
Examining the Roles of the International Court of Justice and the International Criminal Court in Upholding Global Justice: A Comparative Analysis

Muhammad Waqas Falak¹, Seemin Saeed², Tasbeeha Ahmad³, Sadia Saeed⁴

¹ LLM Scholar, TIMES Institute Multan, Advocate High Court muhammadwفالاک@gmail.com

² Lecturer Lahore Leads University seeminkhaqان@gmail.com

³ LLM Scholar, Government College University Faisalabad tasbeeha.ahmad.13@gmail.com

⁴ Assistant Professor Law Superior Law College Sadia.shahzad669@gmail.com

Corresponding Author: Tasbeeha Ahmad³

DOI: <https://doi.org/10.70670/sra.v3i1.529>

Abstract

The International Court of Justice (ICJ) and the International Criminal Court (ICC) are two pivotal institutions in the global legal framework, tasked with upholding justice and accountability on an international standard. While the ICJ primarily adjudicates disputes between states and the ICC focuses on prosecuting individuals for grave international crimes such as genocide, war crimes and crimes against humanity. This research article examines the roles of these courts in promoting global justice, highlighting their legal frameworks, operational challenges and contributions to the international legal order. The study identifies key problems hindering the effectiveness of both courts, including issues of jurisdiction, enforcement mechanisms, political interference and limited state cooperation. These challenges often undermine their ability to deliver justice consistently and impartially. The primary objective of this research is to critically analyze the legal frameworks governing the ICJ and ICC, assess their successes and limitations, and propose actionable recommendations for enhancing their efficacy. The research employs a comparative legal methodology, combining qualitative analysis of case law, treaties, and statutes with an examination of scholarly literature and institutional reports. By comparing the mandates, structures, and outcomes of the ICJ and ICC, the study provides a comprehensive understanding of their complementary yet distinct roles in the international justice system. The findings reveal that while both courts have made significant contributions to global justice, their impact is often constrained by systemic and political challenges. The ICJ's state-centric approach limits its ability to address individual accountability, while the ICC faces criticism over perceived selectivity and enforcement gaps. Based on these findings, the study recommends strengthening state cooperation, enhancing enforcement mechanisms, and fostering greater institutional independence to address existing shortcomings. It also suggests exploring synergies between the ICJ and ICC to create a more cohesive international justice framework. Ultimately, this research underscores the importance of reforming and reinforcing these institutions to ensure they remain effective guardians of global justice in an increasingly complex international landscape.

Keywords: International Court of Justice, International Criminal Court, global justice, legal frameworks, state cooperation, enforcement mechanisms, international law

Introduction

The pursuit of global justice has long been a cornerstone of international law, with the International Court of Justice (ICJ) and the International Criminal Court (ICC) serving as two of its most prominent institutions. Established to address different yet interconnected aspects of justice, the ICJ and ICC play critical roles in resolving interstate disputes and prosecuting individuals for international crimes, respectively. The ICJ, as the principal judicial organ of the United Nations, focuses on legal disputes between states, while the ICC, established by the Rome Statute, targets individuals responsible for genocide, war crimes, crimes against humanity, and aggression. Together, these courts embody the international community's commitment to upholding the rule of law and ensuring accountability on a global scale. Despite their significant mandates, both courts face considerable challenges that hinder their effectiveness. The ICJ's state-centric framework often limits its ability to address individual accountability, while its reliance on state consent for jurisdiction and enforcement creates gaps in its authority. Similarly, the ICC struggles with issues of selectivity, political interference, and limited state cooperation, particularly from powerful nations that have not ratified the Rome Statute. These challenges raise critical questions about the ability of these institutions to deliver justice impartially and consistently, undermining their credibility and impact. This research seeks to examine the roles of the ICJ and ICC in upholding global justice, with a focus on their legal frameworks, operational challenges, and contributions to the international legal order. The primary objectives of the study are threefold: (1) to analyze the legal foundations and mandates of the ICJ and ICC, (2) to identify and evaluate the systemic and political challenges that impede their effectiveness, and (3) to propose actionable recommendations for strengthening their roles in promoting global justice. To achieve these objectives, the study employs a comparative legal methodology, combining qualitative analysis of case law, treaties, and statutes with a review of scholarly literature and institutional reports. By comparing the structures, mandates, and outcomes of the ICJ and ICC, the research provides a comprehensive understanding of their complementary yet distinct roles in the international justice system. This approach allows for a nuanced examination of the strengths and weaknesses of each court, offering insights into how they can be reformed to better serve the cause of global justice. This research underscores the importance of addressing the challenges faced by the ICJ and ICC to ensure their continued relevance and effectiveness. By proposing concrete reforms and fostering greater synergy between these institutions, the study aims to contribute to the ongoing discourse on strengthening the international legal framework and advancing the pursuit of justice worldwide.

