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Why Comply? An Analysis of Trends in Compliance with Judgments of the International Court of Justice since Nicaragua.

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WHY COMPLY?

An Analysis of Trends in Compliance with Judgments of the International Court of Justice since *Nicaragua*.

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“More than ever before in human history, we share a common destiny. We can master it only if we face it together. And that, my friends, is why we have the United Nations.” —Kofi Annan

* * *

I. INTRODUCTION

Since Nicaragua,\(^1\) the International Court of Justice (“ICJ”) has achieved substantial compliance with its judgments. As will be discussed in Section II, outright defiance has not been asserted in any case; rather, in cases where total compliance was not achieved, the non-compliance was slight. Four factors, discussed in Section III, contribute to such compliance: external political influence, internal need for a definitive solution, the substance of the judgment issued, and internal political influence. How each factor attributes to compliance is discussed in Sections III-A, III-B, III-C, and III-D, respectively, and Section IV offers a cumulative assessment of the factors’ influence on compliance in four categories of cases: territorial disputes over sovereignty, territorial disputes over boundary lines, criminal procedure issues, and disputes over interpretation. Lastly, Section V offers suggestions for continuing compliance trends.

Because many scholars have labeled Nicaragua as the “turning point” in a series of instances of open defiance and non-appearance,\(^2\) this assessment considers only those cases which were adjudicated subsequent to that decision. This aggregation of cases arbitrated from 1986 to the present\(^3\) will be referred to herein as “modern era” disputes. For the purposes of this paper, only contentious cases in which a judgment on the merits has been ordered were evaluated.\(^4\) Neither advisory proceedings nor provisional measures were considered. Twelve
post-Nicaragua cases which have not yet procured a judgment on the merits were excluded from consideration, as were four cases where compliance with the judgments cannot yet be determined.\textsuperscript{5} Four additional cases that were discontinued without any prior judgment on the merits were likewise disregarded, as were two cases removed from the Court’s list at the joint request of the parties.\textsuperscript{6} Further, eighteen cases in which the claim was rejected on jurisdictional or admissibility grounds or where there was no positive statement that could possibly imply a duty of acceptance and implementation were also excluded.\textsuperscript{7}

**II. DEFINING “COMPLIANCE”**

Defiance involves wholesale rejection of a judgment as invalid coupled with a refusal to comply.\textsuperscript{8} In the modern era, there have been no cases of outright defiant noncompliance in which a respective respondent has deliberately, openly, and continuously taken action contrary to the judgment, “vehemently criticizing the Court and challenging the bindingness of its decision[].”\textsuperscript{9} Noncompliance, in the sense used here, requires more than initial disapproval; it requires a complete, unceasing refutation of the judgment from which the defiant party has not recanted.

Although no state has been directly noncompliant of a modern era judgment, some decisions “have met with less compliance than others.”\textsuperscript{10} Initially noncompliant behavior has been observed following a judgment in cases where a party is dissatisfied with the Court’s decision and unwilling to accept it at the outset; but such instances are not cases of direct noncompliance because the refusal to comply eventually subsides. Cases of slight noncompliance are also presented where a party claims to comply with a decision but does not take action to match its verbal commitment.\textsuperscript{11} Such behavior is likewise not directly noncompliant as used here, however, because there is no outward rejection of the decision.
In some cases, implementation problems subsist which render parties unable to sufficiently comply with the Court’s judgment, despite bona fide efforts to do so. In these instances, failure to comply is a result of execution issues rather than of defiance by either party. Inability to implement the decision cannot be defined as noncompliance in the former sense where no defiant behavior is present.

III. Factors Affecting Compliance

Four factors determine the extent to which compliance will be achieved: external political influence, internal need for a definitive solution, the substance of the judgment issued, and internal political influence. The external indicator of compliance with an ICJ decision is political influence. Political influence -- that is, pressure from the international community, involvement in international organizations, and reputation costs associated with noncompliance -- foster compliance. The internal indicator of compliance with an ICJ decision is the existence of a genuine need for a definitive solution. Whether such a need exists is influenced primarily by the interests and relationship of the parties involved. The last two indicators of compliance discussed, and the factors which incite the most problems for implementation, are the substance of the judgment issued and internal political influence.

A. External Political Influence

The external factor attributable to states’ compliance with ICJ decisions is political influence. Pressure from the international community and the presence of international organizations contribute significantly as means for ensuring states’ compliance. Further, the reputation costs associated with noncompliance, often resulting from international affiliation, minimize the risk of state disobedience with judgments.

1. Pressure from the International Community
Pressure from the international community is a significant factor in compliance with ICJ decisions. International pressure, especially in the modern era of cases, has played a momentous role in the tendency of states to seek resolution of disputes in the ICJ and in ensuring compliance when such judgments are ordered. Pressure from the international community is such that, even in instances where a party fails to submit fully to the Court’s judgment, the party will outwardly claim to be doing so. The emergence of the international community as a prominent and reputable body in the modern era of the ICJ has acted as a penal device, furnishing consequences for states who fail to comply with orders put in place by its institutions.

Such pressure can be general or specific. Following the ICJ’s judgment in the Kasikili/Sedudu Island case, for example, the Namibian president issued the following statement: “As a law-abiding nation and consistent with our undertaking, I wish to ensure the international community that Namibia will abide by the verdict of the ICJ and respect it fully.” Such a statement depicts the propensity many states have to preserve their effigy in international relations. In some cases, however -- especially those where noncompliance is suggested or anticipated -- the pressure on the state to comply is more specific. Following Nigeria’s disapproval of the Court’s judgment in the land and maritime boundary dispute between itself and Cameroon, for example, the United States, France, and the United Kingdom subjected Nigeria to substantial diplomatic pressure to ensure compliance with the decision.

Observation of ICJ judgments as a result of international pressure is further exemplified in cases like the dispute between Libya and Chad regarding the Aouzou Strip, a case profiled as resulting in initial noncompliance. Despite openly criticizing the Court’s decision following its issue, Libya had few options but to comply, as it could no longer stake a claim to the territory without risking regional and international consequences. Subsequent acceptance of the judgment
as legally binding secured peace between Libya and Chad after years of feuding by affirmatively preventing Libya from claiming sovereignty over the disputed region. Further advancing the assertion that pressure from the international community significantly contributes to compliance with judgments, some scholars have posited the lack of praise by the international community for Libya as a law-abider in the wake of the judgment as a reason for Libya’s arguably dubious compliance. Such a case demonstrates the momentous influence of the international community, even in those cases where initial noncompliance was present.

Review of the ICJ’s record further demonstrates the influence the international system has in causing states to rely on the ICJ’s procedure as a valid and necessary means for solving disputes. The dispute between Hungary and Slovakia revolved around the Gabčíkovo-Nagymaros Project, a project solidified by a treaty signed by the two states. Hungary was the party who decided to abandon the project -- but even so, the implications of the international agreement prompted Hungary to submit the dispute to the ICJ, rather than just defy the agreement. Such an act demonstrates the power of influence the international community and the presence of international agreements can have on settling disputes between states.

