. It is made up of persons nominated or appointed by the disputing parties themselves.

The International Court Arbitration (ICA) by the International Chamber of Commerce (ICC) was established for the settlement of International Commercial disputes. It is the World's leading arbitral institution since 1923. It exercises judicial supervision of arbitration proceedings.

However, the Permanent Court of Arbitration (PCA) established by treaty in 1899, is an intergovernmental organization that provides variety of dispute resolution seines to the international community.[100] The PCA provides administrative supporting in international arbitrations involving states, state entities, international organizations and even private parties.

What is Arbitration?
Arbitration is a procedure for the settlement of disputes between states by a binding award on the basis of law and as a result of an under taking voluntarily accepted.[101] Usually, it is the disputants that set out the procedure the tribunal will follow, the applicable law and the jurisdiction of the tribunal.

From the definition, it can be deducted that the decision of an arbitration tribunal is called award. The award is usually given by a majority vote. Each state party to a dispute that want to settle through arbitration usually appoints two arbitrators. One of the two may be from the disputing country. An umpire who presides during the sitting is appointed from among those chosen by the disputing parties.

Arbitration is a dispute resolution procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make binding decision on the dispute. This is an alternative dispute resolution (ADR)[102] method resorted to by disputants instead of court settlement.

Features of Arbitration
Arbitration as a means of settlement of international dispute has certain features that must be in place for it to be acceptable. Some of the features are consensual, neutrality, confidential and the fact that the decision of the arbitral tribunal is final and enforceable.

It is Consensual
This is one of the basic features of arbitration. This feature is in pari material with the "willingness of parties to submit to the jurisdiction of the ICJ" simply put, it is a party that has consented that will submit. Parties must consent before arbitration can take place. Agreement between disputing parties is a great feature of this method of settlement of international dispute. This can also be called consensus ad idem which literally means meeting of the minds. This feature of arbitration is vital as it is the first step to be taken. Parties agreeing that the dispute between them can be arbitrated upon are an indirect way of saying 'that the parties want the dispute to be settled. It is the very starting point of resolving international dispute. Again, once the parties agree to go in for arbitration, a party cannot withdraw unilaterally as applicable in mediation.

[100] <http://iccwbo.org>icc-international >accessed on 24 March 2024.
[101] This definition was given by the International law commission in II YBILC (1953) p. 202.
[102] ADR means Alternative Dispute Resolution. It is a means of settlement of disputes without going to Court. Simply put, ADR is simply a process of initiating alternative methods and procedures of resolving a civil or commercial dispute without resorting to litigation. This procedure is preferred to litigation because it is less expensive, less cumbersome and less time consuming. However it is usually more acceptable in civil than criminal matters.

Neutrality
Disputants are allowed to choose neutrals of appropriate nationality. They are also allowed to choose some important elements like the applicable law, language and venue of arbitration. This is to ensure that basically no party to the dispute enjoys a home court advantage.

Confidentiality of the procedure:
Existence of arbitration entails confidentiality. The confidentially of arbitration extends to any disclosures made during the proceeding and even the award. The rule guiding arbitration allows a party to restrict access to trade secrets or other confidential information that is submitted to the arbitral tribunal or to a confidentiality advisor to the tribunal.

The Decision of the Arbitral Tribunal is final and Enforceable
Under the rules guiding arbitration parties agree to carry out the decision of the arbitral tribunal without delay. Moreover, international awards are enforceable even at national courts.

Use of Arbitration in Settlement of International Dispute
The importance of arbitration is resolving disputes between parties cannot be over emphasized. It is cheaper and more convenient than litigation. In Alabama claims award of 1872, the importance of arbitration was stated therein. According to Hudson

> "The success of the Alabama claims Arbitration a remarkable activity in the field of international arbitration. In the three decades following 1872, arbitral tribunals functioned with considerable success in almost a hundred cases; Great Britain took part in thirty arbitrations, the United States in twenty while European states were parties in about sixty, Latin American states were also involved in about fifty cases".

The Concept of Arbitrability
Arbitrability is a common and basic concept in arbitration. It divides the issues that can be subject of arbitration from issues that are not subject of arbitration. Basically, two things can make arbitration impossible – either that the dispute is not subject of arbitration and as such cannot be submitted for that or that the parties involved in the dispute did not agree to submit the matter for arbitration.

Arbitrability simply suggests that some disputes are impossible to arbitrate.[103]This could be as a matter of policy limitation. Again, criminal matters are certainty not appropriate for arbitration even if the parties in criminal proceeding consent to arbitration. Arbitrability is therefore a term used to exclude certain disputes from the scope of arbitration.