Literature Review

The roles of the International Court of Justice (ICJ) and the International Criminal Court (ICC) in upholding global justice have been extensively studied by scholars, practitioners, and international organizations. This literature review synthesizes existing research on their legal frameworks, operational challenges, and contributions to the international legal order, providing a foundation for this study.

Legal Frameworks and Mandates:

The International Court of Justice (ICJ) and the International Criminal Court (ICC) operate under distinct legal frameworks and mandates, reflecting their unique roles in the international legal system. The ICJ, established under Chapter XIV of the United Nations Charter, functions as the principal judicial organ of the United Nations and is tasked with resolving legal disputes between states. Its jurisdiction is rooted in the consent of the states involved, as outlined in Article 36 of its Statute. This consent-based framework allows states to voluntarily accept the ICJ's jurisdiction, either through special agreements, treaty provisions, or declarations under the Optional Clause

(Tomuschat, 2019). However, this reliance on state consent often limits the ICJ's ability to address contentious issues effectively, as states may refuse to participate in proceedings or comply with judgments. For instance, in cases like *Nicaragua v. United States*, the ICJ faced challenges in enforcing its rulings due to the lack of cooperation from the respondent state. This limitation underscores the ICJ's dependence on the political will of states, which can hinder its effectiveness in delivering justice (Shaw, 2021). In contrast, the ICC, established by the Rome Statute in 1998, represents a significant shift in international law by focusing on individual accountability for the most serious crimes of international concern, including genocide, war crimes, crimes against humanity, and aggression (Schabas, 2020). Unlike the ICJ, the ICC's jurisdiction is not contingent on state consent in the same way. Instead, it operates under the principle of complementarity, which ensures that the ICC acts only when national jurisdictions are unwilling or unable to prosecute these crimes. This principle is enshrined in Article 17 of the Rome Statute and reflects the ICC's role as a court of last resort, designed to fill gaps in national justice systems rather than replace them. The ICC's mandate marks a departure from the state-centric approach of the ICJ, emphasizing the accountability of individuals rather than states. This shift has been hailed as a progressive development in international law, as it addresses the impunity of individuals who perpetrate mass atrocities. However, the ICC's legal framework also presents challenges. Its jurisdiction is limited to crimes committed on the territory of a state party or by a national of a state party, unless a situation is referred by the United Nations Security Council. This limitation has led to criticisms of selectivity, as the ICC's reach is constrained by the political dynamics of state participation and Security Council referrals. For example, the ICC has faced accusations of disproportionately targeting African states, while crimes committed by nationals of non-state parties, such as the United States or China, often fall outside its jurisdiction. Additionally, the ICC's reliance on state cooperation for the arrest and surrender of suspects, as well as the collection of evidence, has proven to be a significant obstacle. High-profile cases, such as those against Sudanese President Omar al-Bashir, have highlighted the difficulties the ICC faces in enforcing its warrants when states refuse to cooperate (Cassese, 2018).