2. Presence of International Organizations

Article 94(1) of the United Nations Charter expressly posits member states’ obligation to comply with ICJ decisions: “[e]ach member of the United Nations undertakes to comply with the decisions of the International Court in any case to which it is a party.”

The importance of active involvement in international organizations as a means for ensuring compliance with ICJ decisions is perhaps best shown in the previously mentioned case involving the Bakassi Peninsula, in which Nigeria eventually agreed to abide by the Court’s decision to award the disputed territory to Cameroon, despite initially rejected it, largely in part
to the active efforts of United Nation. Following Nigeria’s open disapproval of the Court’s decision, the international community exerted substantial pressure on Nigeria to comply, with the British High Commission of the United Kingdom stated to Nigeria: “[ICJ] judgments are binding and not subject to appeal. Nigeria has an obligation under the United Nations charter to comply with the judgment.”

The United Nations played a pivotal role in the “easing of tensions and renewing cordiality between Cameroon and Nigeria” through intensive mediation efforts. At the request of both States, the United Nations set up a commission to “consider the implications of the verdict, protect the rights of the people in the affected areas, and propose a workable solution.”

Likewise in the dispute between El Salvador and Honduras over their land frontier, the legal status of maritime spaces, and sovereignty over certain islands, each State affirmed its acceptance of the Court’s judgment following the decision and announced its intention to accept and comply with its obligations under Article 94(1) of the UN Charter. Even when accusations did arise over compliance, both States continued to avow acceptance of the Court’s judgment and worked with international organizations to ensure that satisfactory compliance was achieved.

In some cases, the presence of international organizations allows for the resolution of cases without a judgment. For example, in the case regarding the bindingness of an arbitral award on the maritime boundaries of Guinea-Bissau and Senegal -- where a final judgment on delimitation of the maritime zone in question was never necessary as a result of a compromise between the parties -- compliance could be ensured without a judgment, because an international agency for joint exploitation of the disputed area’s resources was established to assist in
implementation of the States’ agreement and to offer aid in the event that the cooperation was to break down.\(^{33}\)

Aside from the significance of international organizations’ presence in forging compliance with decisions, such presence, like pressure from the international community, is also a significant moving force in validating the legitimacy of such organizations and codifying the authority of the ICJ to arbitrate international disputes. Both *LaGrand*\(^{34}\) and *Avena*,\(^{35}\) for example, were cases concerning the United States of America’s application of the Vienna Convention on Consular Relations\(^{36}\) and were initiated through the Vienna Convention’s Optional Protocol on Compulsory Settlement of Disputes, which both countries ratified\(^{37}\) as a result of membership in the United Nations. Likewise, the recognition of an international tribunal like the ICJ can foster compliance in and of itself, as seen in the Sipadan-Ligitan Case.\(^{38}\) Following an award of the disputed islands to Malaysia, the Indonesian Embassy announced that it would honor the obligation created by its submission to such a tribunal and accept the decision as final and binding.\(^{39}\)

The role of international organizations can be brought full circle by considering, for instance, the dispute between Congo and Belgium over the legality of an arrest warrant issued by Belgium against a foreign minister of the Democratic Republic of the Congo.\(^{40}\) Because the dispute was premised in alleged crimes against humanity and breaches of the 1949 Geneva Conventions and their 1977 Additional Protocols I and II,\(^{41}\) Member State status accounted for the submission of the dispute to the ICJ. Grounded as a violation of that protocol, the ICJ’s determination of validity of the international warrant in question was interpreted in light of elucidations employed by the applicable international organ. As such, the Court’s reasoning when adjudging on the warrant’s validity was based primarily on customary international law, as
established by the international community and sustained by international organizations. Following adjudication, implementation of the Court’s judgment -- which is irrelevant without a means for execution -- is effected by the presence and pressure of the same international organs by which the dispute was submitted for settlement. In adherence to the Court’s decision interpreting Belgium’s obligations under the international organization of which it is a part, Belgium accepted the Court’s ruling, withdrew the warrant, and made the required notifications on the day after its delivery. Further, in 1993, Belgium made fundamental changes to its laws on universal jurisdiction, complying with its obligations under Article 94(1) of the UN Charter and acting in conformity with the Court’s reasoning.

3. Reputation Costs

Not distinct from international community pressure and presence of international organizations as a factor promoting compliance is the issue of reputation costs. When states are resolving contentious issues with the assistance of international institutions, they are more likely to comply with agreements and orders due to “consideration for their reputation in future bargaining situations.” Active involvement with international organizations increases the prospects for compliance by raising reputation costs for reneging, and pressure from the international community causes for far greater reputational injury to states which circumvent ICJ judgments. For example, although Libya initially rejected the Court’s judgment in its territorial dispute with Chad, it eventually negotiated with Chad to reach an agreement of implementation, and Libya’s open support of the Court’s decision and accord with implementing it “greatly benefit[ed] Libya’s international image and strengthened Libya’s ties to other North African countries.”
Cases like the dispute between El Salvador and Honduras further exemplify states’ cognizance of perception in the international regime. Honduran allegations of Salvadoran misconduct and continuing border problems have suggest that El Salvador is not “completely fulfilling its obligation to execute the judgment reasonably and in good faith”\(^{51}\); notwithstanding that suggestion, however, El Salvador has continuously avowed its acceptance of and compliance with the Court’s judgment publically, demonstrating that, even if it had not endeavored to comply with the judgment initially, reputation costs associated with non-compliance provoked the State to at least portray compliance to the international community -- a representation that in fact has effectuated compliance with the Court’s decision to a considerable extent,\(^{52}\) even if done inadvertently.

The influence of reputational considerations is likewise seen in more recent disputes like that between Bosnia and Serbia regarding the prevention and punishment of the crime of genocide.\(^{53}\) The Court found that Serbia had failed to prevent genocide and had flouted its obligations under the genocide convention by failing to punish the perpetrators, and ordered that Serbia take immediate steps to detain wartime leader Radovan Karadzic and military commander Ratko Mladic to be transferred to the United Nations war crimes tribunal for trial.\(^{54}\) Further amplifying the reputational risks at stake should the order not be effectuated, the European Union announced that Serbia’s admission would be withheld until the two perpetrators were detained.\(^{55}\) As ordered, Radovan Karadzic was arrested in Belgrade in July 2008.\(^{56}\) Although Ratko Mladic had not been arrested as of October 22, 2010, and despite relatives of Ratko Mladic filing a request that he be declared dead in June 2010,\(^{57}\) Belgrade has incessantly avowed commitment to arresting him in accordance with the judgment.\(^{58}\)
The recently adjudicated dispute between Malaysia and Singapore over sovereignty of Pedra Branca\textsuperscript{59} demonstrates the ability of reputation costs to promote compliance even where the decision is viewed as unfavorable to one or both sides. Further, it exemplifies the clout of political pressure to instill deference beyond mere ICJ judgments, but also for the ICJ procedure. Although both Malaysia and Singapore had agreed to respect and accept the Court’s decision, the Malaysian Foreign Minister later said his country had renewed its search for the letters which would allow it the autonomy to build a Lighthouse on Pedra Branca.\textsuperscript{60} In making such an assertion, the Foreign Minister cited to a rule of the ICJ which allows for a case to be reviewed if new evidence is ascertained within ten years of the judgment,\textsuperscript{61} thus demonstrating the reverence states have -- not only to the judgments the Court hands down -- but also to the \textit{modus operandi} the ICJ employs.

