

Jurisdiction of the International Court of Justice under Compromissory Clauses of Multilateral Treaties : Some Relationships between Court Judicial Policy and Parties' Judicial Strategies

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In recent times, the compromissory clauses of multilateral treaties have been frequently invoked by the States Parties as the basis of jurisdiction of the International Court of Justice (ICJ). However, in these cases, the respondent States tend to firmly deny the jurisdiction of the Court, as they do not consider that the submitted dispute concerns the application or the interpretation of the present multilateral treaties.

After general observation of the ICJ's jurisprudence about the compromissory clauses, this paper focuses on recent cases where the respondent States strongly objected to the jurisdiction of the Court under compromissory clauses of the multilateral treaties, resulting in the Court eventually denying jurisdiction. In these cases, the Court seemed to warn of the applicant States' abuse of the compromissory clauses to avoid the withdrawal of the respondent States from the treaties. Even under the present circumstances, the ICJ should always carefully establish consent of the States Parties, even taking into consideration their judicial strategies.