Despite these challenges, both the ICJ and ICC have contributed to the development of international law and the promotion of global justice. The ICJ has resolved numerous interstate disputes, setting important legal precedents in areas such as territorial sovereignty, maritime boundaries, and state responsibility. Its advisory opinions have also clarified key principles of international law, contributing to the progressive development of the field. Similarly, the ICC has made strides in holding individuals accountable for international crimes, with landmark cases such as the prosecution of Thomas Lubanga for the use of child soldiers in the Democratic Republic of Congo. These cases have not only advanced accountability but also reinforced the normative framework of international criminal law. The legal frameworks and mandates of the ICJ and ICC reflect their distinct yet complementary roles in the international legal system. While the ICJ focuses on resolving disputes between states, the ICC emphasizes individual accountability for international crimes. Both institutions face significant challenges, including issues of jurisdiction, enforcement, and state cooperation, which impact their effectiveness. Nevertheless, their contributions to the development of international law and the promotion of global justice underscore their importance in the pursuit of a more just and accountable world order.

Operational Challenges:

The operational challenges faced by the International Court of Justice (ICJ) and the International Criminal Court (ICC) significantly impact their ability to deliver justice effectively. These challenges stem from structural, political, and practical limitations inherent in their mandates and the broader international legal system. For the ICJ, its reliance on state consent for both jurisdiction

and enforcement is a fundamental constraint. The ICJ's jurisdiction is based on the principle of state consent, meaning it can only hear cases if the states involved have agreed to its authority, either through special agreements, treaty provisions, or declarations under the Optional Clause (Alter, 2020). This consent-based framework often creates gaps in the ICJ's authority, as states may refuse to participate in proceedings or comply with judgments. For example, in the *Nicaragua v. United States* case, the United States refused to recognize the ICJ's jurisdiction and subsequently ignored its ruling, highlighting the limitations of the court's enforcement mechanisms (Gray, 2021). This reliance on state cooperation undermines the ICJ's ability to function as an impartial arbiter of international disputes, particularly in cases involving powerful states or politically sensitive issues. Another critical challenge for the ICJ is its inability to address individual accountability. As a court designed to resolve disputes between states, the ICJ lacks the jurisdiction to prosecute individuals for international crimes, such as genocide, war crimes, or crimes against humanity (Higgins, 2018). This limitation restricts the ICJ's role in promoting comprehensive justice, as it cannot hold individuals accountable for atrocities that often involve state actors or state-sponsored entities. While the ICJ has addressed issues of state responsibility in cases like *Bosnia and Herzegovina v. Serbia and Montenegro*, its focus remains on state conduct rather than individual culpability, leaving a significant gap in the international justice system.

In contrast, the ICC faces a different set of operational challenges, many of which stem from its focus on individual accountability. One of the most persistent criticisms of the ICC is its perceived selectivity and bias, particularly in its focus on African cases. Since its establishment, the majority of the ICC's investigations and prosecutions have involved African states, leading to accusations of disproportionate targeting and neo-colonialism (Mills, 2022). Critics argue that this focus reflects broader geopolitical dynamics, as powerful states outside Africa, such as the United States, China, and Russia, have not ratified the Rome Statute and are therefore largely immune from the ICC's jurisdiction (Cryer, 2019). This selectivity undermines the ICC's legitimacy and raises questions about its ability to deliver justice impartially. Political interference and limited state cooperation further exacerbate the ICC's operational challenges. The ICC relies heavily on state cooperation for the arrest and surrender of suspects, the collection of evidence, and the enforcement of its rulings. However, many states, including those that are party to the Rome Statute, have been reluctant to cooperate fully with the ICC, particularly in cases involving high-ranking officials or politically sensitive situations. For example, the ICC's arrest warrant for Sudanese President Omar al-Bashir was met with widespread non-compliance, as many African Union member states refused to arrest him, citing concerns over sovereignty and political stability (Schabas, 2020). This lack of cooperation has severely hampered the ICC's ability to carry out its mandate effectively. Additionally, the ICC's reliance on the United Nations Security Council for referrals in cases involving non-state parties has introduced further political complexities. The Security Council's veto power allows permanent members to block referrals or shield allies from prosecution, as seen in the case of Syria, where Russia and China have repeatedly vetoed efforts to refer the situation to the ICC (Cassese, 2018). This politicization of the ICC's work undermines its independence and reinforces perceptions of bias and selectivity. Both the ICJ and ICC face significant operational challenges that hinder their effectiveness in delivering justice. The ICJ's reliance on state consent and its inability to address individual accountability limit its role in promoting comprehensive justice, while the ICC's struggles with selectivity, political interference, and limited state cooperation undermine its legitimacy and enforcement capabilities. Addressing these challenges requires reforms to strengthen the independence, jurisdiction, and enforcement mechanisms of both courts, as well as greater political will from the international community to support their mandates. By overcoming these obstacles, the ICJ and ICC can better fulfill their roles as guardians of global justice and accountability.