Proactive consideration of reputational effects by a state as a factor in compliance is not limited to concern for internal reputation costs alone. Following Indonesia’s acceptance of the Court’s judgment in the Sipadan-Ligitan case, for example, the Indonesian Embassy expressed hope that its positive reception to the decision would set a precedent in the Southeast Asian region and serve as an example for the future interactions of its countries.\textsuperscript{62} As such, Indonesia’s compliance can be seen as attributable in part to recognition of the effect noncompliance could have, not only on itself, but on the region as a whole in future bargaining situations. Indonesia set a standard for compliance which raised -- if not established -- the reputation costs of noncompliance in the adjudication and resolution of future disputes by and between Southeast Asian countries.

Factors of external political influence are, more often than not, intertwined. To exemplify, reconsider the previously cited dispute between Guinea-Bissau and Senegal.
Following the award, Senegal demanded compliance by Guinea-Bissau, which was impeded by Guinea-Bissau’s contention that the award was unenforceable because of inconsistencies and its failure to conform to the previous arbitration agreement.\textsuperscript{63} Despite such objections, however, obligatory pressure derived from the international community and the ubiquity of international organizations heightened the reputation costs associated with noncompliance and prompted Guinea-Bissau to initiate further proceedings with the Court, rather than disregard the judgment.\textsuperscript{64}

**B. Parties’ Need for a Definitive Solution**

A second factor attributable to states’ compliance with ICJ decisions is the subjective necessity of the parties to attain a definitive solution. Elements existing between states which most significantly effectuate a need to solve a dispute are shared interests in resolution, close relations, or military conflicts. States which have a shared interest in resolution of an issue, which engage in close relations, or in which there are extant or anticipated military conflicts are more likely to seek resolution through the ICJ and obtain judgments. Likewise, none of such judgments have met defiance.

1. **Shared Interest**

In each of the internationally adjudicated disputes in the modern era of cases where a judgment has been reached, the parties have had some shared interest in settlement. The shared interest between states in some disputes, however, goes beyond a mere shared interest in resolution. Rather, there exists between the feuding parties some mutually collective concern that stands to be benefited, addressed, or improved upon by dispute settlement, thereby accommodating both parties with respect that that shared interest, even if the merits of the decision are more favorable to one party than the other.
In the Kasikili/Sedudu Island case, for example, the need for resolution of the disputed area was expedited by Botswana and Namibia’s significant mutual interest in the prevention of poaching, an effort that had been complicated by the dispute. Likewise in the Gabčíkovo-Nagymaros Project case, the bi-national venture at issue involved a joint investment by Hungary and Slovakia for the shared purpose of developing energy and navigation and in protecting against floods. Another prime example is the dispute between Malaysia and Indonesia over the Spidan and Ligitan islands, which are home to ecosystems responsible for classifying more than 3,000 species of fish and hundreds of species of coral and which represent the “centre of one of the richest marine habitats in the world.” Such ecosystems require administrative actions for preservation and protection, like that of British authorities in issuing ordinances on bird sanctuary and turtles eggs and in operating life houses, which necessitate an establishment of sovereignty in one of the states.

There may also be a mutually shared interest between parties in preventing a harmful rift in their relations. The case between Argentina and Uruguay over the construction of pulp mills on the Uruguay River sought to settle an economic and public relations rift between the States which had affected tourism and transportation. In the territorial dispute between Libya and Chad, too, the States had shared economic and political interests in avoiding a direct confrontation, as Chad could lose its economic help from Libya by publicizing Libyan adventurism in the region.

Mutually shared resources also expedite the need for settlement. The dispute over sovereignty in the area between Greenland and Jan Mayen, for example, resulted from a common interest in obtaining and protecting resources, namely capelin, relied on by the populations of Denmark and Norway, and impelled a necessity for both States to delimitate the continental
shelf and fishery zones so that the shared resources could be properly conserved and allocated. Similarly in the Pedra Branca case, Malaysia and Singapore had a mutually shared economic interest in fishing and shipping in the area in dispute,\textsuperscript{75} and in the dispute between Qatar and Bahrain, the need for a solution was incited by shared economic interests in petroleum, gas resources and tourism in the area.\textsuperscript{76}

2. Close Relations

Where a close relationship exists -- whether based on economics, cultural ties, history, or amiability -- states are more likely to submit themselves to the ICJ and observe any judgment devised. During the proceedings over the Kasikili/Sedudu Island, for example, Namibia and Botswana each stressed its commitment to good relations with one other.\textsuperscript{77} Because of those good relations, both States were interested in a rapid settlement of the dispute and in the removal of the conflict as “an irritant of their relations.”\textsuperscript{78} Likewise in the Sipadan-Ligitan dispute, bilateral relations between Indonesia and Malaysia prompted the two States to commit to settling the dispute peacefully.\textsuperscript{79} The Indonesian Embassy stated that such a commitment, which largely attributed to the prompt and effective resolution of the dispute, “reflect[ed] the maturity in the interaction between the two States” and “could only be made possible within a conducive political environment both bilaterally and regionally.”\textsuperscript{80} A similar interest existed more recently in the Pulp Mills on the River Uruguay case, where the economic and public relations rift caused by the dispute tainted otherwise amicable relations between the Argentina and Uruguay.\textsuperscript{81} Prior to the dispute, the parties shared many historical and cultural ties and both States sought quick resolution of the issue in order to prevent the creation of an unprecedented feud between the two.\textsuperscript{82}
This theme is consistent in cases in the modern era, as well as pre-\textit{Nicaragua}: good relations between disputing states -- especially when those relations involve trade, industry, or some other fiscal endeavor -- encourage fast resolution and compliance. It does not follow, however, that conflicting relations between countries promote noncompliance. In the case of the boundary issue between Qatar and Bahrain\textsuperscript{83} for instance, the boundary dispute had soured the relations between the countries for decades.\textsuperscript{84} Rather than acting as a factor toward noncompliance, the Court’s decision, in offering a solution to the problem which caused the rift, ushered in a new era of cooperation between the two States and strengthened ties in the entire region.\textsuperscript{85}

