

Demystifying the Legitimacy of the International Court of Justice

Authors : Roger-Claude Liwanga

Abstract : Over the last seven decades, there has been a proliferation of international tribunals. Yet, they have not received unanimous approval, raising a question about their legitimacy. A legitimate international tribunal is one whose authority to adjudicate international disputes is perceived as justified. Using the case study of the International Court of Justice (ICJ), this article highlights the three criteria that should be considered in assessing the legitimacy of an international tribunal, which include legal, sociological, and moral elements. It also contends that the ICJ cannot claim 'full' legitimacy if any of these components of legitimacy is missing in its decisions. The article further suggests that the legitimacy of the ICJ has a dynamic nature, as litigating parties may constantly change their perception of the court's authority at any time before, during, or after the judicial process. The article equally describes other factors that can contribute to maintaining the international court's legitimacy, including fairness and unbiasedness, sound interpretation of international legal norms, and transparency.

Keywords : international tribunals, legitimacy, human rights, international law

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