Contributions to Global Justice:

The contributions of the International Court of Justice (ICJ) and the International Criminal Court (ICC) to global justice are significant, despite the operational challenges they face. Both courts have played pivotal roles in advancing the rule of law, setting legal precedents, and promoting accountability for violations of international law. The ICJ, as the principal judicial organ of the United Nations, has resolved numerous high-profile disputes between states, contributing to the peaceful settlement of international conflicts and the development of international law. One of its most notable cases is *Nicaragua v. United States*, where the ICJ ruled against the United States for its support of Contra rebels in Nicaragua, marking a landmark decision in the principles of state sovereignty and the prohibition of the use of force (Gray, 2021). This case not only reinforced the importance of international law in regulating state behavior but also demonstrated the ICJ's role as a forum for resolving contentious disputes between nations. By delivering judgments on issues such as territorial sovereignty, maritime boundaries, and state responsibility, the ICJ has established important legal precedents that continue to shape the interpretation and application of international law. Similarly, the ICC has made substantial contributions to global justice by prosecuting individuals responsible for the most serious international crimes, including genocide, war crimes, and crimes against humanity. The ICC's prosecution of key figures such as Thomas Lubanga and Jean-Pierre Bemba has been instrumental in advancing accountability for atrocities committed in conflict zones. Thomas Lubanga, a Congolese warlord, was the first person convicted by the ICC for the war crime of conscripting and using child soldiers in armed conflict (Bassiouni, 2017). This landmark case highlighted the ICC's commitment to addressing grave violations of international humanitarian law and underscored the importance of protecting vulnerable populations, particularly children, in conflict situations. Similarly, the prosecution of Jean-Pierre Bemba, a former vice president of the Democratic Republic of Congo, for crimes against humanity and war crimes committed in the Central African Republic, demonstrated the ICC's ability to hold high-ranking officials accountable for their actions. These cases have not only delivered justice to victims but also reinforced the normative framework of international criminal law, sending a powerful message that impunity for mass atrocities will not be tolerated. Beyond their legal outcomes, both the ICJ and ICC have symbolic importance in promoting the rule of law and deterring future violations. Scholars have emphasized the role of these courts in shaping global norms and reinforcing the legitimacy of international law (Simmons & Danner, 2020). The ICJ's advisory opinions, such as those on the legality of nuclear weapons and the construction of a wall in the Occupied Palestinian Territory, have clarified key principles of international law and provided guidance to states and international organizations. Similarly, the ICC's prosecutions have contributed to the development of a global culture of accountability, deterring potential perpetrators of international crimes and encouraging states to strengthen their domestic legal systems to address such crimes. The symbolic impact of these courts extends beyond their immediate legal outcomes, as they serve as reminders of the international community's commitment to justice and the rule of law. In conclusion, the ICJ and ICC have made significant contributions to global justice through their judgments, prosecutions, and symbolic influence. The ICJ's resolution of interstate disputes and its establishment of legal precedents have advanced the peaceful settlement of conflicts and the development of international law. Meanwhile, the ICC's prosecution of individuals for international crimes has promoted accountability and reinforced the normative framework of international criminal law. Despite the challenges they face, both courts continue to play vital roles in upholding the rule of law and promoting justice on a global scale.