\textbf{3. Militarized Conflict}

Fears of noncompliance often arise in disputes where military clashes are present. In spite of what seems to be substantial grounds for concern, however, these fears have proved unfounded.\textsuperscript{86} Not only do armed classes tend to influence the submission of international disputes to the arbitration of the ICJ,\textsuperscript{87} but judgments rendered often foster cooperation and friendship between previously feuding states, as seen in the dispute between Qatar and Bahrain, in which the Court settled a centuries-old dispute between the countries that had been described as one of \textquote{the most explosive disputes in the Persian Gulf.}\textsuperscript{88}

Likewise in the dispute between Libya and Chad, fears that Libya would refuse to remove its military force were unfounded. Libya withdrew its troops from the area in question, even in spite of its initial disapproval of the Court’s judgment.\textsuperscript{89} The judgment has since been recognized as an important factor in concluding the widespread military activity that previously existed in the region.\textsuperscript{90} Similarly in the dispute between El Salvador and Honduras over their land frontier, the legal status of maritime spaces, and sovereignty over certain islands, problems
in implementation were foreseen from the outset as a result of the hostilities and conflict which existed between the countries. 91 Each States, however, instantaneously announced it would accept the decision. 92 Even as armed conflicts persisted in the gulf’s waters, 93 both States accepted the Court’s judgment and proceeded to eradicate hostilities and work to have the decision implemented.

This trend has continued in recent cases. The case regarding maritime delimitation in the Black Sea 94 further exemplifies that even where conflict exists or is anticipated, a judgment can not only end the possibility of conflict, but also foster cooperation and positive relations. Following the Court’s judgment regarding the disputed boundary, Ukrainian President Viktor Yuschenko stated that he considered the ruling “just and final” and hoped “the ruling open[ed] new opportunities for further fruitful cooperation in all sectors of the bilateral cooperation between Ukraine and Romania.” 95

As these examples illustrate, modern era cases suggest that the presence of military conflict between parties to a dispute pose no threat to compliance, but rather, provide for it. Additionally, even in situations where militarized conflict is neither present nor anticipated, a desire to maintain peace and prevent any such possibility from arising can act as a factor providing for effective dispute resolution. Following the Sipadan-Ligitan case, for example, Indonesia expressed relief that the States had “avoided the possibility of an armed conflict and the potential losses resulting from it” 96 and made “a valuable investment in the development of a peaceful and prosperous region” 97 in resolving the dispute. The threat of armed conflict served as a motive for compliance despite the two countries having had a historically amicable relationship.

C. Substance of the Judgment
The third factor effecting compliance, and one of the most significant in achieving it, is the substance of the judgment itself. Elements of the judgment which most readily effect compliance are determinacy of the decision, the presence of compromise and cooperation, and whether the decision is in conflict with the self-interest of one or more of the parties. In modern era cases, judgments which are ambiguous or in discord with a state’s self-interest principles cultivate the most problems for implementation, but such decisions are nonetheless complied with. Judgments which entail compromise or allow for cooperative efforts, on the other hand, are generally implemented with ease.

1. Determinacy of Decision

In the dispute between El Salvador and Honduras, the slight noncompliance was attributable, in significant part, to the uncertainty left by the Court’s judgment. Jurisdiction seaward was confused for a time, with both Nicaragua and El Salvador appearing to misinterpret the point at which Honduran waters ended at the mouth of the gulf. In consideration of such obstacles for implementation, especially in cases deemed as encountering noncompliance, it is important to note that delays in the implementation of ICJ judgments not attributable to the bad faith of either side are not examples of noncompliance in a strict sense. In the preceding case, the failure to implement the special agreement and demarcate the boundary appears to be a problem of allocation of resources and practical issues, not of bad faith or resistance of either party.

Another case illustrative of ambiguity acting as a barrier to compliance is the Court’s decision in the Gabcikovo-Nagymaros Project case. In its judgment, the Court refrained from making any specific orders and instead imposed a duty on Hungary and Slovakia to negotiate the “modalities” of implementing the judgment in good faith. Such ambiguity “did little to
resolve the underlying dispute and arguably left the parties in the same position they were in before the case.”

The difficulty with that former position can be seen in the circumstances surrounding Indonesia and Malaysia prior to the Sipadan-Ligitan case, where the issue of sovereignty could not be overcome prior to its submission to the ICJ as a result of inconsistent written legal conventions and state practice handed down from the British and Dutch colonial authorities in 1891. The inability to resolve the dispute was not caused by a failure to negotiate or cooperate, but rather by the existence of a legal doctrine which was open to various interpretations.

Such circumstances are indicative of the problems that affront disputing parties following the issuance of an ambiguous judgment. The states are often unable to use the judgment to resolve their difference, not for reason of refusal to comply, but for lack of direction on how to do so. As such, assessing compliance in accord with judgments which are inherently ambiguous is especially difficult. It does not follow, however, that the presence of the aforesaid issues in implementation are signs of direct noncompliance. Rather, such instances stand for the proposition that determinant decisions cultivate compliance, whereas indeterminant decisions, instead, act as an obstacle to it.

While it is possible to procure compliance with a judgment in spite of ambiguity, discontent with such an approach has been noted. To settle the dispute between Nicaragua and Honduras over demarcation in the Caribbean Sea, the Court ordered the States to negotiate the course of the line between the existing endpoint of the land boundary in the mouth of the Coco River and the starting point determined in the judgment in good faith. Although compliance has been achieved to date, the Court’s decision to require “good faith” negotiations, rather than ruling on the course itself, has met criticism.
2. Conflicting Self-Interest Principles

As expected, another challenge to compliance occurs when the judgment ordered is in direct conflict with the self-interest of one or more of the parties involved. Although such a decision may spur noncompliance initially, state behavior in the modern era of cases has shown significant deference to the role of the ICJ as an arbitrator in the settlement of international disputes, even where unfavorable. The following cases point positively to the premise that states will comply with judgments announced by the Court even where contrary to their national interests.\textsuperscript{111}

Recall the Bakassi Peninsula dispute between Cameroon and Nigeria. The Lake Chad basin contains significant resources,\textsuperscript{112} and the Bakassi Peninsula has been an even greater source of tension because of its vast oil resources.\textsuperscript{113} In its judgment, the Court awarded Cameroon the Lake Chad boundary, 30 villages, and the Bakassi Peninsula.\textsuperscript{114} Such a judgment was incontestably in conflict with Nigeria’s self-interest principles, and, not surprisingly, Nigeria issued an official statement following the decision rejecting parts of the judgment as “unacceptable.”\textsuperscript{115} Both parties acknowledged the substantial economic benefits available to the prevailing party, and the intensity of those benefits required more considerable assistance for compliance. Although coming to an agreement was more onerous, a “comprehensive resolution of the dispute” in reliance on the Court’s demarcation was nonetheless reached\textsuperscript{116} and eventual compliance was achieved\textsuperscript{117} with the transfer of the Bakassi Peninsula to Cameroon, despite Nigeria’s clear self-interest in retaining the resources of the land.\textsuperscript{118}

Two other judgments which presented a significant conflict in the self-interest of one of the disputing parties are the Court’s awards of sovereignty in the Kasikili/Sedudu Island case and the Pulau Ligitan and Pulau Sipadan Islands case.\textsuperscript{119} The States in both instances had an
economic interest in developing a tourist infrastructure in the disputed area, and neither country could proceed until sovereignty had been decided. In the Court’s judgment, sovereignty over the Kasikili/Sedudu Island was awarded entirely to Botswana, and sovereignty over the Pulau Ligitan and Pulau Sipadan Islands were awarded to Indonesia. Although the awards were clearly divergent of Namibia and Malaysia’s self-interests in the islands, both states nonetheless complied with the Court’s decision.