Arbitrability and Autonomy of a party
Autonomy is a principle that is hallowed and recognized seriously under the Arbitration and Conciliation Act.[104] This act contains provision on the autonomy of party when it provides that: any designation of law or legal system of a country shall unless otherwise agreed be constructed as directly referring to the substantive law of that country and not its conflict of law rules; where the governing law is not expressed, it may be implied from the choice of the particular arbitrator or the venue of arbitration; where the law of the country to be applied is not determined by the parties, the arbitral tribunal shall apply the law determined by the conflict of law rules which it considers applicable; the parties may authorize the arbitral tribunal to decide as amiable compsituer.[105]The precursor to this provision is that the arbitral tribunal shall decide the dispute in accordance with the rule of arbitration

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[103]Chineze Sophia Obi Okoye, 'The effect of Arbitrability on the enforcement of arbitral awards in Nigeria', *Esut Public Law Journal* volume 1, no 1, 2011, 194.
[104] Arbitration and Conciliation Act cap A18, laws of the Federal 2004.
[105] Section 47 (1), 6, 7, 9, 13, 16, 17 and 18 amongst others of the Arbitration and Conciliation Act all espouse party autonomy. See Chinaza Obi Okoye Sophia. (n 105) 199.

in force in the state whose law the parties to the dispute have chosen as applicable to the substance of the dispute.

Party autonomy in this context means that parties shall have control of their own affair in the arbitration process. Autonomy in that regard cannot be dispensed with because the parties have a whole lot of roles to play before, during and even after the arbitration. Party autonomy however, has some limits otherwise it would not allow arbitrators perform the duty of arbitration properly.

Findings

This paper finds that the ICJ being the highest Court of the world has played major roles in the onerous responsibility of ensuring global peace and security. A situation where there is no apex court is better imagined that felt.

That the security council of the UNO has very monumental role to play in ensuring that he decision of ICJ in contentious matters are complied with. However, by virtue of Article 94 (2) such role is discretional and can only be played "if the Security Council deems it necessary". What the council is usually is to make recommendation or decide measures that can ensure that the judgment is complied with.[106]

It was also discovered that veto power can be and has been used to frustrate the decision of ICJ as the USA did against Nicaragua. It follows that countries decide which judgment to comply with and the one not to comply with. A judgment debtor can also stay so long before complying with the decision of ICJ in contentious issues. And that they is no organ in existence to supervise the compliance or otherwise of the decisions of the court.[107]

Recommendations

1. Interpol and FBI should be co-opted as the enforcement arm or simply put as the law enforcement of the ICJ. When that is done, their duties shall include but not limited to ensuring that the ICJ judgments are complied with.
2. Heavy sanctions should be meted out to non-compliant states. Even fines too.
3. There should be no veto power at all when the ICJ delivers judgment. State parties should be equal in treatment when it comes to the enforcement of the court's judgment.

Conclusion

The ICJ has really delivered landmark judgments in numerous contentious issues. It has also given sound opinions on advisory capacity. Be that as it may, there is still room for improvement.

Specifically, the noticeable areas waiting for improvement are the phrase "willingness of the parties to submit to the jurisdiction of the court, veto power used by the "super powers to frustrate the decision of the court and inadequacies noticeable in the enforcement of the decisions of the ICJ.

Undoubtedly, the major problem as regards to the enforcement of the decisions of that the ICJ cannot Suo motu enforce its decisions. It is only political for the Security Council to take over such important duty-enforcement of ICJ decisions. As one author pointed out "the process by which the decision of ICJ is implemented consists in the main of a succession of political decisions as the implementation is purely political in all its ramifications.[108]

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[106] A. Bloed and A Dijik, 'Forty years of International Court of Justice: Jurisdiction, Equity and Equity' Europes Institute Uretch 1988, 71-84.

[107] SK Kapoor,'Enforcement of Judgment and Compliance with Advisory opinion of the International Court of Justice' in RP Dhokathi.. and BC Nirmal (ed).

[108]Rosenne, *The Law and Practice of International Court 1920-1996*(Martins Nijhoff ,1977) 201.

Agreeably, the enforcement mechanism is a way big challenge to the decisions of the ICJ. Despite the fact that all importance should be attached to the decisions of the "world court" yet some member nations still pay nonchalance attitude towards that.

This paper in reality discussed the role of the ICJ in maintaining international peace and security; more so, the diplomatic means of settlement of international disputes like Negotiation, mediation, good offices, conciliation and inquiry were given adequate attention.

The analysis shows that there is room for improvement.

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