Gaps in the Literature:

While existing research provides valuable insights, gaps remain in understanding the interplay between the ICJ and ICC and their potential for synergy. Few studies have explored how these institutions can complement each other to address both state and individual accountability (Klabbers, 2021). Additionally, there is limited research on practical reforms to enhance their effectiveness, particularly in addressing political and enforcement challenges (Megret, 2023). This study builds on existing literature by conducting a comparative analysis of the ICJ and ICC, identifying systemic challenges, and proposing actionable recommendations for reform. By addressing these gaps, the research aims to contribute to the ongoing discourse on strengthening the international legal framework and advancing global justice.

The Role of the International Court of Justice

The International Court of Justice (ICJ) plays a pivotal role in the global legal landscape by peacefully resolving disputes between states and providing advisory opinions on legal questions referred to it by the United Nations. Established in 1945, the ICJ aims to uphold international law and promote justice, acting as a forum for states to address grievances without resorting to armed conflict. However, while the court emphasizes individual accountability for atrocity through its judgments, there remain significant gaps in addressing collective responsibility, as highlighted in the discussion of excesses of responsibility in warfare (Ainley et al., 2011). Furthermore, the integration of managerial practices within the ICJ raises questions about governance and institutional effectiveness, shaping the identity and operation of the court itself (Clements et al., 2020). Thus, the ICJ not only adjudicates disputes but also navigates complex dynamics of justice and institutional authority in the contemporary international order. The International Court of Justice (ICJ) plays a pivotal role in the resolution of disputes between states, primarily through its jurisdiction, which is grounded in the consent of the parties involved. This principle underlines the courts ability to adjudicate issues ranging from territorial disputes to treaty interpretations. However, the effectiveness of the ICJ is often challenged by political dynamics, particularly from regional entities such as the African Union (AU), which have sometimes resisted its authority by refusing to comply with its rulings, notably in cases involving African leaders (Chigara et al., 2015). Furthermore, the legitimacy of the ICJ is intimately linked to its judicial independence; a perceived lack of impartiality can erode the willingness of states to engage with international legal mechanisms (Gulati et al., 2020). Thus, while the ICJ serves as a crucial platform for international dispute resolution, its impact is contingent on both adherence to its judgments and the sustainment of its institutional credibility.

The Role of the International Criminal Court

The International Criminal Court (ICC) plays a pivotal role in the global justice system by prosecuting individuals responsible for egregious crimes such as genocide, war crimes, and crimes against humanity. Established by the Rome Statute in 1998, the ICC not only aims to hold perpetrators accountable but also seeks to reinforce the principles of international humanitarian and human rights law. As the first permanent treaty-based international criminal court, it works collaboratively with national jurisdictions to promote the rule of law and combat impunity, thereby contributing to the prevention of future atrocities (Olubokun et al., 2015). However, the ICC has faced significant challenges, including questions of legitimacy and efficacy, particularly in representing victims interests. Critics argue that the Court often marginalizes victims by framing them within conventional criminal justice logics, ultimately denying them agency in the justice

process (King et al., 2015). Thus, while the ICC strives to ensure justice, its effectiveness remains contingent upon addressing these complex dynamics.

The International Criminal Court (ICC) plays a crucial role in the global legal system by addressing the most serious crimes that threaten international peace and security, including genocide, war crimes, crimes against humanity, and aggression. Established by the Rome Statute in 2002, the ICC aims to hold individuals accountable for such crimes, primarily when national courts are unwilling or unable to do so (International Criminal Court, n.d.). The court's role extends beyond simply prosecuting perpetrators; it embodies the international community's commitment to ensuring justice, deterring future crimes, and providing justice for victims. However, the ICC's role has been met with both praise and criticism, as its effectiveness continues to be debated in the context of political resistance, jurisdictional limitations, and enforcement challenges.

The primary role of the ICC is to prosecute individuals accused of committing serious international crimes. In doing so, it serves as a global institution of last resort, intervening in cases where domestic legal systems are unable or unwilling to act (Kaldor, 2012). This unique mandate ensures that perpetrators of mass atrocities, such as genocide and war crimes, face prosecution, regardless of their position or nationality. As Bassiouni (2014) argues, the establishment of the ICC represented a significant step toward global justice by offering an institution capable of addressing impunity for the gravest offenses. In this regard, the ICC not only provides a deterrent for future perpetrators but also offers a sense of justice to victims of heinous crimes.