Likewise is the recent case between Romania and Ukraine, where Romania was awarded a piece of land containing considerable natural gas and petrol depositories that was significantly larger and more rich in resources than an adjacent piece of terrain awarded to Ukraine. According to Volodymyr Vasylenko, Ukraine’s commissioner in the United Nations International Court, almost the entirety of the available oil and gas reserves were concentrated in the part of the sea shelf granted to Romania. Nonetheless, the line drawn was considered equitable between both parties, and both have thus far complied.

The tendency of compliance in instances where judgments favor one state’s self-interest over another is not left to good manners alone, however. As discussed in the following section, cooperation is the primary means by which such decisions are eventually implemented.

3. Compromise and Cooperation

Decisions representing a compromise between the wants of both states will be more eagerly and easily complied with. In the boundary dispute between Qatar and Bahrain, for example, the countries had a shared economic interest in resolving the maritime and territorial issues, and the Court’s decision found a solution to the long-standing dispute which amplified both countries fiscal opportunities. The boundary defined by the Court over the disputed territories was a compromise, and both parties considered itself a winner as a result, thus
ensuring compliance, despite the existence of centuries-old feuds between the States.\textsuperscript{127} Likewise in the boundary dispute between Romania and the Ukraine,\textsuperscript{128} the Court’s judgment, although allocating a larger portion of the disputed area to Romania, divided the marine area of the Black Sea along a line which was between the claims of each country, and was therefore seen as equitable and was readily accepted.\textsuperscript{129}

In some instances, a mutual interest between the parties may foster cooperation without an explicit Court order. Recall Malaysia and Singapore’s shared interest in fishing and shipping in the dispute over Pedra Branca. Following a meeting between the States, it was agreed that a technical sub-committee would be established to oversee the conduct of joint survey works to prepare the way for talks on maritime issues in and around the area, and that if any incident occurred in and around the waters of Pedra Branca, Middle Rocks and South Ledge, either side would provide humanitarian assistance to the vessels involved.\textsuperscript{130} This cooperative effort resulted in a solution that was advantageous to both States, allowing both Malaysian and Singaporean fishermen to continue traditional fishing activities in those waters.\textsuperscript{131}

States frequently engage in cooperative efforts on their own initiatives as a means for implementing a decision of the Court. In the case regarding the bindingness of an arbitral award on the maritime boundaries of Guinea-Bissau and Senegal,\textsuperscript{132} both States expressed a new willingness to search for a comprehensive solution to the dispute following the Court’s judgment.\textsuperscript{133} After engaging in new negotiations premised in a desire for cooperation, Guinea-Bissau and Senegal concluded a management and cooperation agreement that provided for joint exploration of a specifically delimited maritime zone,\textsuperscript{134} resulting in the adoption of an equitable compromise suitable to both parties.\textsuperscript{135} Consider also the case concerning the maritime delimitation of the area between Greenland and Jan Mayen,\textsuperscript{136} where Denmark and Norway
negotiated their own delimitation coordinates and formally agreed on them, rather than implementing the delimitation coordinates indicated by the Court.\textsuperscript{137} Further, the agreement reached post-judgment regulated a sovereignty issue that was not touched on at all by the Court’s decision.\textsuperscript{138} The trend in ensuing negotiations as a means for effective procurement of the Court’s orders has continued in cases as recently as the Pulp Mills dispute. Although the judgment was only recently handed down,\textsuperscript{139} Argentina and Uruguay have engaged in extensive negotiations in order to effectuate compliance with the Court’s judgment which has resulted in substantial observance to date.\textsuperscript{140}

Such post-judgment discussions are not only common, but may be dictated by the judgment itself, as in the recent case regarding the territorial and maritime dispute between Nicaragua and Honduras in the Caribbean Sea.\textsuperscript{141} Following the Court’s drawing of the boundary line, it ordered the countries to negotiate the course of the line between the existing endpoint of the land boundary in the mouth of the Coco River and the starting point determined in the judgment in good faith.\textsuperscript{142} To date, negotiations have allowed the states to agree on the course.\textsuperscript{143} As previously discussed, however, such an open-ended assignment can be troublesome. Recall, for example, the Gabčíkovo-Nagymaros Project case, wherein, although negotiations between the parties began immediately following the 1997 judgment,\textsuperscript{144} the negotiations broke down soon thereafter, with Slovakia asserting that Hungary was not negotiating in good faith.\textsuperscript{145}

As these cases demonstrate, a solution which encompasses a compromise between the interests of both parties is a momentous indicator of obedience to agreements. Whether the compromise is Court issued or agreed upon through prior or subsequent cooperation of the parties is irrelevant. States are always free to modify their rights through agreements, be they
confirmed by adjudication or not, and the content of compliance is “first of all determined by the parties themselves.” In response to the subsequent agreement reached between Libya and Chad regarding the Aouzou Strip, ICJ President Mohammed Bedjaoul offered accolade to the parties for “spar[ing] no effort to implement the Court’s Judgment without delay, and in a spirit of friendly understanding.” As such, one cannot speak of non-compliance in cases where the parties jointly modify their legal relations following a judgment and thereby change a regime adjudicated upon by the Court. Compromise and cooperation, attained at any stage in the dispute resolution process, serve as a sufficient, and significant, indicator of compliance.

As discussed in the preceding section, there are some disputes in which the states’ self-interest principles are clearly in conflict. In such a case, cooperation is a vital factor in ensuring compliance. Consider Libya’s initially rejection of the Court’s judgment regarding the Aouzou Strip, in which the entire area was awarded to Chad. An agreement was not reached until subsequent negotiations occurred between the parties, after which Libya indicated that the Court’s decision would be accepted and the countries notified the United Nations that an agreement on implementation had been reached. As noted in the foregoing description of the case, a compromise with regard to the autonomy of the disputed land was not reached. Still, however, Libya accepted the judgment. Such acceptance relates back to the first factor discussed herein: when all else fails, political pressure will force a state to succumb to a judgment of the Court, even when doing so is less than advantageous.

D. Internal Political Influence

Internal pressure to defy a judgment is present in disputes where a judgment conflicts with some aspect of a state’s political regime and can prompt defiance. Whether such internal pressure will arise and impede implementation depends on the merits of the decision itself.
1. Political Regime as an Excuse for Non-Compliance

In response to the Court’s judgment in the land and maritime boundary dispute between Cameroon and Nigeria, Nigeria plead its Constitution’s principles of federalism as a reason for non-compliance with parts which it found unacceptable, namely, that part of the judgment which awarded the Bakassi Peninsula to Cameroon. Nigeria based this argument on its Constitution having specified this area as territory comprising the nation of Nigeria, positing that as such, the federal government could not give up Bakassi until the requisite national and state assemblies amended the Constitution. Despite being heard, this assertion was moot based on both countries having agreed in advance to respect any decision ordained by the ICJ. Two recent cases involving the United States’ application of the Vienna Convention, however, challenged the political regime of the United States, and in the end, seemed to circumvent the trend toward compliance.

In 2001, following the execution of two German nationals by the United States without informing either of their right to communicate with German consular officials, the ICJ implemented two obligations on the United States, requiring it to give Germany a general assurance of non-repetition of U.S. treaty obligations under the Vienna Convention and to review and reconsider the convictions and sentences of German nationals sentenced to severe penalties. Despite Constitutional arguments by the United States, the obligation of non-repetition has been addressed with action taken by the country in setting up programs to promote understanding and observance of the Vienna Convention. Further, the United States Department of State called for “strict compliance by law enforcement officials” and “has extensively coordinated with numerous federal agencies, as well as with states having large foreign populations.” When the Court imposed a similar final judgment against the United
States three years later, ordering reconsideration of the sentences of Mexican nationals being held on death row,\(^{155}\) the Court stated in the final judgment itself that the ongoing program employed by the United States to improve consular notification was adequate.\(^{156}\) The definitive act of United States compliance came on February 28, 2005, when President George W. Bush declared to the Attorney General that “the United States will discharge its international obligations”\(^{157}\) in terms of granting review to those foreign convicts who were not afforded consular notice in accordance with the Vienna Convention.\(^{158}\)

Such indications of observance by the United States seemed to set a new tone for compliance,\(^{159}\) and actions taken have certainly had a significant effect on the judicial branch of the United States.\(^{160}\) Actions taken by the United States since, however, have been wholly inconsistent, with rifts in compliance principles developing between different levels of government, as seen in Medellin v. Texas, a case under the domestic jurisdiction of the United States concerning a Mexican national on death row in the state of Texas.\(^{161}\) The U.S. Supreme Court initially granted certiorari to review Medellin’s conviction, which was dismissed following President Bush’s memorandum when Medellin filed a habeas corpus petition before the Texas Court of Criminal Appeals.\(^{162}\) The Texas Court, however, defied the determination issued by the executive branch and refused to review the conviction.\(^{163}\) Further confusing the United States’ position, the Bush administration -- after openly “sid[ing] with Medellin” and “urging the [Supreme] Court to grant certiorari”\(^{164}\) -- subsequently withdrew the United States from the Optional Protocol of the Vienna Convention.\(^{165}\) Nonetheless, the Supreme Court agreed, on April 30, 2007, to hear Medellin’s case, although the ensuing hearing did nothing to further compliance. On certiorari, the U.S. Supreme Court held that neither international treaty nor ICJ decisions were binding domestic law, and that, absent an act of Congress or Constitutional
authority, the President of the United States lacked the power to enforce such treaties or decisions.\textsuperscript{166}

This decision seemed to render international law, in certain complex political regimes like that of the United States, utterly toothless. As seen in the subsequent domestic events in the wake of ICJ decisions like \textit{La Grand} and \textit{Avena}, both the President and the courts may be powerless to achieve compliance with a U.S. treaty.\textsuperscript{167} This example sets forth a complex problem with compliance. In observance of international law, the U.S. Supreme Court stopped short of any per se rule regarding treaties, and instead seemed to invoke a “retail level, treaty-by-treaty basis,”\textsuperscript{168} in which such treaties and judgments do not have an “\textit{automatic} domestic legal effect,”\textsuperscript{169} but may be nonetheless enforceable. In fact, the decision appears to create something of a “loophole” in which Congress can pass a law requiring compliance with such an international obligation,\textsuperscript{170} and perhaps going as far as suggesting that it do so. The decision “calls attention to the constructive role of federal implementing legislation” several times in the decision, seeming to suggest that implementing such a law would be within U.S. Congressional authority.\textsuperscript{171}

It is too soon to tell what the ultimate effect of this holding will be in the case of United States compliance with international obligations, but it certainly suggests that compliance is not only possible, but hoped for. The ambiguity and suggested escape route for implementing compliance with international obligations like \textit{La Grand} and \textit{Avena} offers a remedy for the complex predicament in which a state aspires to comply but is bound by its own complex political regime.

\textit{2. A Look at the Merits: International v. Domestic}
It is important to acknowledge in this discussion that political regime and related principles of sovereignty do not always result in such problems. As seen in the dispute between Cameroon and Nigeria, although political regime and autonomy may be asserted as an excuse for noncompliance with judgments in the territorial or interpretive contexts, such claims are generally moot, so long as the state submitted itself to the Court’s jurisdiction.172 Threats to compliance resulting from political regime most often appear in criminal matters, where a judgment issued by the Court is in conflict with some procedural aspect of a party’s justice system.173

In matters of criminal procedure, internal pressure arises because the state’s autonomy is directly challenged by an order to do, or refrain from doing, something that unequivocally diverges from that which is mandated by its own law system. Whether a judgment which conflicts with a state’s autonomy will be met with defiance depends on the extent to which the matter is an international affair. In criminal procedure issues, modern era cases suggest that such a determination is based primarily on whether relevant conduct occurred domestically or on foreign soil.

The dispute between Bosnia and Serbia regarded the prevention and punishment of the crime of genocide.174 The judgment ordered Serbia to arrest and try two of its citizens, an act Serbia had not chosen to take on its own volition, but which it did proceed with upon order of the Court.175 Although the perpetrators were Serbian, the crime for which their arrest and trial was demanded took place outside of Serbia.176 Because the crime took place on foreign soil, and in light of the seriousness of the allegations, the dispute was undoubtedly international. Likewise in the matter between Belgium and the Democratic Republic of the Congo, the arrest warrant in dispute was issued by Belgium against a Foreign Minister, not domiciled in Belgium, for crimes
committed outside of its territory, making its issuance clearly an international matter. As such, each of these judgments were primarily international affairs, as opposed to domestic affairs, and were thus adjudicated internationally and thereafter abided by without any evidence of defiance.