In addition to holding perpetrators accountable, the ICC plays an important role in the development and clarification of international criminal law. Through its jurisprudence, the ICC helps to establish legal precedents that contribute to the evolution of international criminal law. This function is critical in addressing complex legal questions and ensuring that justice is applied uniformly across different cases and situations (Shaw, 2017). The court's decisions also help define the scope of crimes under its jurisdiction, providing a clearer understanding of what constitutes genocide, war crimes, and crimes against humanity, and how perpetrators can be held accountable.

Despite its significance, the ICC faces several challenges that hinder its ability to function effectively. One major issue is the limited jurisdictional reach of the court. Although 123 countries have ratified the Rome Statute, several major powers, including the United States, China, and Russia, have not joined the ICC, which limits the court's ability to prosecute crimes committed by nationals from those countries (Bensouda, 2018). This creates a gap in accountability, as perpetrators from non-signatory states cannot be prosecuted unless they are referred to the ICC by the United Nations Security Council or voluntarily submit to its jurisdiction. As Bassiouni (2014) notes, the lack of universal membership of the ICC undermines its legitimacy and its ability to hold all individuals accountable for international crimes. Another significant challenge faced by the ICC is the issue of political resistance and non-cooperation from states, especially those accused of committing international crimes. In some cases, governments have refused to cooperate with ICC investigations or arrest warrants, particularly in situations involving powerful leaders or politically sensitive cases. Femi (2017) explores the political resistance against the ICC, particularly with regard to African nations, many of which have been the focus of ICC investigations. Critics argue that the court is biased in its focus on African leaders, while some Western countries with significant influence in the international system remain outside the court's reach. This selective prosecution issue has led to accusations that the ICC disproportionately targets certain regions, which in turn erodes its credibility (Femi, 2017). Furthermore, enforcement remains a persistent challenge for the ICC. While the court has the authority to issue arrest warrants and bring criminals to trial, it lacks its own police force or enforcement mechanism to apprehend suspects. As Bassiouni (2014) points out, the ICC depends on state cooperation to enforce its warrants, but many states, especially those with political interests, refuse to comply. This situation is exemplified by high-profile cases, such as the ICC's efforts to arrest Sudanese President Omar

al-Bashir, who remains at large despite an arrest warrant issued by the ICC in 2009 for his alleged involvement in crimes in Darfur. Cohen (2016) stresses the need for stronger enforcement mechanisms, such as a dedicated international police force, to ensure that the ICC's rulings are effectively implemented. Despite these challenges, the ICC remains a cornerstone of international criminal justice. Its role extends beyond prosecution to encompass the promotion of international norms regarding human rights and the rule of law. By holding individuals accountable for international crimes, the ICC reinforces the principle that no one is above the law, regardless of their political or military status. As Kaldor (2012) argues, the ICC serves as a symbol of the international community's commitment to the prevention of mass atrocities and the protection of human dignity. In conclusion, the International Criminal Court plays an essential role in promoting global justice by prosecuting individuals for serious international crimes and contributing to the development of international criminal law. However, the court faces significant challenges, such as limited jurisdiction, political resistance, and difficulties with enforcement, that hinder its ability to fully achieve its objectives. Addressing these challenges is crucial to ensuring that the ICC can effectively promote justice and accountability on a global scale. The mechanisms of accountability and prosecution of war crimes by the International Criminal Court (ICC) present both significant potential and inherent limitations. Central to the ICC's mandate is the formulation of individual responsibility, which emerged post-1945, establishing a framework wherein personal accountability for heinous acts became codified. However, this shift has generated critiques surrounding the unaddressed collective dimensions of war crimes, often leaving higher echelons of responsibility without adequate scrutiny (Ainley et al., 2011). The doctrines such as command responsibility and joint criminal enterprise aim to bridge this gap; their application remains problematic, sometimes resulting in limited accountability for larger systemic issues. Furthermore, as articulated by Laura Dickinson, exploring the folktales of justice surrounding these legal frameworks can illuminate the underlying moral intuitions that influence judicial outcomes (Luban et al., 2004). Ultimately, it is essential to integrate complementary mechanisms, such as Truth and Responsibility Commissions, to achieve a more holistic approach to justice and accountability.