The disputes presented in *Avena* and *LaGrand*, on the other hand, are not as explicitly international. In both cases, the final judgments imposed by the ICJ obligated the United States to comply with procedural requirements regarding prisoners being held in U.S. facilities for crimes committed while on U.S. soil after being convicted in U.S. courts. While the ICJ may certainly have jurisdiction over each of the disputes, as evidenced and acknowledged by the submission of the United States to the Court, such a judgment is far more detached internationally than those judgments regarding the crime of genocide or the punishment of individuals who committed crimes and are domiciled on foreign soil, and therefore pose a much greater threat to State autonomy. When a judgment presents such a direct challenge to and interference with a state’s domestic legal justice system, the risk of noncompliance will be greater.

**IV. ASSESSMENT**

The cases considered in this paper can be divided into four topical categories: territorial disputes over sovereignty, territorial disputes over a boundary line, criminal procedure issues, and disputes over interpretation.

The single interpretation case considered, regarding the Arbitral Award judgment issued between Guinea-Bissau and Senegal, was met with compliance. Compliance in such a case was unproblematic as a result of the external political influences and cooperation implicated by submitting such a case for interpretation to begin with. The act of submitting the case to the ICJ
for interpretation following an order demonstrates willingness to comply and recognition of the award’s legitimacy. It also reveals an acknowledgement of the reputation costs associated with defying the international community and its organizations. It is no surprise, then, that the ICJ’s interpretation of the Arbitral Award was accepted and observed by both states. Because the submission of a prior award for interpretation to the Court recognizes its legitimacy and the need for deference to the international system, compliance in such cases, especially where cooperative efforts between the parties have been made, will be easily achieved.

Territorial dispute judgments issued for the purpose of establishing a boundary line are followed so long as the boundary drawn is not ambiguous. Ambiguity of the decision may not affect compliance tendency where the judgment is issued for the purpose of establishing sovereignty over a particular area and sufficient cooperative efforts take place between the States. Likewise, where a sufficiently determinant boundary line is established, cooperative efforts can act as a means for successful enforcement. Cooperation as a means for effectuating an ambiguous delimitation, however, is less practical. Whereas good faith negotiations may act as a means to relieve ambiguities in a sovereignty judgment, problems for enforcement posed by ambiguity in delimitation orders are often not related to autonomy principles, but rather to uncertainty and misunderstanding. Ambiguous boundaries or instructions leave states with little guidance as to how to proceed, which acts as a barrier, not only to compliance, but even to the possibility of negotiation efforts.

Territorial dispute judgments issued for the purpose of establishing sovereignty over a particular area are met with compliance when the judgment issued is not in direct conflict with the self-interests of one or more of the parties. It does not follow, however, that awards of sovereignty which directly conflict with a party’s self-interest will always pose problems for
compliance. Whether disobedience will arise seems to depend on the relationship of the parties involved. In cases where the parties to the dispute have an amicable relationship and engage in close relations, compliance is not threatened by a conflict of self-interest.\footnote{188} Alternatively, where there exists a history of hostility and militarized conflict between the parties to the dispute, the party who the award disadvantages will be resistant to accept it.\footnote{189} In each of those disputes where compliance was achieved despite conflicts to self-interest, there also existed, in addition to good relations, a shared mutual interest that served to be benefited by dispute resolution.\footnote{190} Such a shared mutual interest did not have the same effect in preventing defiance in a case where relations were hostile.\footnote{191} Conflicting self-interest principles also do not seem to have an effect on compliance with judgments establishing boundary lines.\footnote{192} Delimitation decisions, so long as unambiguous, are complied with regardless of whether they are of a conflicting nature.

Internal pressure to defy a judgment is present in disputes where a judgment conflicts with some aspect of a state’s political regime. Political regime and autonomy may be asserted as an excuse for noncompliance with judgments the territorial or interpretive contexts, but such claims are generally moot, so long as the state submitted itself to the ICJ’s jurisdiction.\footnote{193} Such conflicts most often appear, however, in criminal matters, where a judgment issued by the Court is in conflict with some procedural aspect of a party’s justice system.\footnote{194} Whether a judgment which conflicts with a state’s autonomy will be met with defiance depends on the extent to which the matter is an international affair. In criminal procedure issues, modern era cases suggest that such a determination is based primarily on whether relevant conduct occurred domestically or on foreign soil. If a judgment is a primarily international affair, as opposed to a domestic matter, it can be adjudicated internationally without threat of defiance.

V. \textbf{CONTINUING THE TREND TOWARD COMPLIANCE}
As this paper demonstrates, the tendency of states in the modern era is to comply with decisions handed down by the ICJ. The risk of defiance arises predominantly in two instances: first, when a sovereignty award that directly conflicts with a party’s self-interest is issued in a case where the parties to the dispute have hostile relations and there is a presence or threat of militarized conflict, and secondly, when a judgment entered conflicts with a party’s political regime and the relevant conduct occurred domestically.

A. External Political Influence as an Enforcer of International Judgments

In the first instance, external political influences will compel an initially defiant state to comply. Pressure from the international community and the presence of international organizations increase reputation costs for noncompliant States and thus produces compliance even where an award is in direct conflict with a party’s self-interest and where relations between parties are hostile. As seen in discussions herein, even in those sovereignty disputes where a state was openly critical or publically disavowed a judgment, subsequent pressure from the international community forces compliance.

Pressure from the international community raises the risk of consequential penalties, both regionally and internationally, for disobedient states and leaves such states with few alternatives but to comply. The substantial reputational risks associated with noncompliance force dissatisfied states to accept judgments, often turning to international organizations as a means for negotiating measures to be taken to satisfy the Court’s judgment and offer as much protection as can be reasonably achieved for all parties to the dispute. Thus, pressure from the international community coupled with active efforts by international organizations act as an international enforcer of judgments by raising the reputation costs relating to defiance and offering protection and mediation for disputing parties.
These external political influences legitimize international decrees and the power of the international regime. Each time a judgment is handed down, whether met with compliance or initial noncompliance, the presence of these external political influences work to further inaugurate and stabilize the international system. As decisions continue to be implemented, whether initially or following external influence, international law gains authority, a trend that will continue to further establish international law and sustain international order and promote observance of the international regime as legitimate.

B. Establishing International Boundaries

In the latter instance, where a judgment regarding a primarily domestic matter is in conflict with a party’s political regime, state sovereignty and autonomy principles will pose problems for compliance. The same risk of defiance does not occur, however, when involving a sufficiently international affair. This discrepancy reflects the principal quandary plaguing the international law regime as a whole: the authority of a peripheral body of law to control individually autonomous states.