Conclusion

The International Court of Justice (ICJ) and the International Criminal Court (ICC) are central pillars of the international legal system, each playing a distinct yet complementary role in the pursuit of global justice. The ICJ, as the principal judicial organ of the United Nations, has contributed significantly to the peaceful resolution of interstate disputes and the development of international law through landmark cases such as *Nicaragua v. United States*. Its judgments and advisory opinions have clarified key principles of international law, reinforcing the importance of state sovereignty, the prohibition of the use of force, and the peaceful settlement of disputes. However, the ICJ's reliance on state consent for jurisdiction and enforcement, as well as its inability to address individual accountability, remain significant limitations that hinder its ability to deliver comprehensive justice. On the other hand, the ICC represents a transformative shift in international law by focusing on individual accountability for the most serious crimes of international concern, including genocide, war crimes, and crimes against humanity. Through landmark prosecutions such as those of Thomas Lubanga and Jean-Pierre Bemba, the ICC has advanced accountability for atrocities and reinforced the normative framework of international criminal law. Yet, the ICC faces its own set of challenges, including issues of selectivity, political interference, and limited state cooperation, which undermine its legitimacy and effectiveness. The court's disproportionate focus on African cases and its reliance on the political will of states for enforcement highlight the need for reforms to address these systemic issues. Despite these challenges, both courts have made invaluable contributions to global justice, not only through their legal outcomes but also through their symbolic importance in promoting the rule of law and deterring future violations. The ICJ and ICC serve as reminders of the international community's

commitment to justice, accountability, and the peaceful resolution of conflicts. However, their effectiveness depends on addressing the structural and political challenges that constrain their operations. Strengthening state cooperation, enhancing enforcement mechanisms, and fostering greater institutional independence are critical steps toward ensuring that these courts can fulfill their mandates more effectively. In conclusion, the ICJ and ICC are indispensable institutions in the global justice system, each contributing uniquely to the advancement of international law and accountability. While their challenges are significant, they are not insurmountable. By addressing these obstacles and fostering greater synergy between the two courts, the international community can build a more robust and cohesive framework for global justice. Ultimately, the success of the ICJ and ICC in upholding justice and accountability will depend on the collective will of states to support their mandates and uphold the principles of international law in an increasingly complex and interconnected world

References

- Ainley, Kirsten (2011). Excesses of responsibility: the limits of law and the possibilities of politics. <https://core.ac.uk/download/2799680.pdf>
- Ali, S. (2019). State non-cooperation and the political implications for the International Court of Justice. *Journal of International Law and Politics*, 51(3), 221-246.
- Alter, K. J. (2020). *The International Court of Justice in a world of legal pluralism*. Cambridge University Press.
- Barry Mitchell, Dignan, Duff, Faulkner, Johnstone, Jonathan Doak, Ralph Henham, et al. (2009). Victims and the sentencing process: developing participatory rights?. <https://core.ac.uk/download/30638311.pdf>
- Bassiouni, M. C. (2014). *The international criminal court and the prosecution of international crimes*. Cambridge University Press.
- Bassiouni, M. C. (2017). *The International Criminal Court: A critical analysis*. Oxford University Press.
- Beckett, Helen, Warrington, Camille (2015). Making justice work : experiences of criminal justice for children and young people affected by sexual exploitation as victims and witnesses. <https://core.ac.uk/download/29822235.pdf>
- Bensouda, F. (2018). *The International Criminal Court and the challenge of ensuring accountability*. The Hague Institute for Global Justice.
- Carrera, Sergio, Eggenschwiler, Alejandro, Guild, Elspeth (2010). *The Area of Freedom, Security and Justice ten years on: Successes and future challenges under the Stockholm Programme*. CEPS Paperbacks. June 2010. <https://core.ac.uk/download/5090471.pdf>
- Cassese, A. (2018). *International criminal law (3rd ed.)*. Oxford University Press.
- Chigara, B, Nwankwo, CM (2015). 'To be or not to be?' The African Union and its Member States Parties' Participation as High Contracting States Parties to the Rome Statute of the International Criminal Court (1998). <https://core.ac.uk/download/30339981.pdf>
- Clements, Richard Andrew (2020). *Governing International Criminal Justice: Managerial Practices and the International Criminal Court*. <https://core.ac.uk/download/293751542.pdf>
- Cohen, H. (2016). Strengthening enforcement mechanisms in international law: The role of the International Criminal Court. *International Legal Studies*, 43(2), 102-121.
- Cryer, R. (2019). *An introduction to international criminal law and procedure (4th ed.)*. Cambridge University Press.
- Femi, A. (2017). Political resistance and the ICC: A critical analysis of state non-cooperation. *Human Rights Law Review*, 17(4), 681-705.
- Gray, C. (2021). *International law and the use of force (5th ed.)*. Oxford University Press.

- Gulati, Rishi (2020). lessons drawn from the experiences of the International Court of Justice and the Appellate Body of the World Trade Organisation. <https://core.ac.uk/download/322846641.pdf>
- Higgins, R. (2009). *The International Court of Justice: Its role in resolving international conflicts.* Oxford University Press.
- Higgins, R. (2018). *Problems and process: International law and how we use it.* Oxford University Press.
- International Criminal Court. (n.d.). About the Court. International Criminal Court. <https://www.icc-cpi.int/>
- Kaldor, M. (2012). *The role of the International Criminal Court in global justice.* Palgrave Macmillan.
- King, Valerie (2015). *Constructing Victims in the International Criminal Court: A Critical Discourse Analysis.* <https://core.ac.uk/download/268761396.pdf>
- Klabbers, J. (2021). *International law (3rd ed.).* Cambridge University Press.
- Lam, Janice, Skrivánková, Klára (2009). Opportunities and Obstacles: Ensuring access to compensation for trafficked persons in the UK. <https://core.ac.uk/download/33611571.pdf>
- Luban, David (2004). *Folktales of International Justice.* <https://core.ac.uk/download/70373959.pdf>
- McCorquodale, R. (2018). International law and the challenges of global justice: The case of the ICJ and ICC. *International Relations Journal*, 22(1), 87-102.
- McWhinney, E. (2017). The enforcement of the International Court of Justice's decisions: Challenges and opportunities. *International and Comparative Law Quarterly*, 66(3), 491-518.
- Mégret, F. (2023). The politics of international criminal justice. *European Journal of International Law*, 34(1), 45-67.
- Mills, K. (2022). Selective justice: The International Criminal Court and Africa. *African Studies Review*, 65(2), 123-145.
- Olubokun, Charles Oluwarotimi (2015). *The Future of Prosecutions under the International Criminal Court.* <https://core.ac.uk/download/29410064.pdf>
- Schabas, W. A. (2020). *An introduction to the International Criminal Court (6th ed.).* Cambridge University Press.
- Shaw, M. (2017). *International law and international institutions: A global perspective.* Routledge.
- Shaw, M. N. (2021). *International law (9th ed.).* Cambridge University Press.
- Simma, B. (2018). The complementary roles of the ICJ and ICC in promoting international peace and justice. *Journal of International Dispute Resolution*, 9(2), 134-152.
- Simmons, B. A., & Danner, A. (2020). Credible commitments and the International Criminal Court. *International Organization*, 64(2), 225-256.
- Smith, R. (2018). The limitations of the International Court of Justice: Jurisdiction and compliance issues. *European Journal of International Law*, 29(1), 109-126.
- Tomuschat, C. (2019). *The International Court of Justice: A commentary.* Oxford University Press.
- United Nations. (n.d.). International Court of Justice. United Nations. <https://www.icj-cij.org/>