In cases that are truly international -- for example, where sovereignty over a particular area is in dispute or involving procedure to be followed when engaging in relations that cross state lines -- judgments are met with compliance. Despite the implications such compliance has for a state’s sovereignty, the matter in dispute is, by its very nature, international, and cannot be settled by the will of one State without consent or cooperation by the other. In should be no surprise, then, that states are willing to forfeit some autonomy to an international tribunal in cases where such a tribunal is clearly better suited to arbitrate the dispute and implement a solution. It should likewise be no surprise that a state will be less likely to forfeit its autonomy to an international tribunal where the matter being adjudicated is primarily domestic in nature, for
example, regarding procedures pertaining to domestic acts which are to be carried out domestically and are in conflict with the domestic system currently in place. In such cases, external political influences may still provide states with an incentive to comply -- and states may, in fact, portray an appearance of compliance -- but such a representation of compliance will often be unauthentic, as the state will not be truly willing to surrender its sovereignty to such an extent.

Luckily, judgments regarding primarily domestic conduct are rare. Most disputes adjudicated by the ICJ are sufficiently international as to necessitate international arbitration, as seems proper. Where a matter seems to be questionably domestic, the ICJ should be cautious in its arbitration. Impositions on conduct not seen as sufficiently international unquestionably pose direct conflicts for state sovereignty, and indirectly pose problems for the international regime as well. External political influences have done much to police international conduct and establish an international regime in which international law and order are practical and accepted, and questionable infringements on state sovereignty can act to deter that development by bringing to the forefront that which poses the largest threat to the legitimacy of international law and has made states most apprehensive to submit to it.

The international law system is a regime based on consent of the sovereign, and it has been demonstrated that states are willing to consent to that regime for a price -- that is, states are willing to forfeit some sovereignty to an international system, even where not in its own best interest, in return for having the safeguard of an international body to manage and protects its international relations and affairs effectively. That exchange is threatened, however, where an international body impedes too far into a state’s domestic relations and attempts to regulate that which has not been consented to. Thus, in order to maintain the trend toward compliance and
continue establishing the legitimacy of the international law regime, the ICJ needs to establish boundaries that conform to international law’s oldest principle, *pacta sunt servanda*.

VI. CONCLUSION

Decisions of the International Court of Justice have been met with substantial compliance in the modern era. Direct, defiant noncompliance -- where a state deliberately and ceaselessly rejects a decision of the Court and refuses to implement its judgment -- has not occurred in any case. In cases where noncompliancy has been present, the noncompliant behavior has been only initial or slight.

Pressure from the international community and the presence of international organizations raise the reputation costs associated with noncompliance thereby minimizing the risk of disobedience with judgments. Defiant noncompliance occurs where a judgment is in discord with a state’s self-interest or threatens its autonomous regime. Problems for implementation may also occur where judgments are ambiguous, but such complications are not a result of defiance. Instances of noncompliance can be cured if the subject matter is sufficiently international and there is ample external political pressure, especially where the presence of a mutually shared interest, a close relationship, or an extant or anticipated military conflict has increased the state’s need for a definitive solution. Judgments which entail compromise or allow for cooperative efforts are more easily implemented, regardless of whether the compromise is designated by the Court’s judgment, or, alternatively, is achieved through subsequent cooperation between the parties.

In order to continue the trend toward compliance, international organizations and the international community must continue to act as an enforcer of international decisions by exerting pressure on defiant parties and raising reputation costs associated with noncompliance.
Further, the international law regime must remain a system of sovereign states operating on a theory of consent in which a proper balance is achieved between the sovereignty sacrificed and the international safeguards secured as a result.

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3 This article was completed in December 2010.
4 See Appendix A for a list of included cases.
5 See Appendix B for a list of cases excluded from consideration.
6 See Id.
7 See Id.
8 Llamzon, supra note 2, at 835.
10 Id. at 436.
11 Id.
14 Llamzon, supra note 2, at 836.
15 Territorial Dispute (Libya/Chad), 1994 I.C.J. 6 (Feb. 3).
16 Llamzon at 832.
18 Gabčíkovo-Nagymaros Project (Hung./Slovak.), 1997 I.C.J. 7 (Sep. 25).
19 Id. at paras 15-22.
20 Id.
22 See Land and Maritime Boundary Between Cameroon and Nigeria, supra note 12.
28 Land, Island and Maritime Frontier Dispute (El Sal./Hond.), 1992 I.C.J. 348 (Sep. 11).
33. Protocol of agreement relating to the organization and operation of the agency for management and cooperation between the Republic of Guinea-Bissau and the Republic of Senegal instituted by the Agreement of 14 October 1993, LOS BULL., No. 31, 42-58 (1996) (the parties undertook to establish this agency in Article 4 of the 1993 agreement).
42. See generally *Judgment of 14 February 2002, paras. 51-58.*
43. Schulte, *supra* note 8, at 269.
44. Id. at 271.
45. Id.
52. *Id.*
59. *Id.*
60. *See Malaysia, Singapore to accept ICJ's ruling on island*, THE STAR (April 18, 2008), available at http://thestar.com
Malaysia not giving up hope on Batu Puteh yet, THE STAR (June 1, 2008), available at http://thestar.com.my/new

61 Press Release, supra note 38.

62 Sovereignty over Pulau Ligitan and Pulau Sipadan, supra note 37 at 56-57, para. 10.


67 Helsingin Sanomat, Pulp mill dispute between Argentina and Uruguay intensifies (April 12, 2006), http://www.hs.fi/english/article/Pulp+mill+dispute+between+Argentina+and+Uruguay+intensifies/113521950776


69 Schulte, supra note 38.


71 See 24 Middle East Executive Reports (2002), No. 1, 8, Qatar-Bahrain Border Dispute ended by World Court ruling.

72 See 24 Middle East Executive Reports (2002), No. 1, 8, Qatar-Bahrain Border Dispute ended by World Court ruling.

73 Speech of President Higgins (“The Judgment of the Court in the Libya/Chad case marked the conclusion of years of military activity.”).
Llamzon at 826.

Id.


Yuschenko: UN International Court Of Justice’s Decision On Delimitation Of Black Sea Shelf Between Ukraine And Romania Just, UKRAINIAN NEWS AGENCY (February 5, 2009).

Press Release, supra note 38.

Id.

Llamzon, supra note 2, at 828.

Id. at 828, n. 82.

SCHULTE, supra note 8, at 274-75.

See Gabčíková-Nagymaros, supra note 17.


Llamzon, supra note 2, at 834.

Press Release, supra note 38.

Id.

Id.

Id. at 834.

Territorial and Maritime Dispute Between Nicaragua and Honduras in the Caribbean Sea, supra note 27, at para. 321(4).

Id.

Yuschenko, supra note 94.

SCHULTE, supra note 8, at 273.

International Court Poised to Rule on Nigeria-Cameroon Border Dispute, AGENCIE FRANCE-PRESSE, Doc. FBIS-AFR-2002-1009 (Oct. 9, 2002).


Id.


Llamzon, supra note 2, at 838.


Case Concerning Sovereignty over Pulau ligitan and Pulau Sipadan, supra note 37.

SCHULTE, supra note 8, at 249-50.

Maritime Delimitation in the Black Sea, supra note 93.

EU's Black Sea border set in stone, EUOBSERVER (Feb. 3, 2009).

Ukraine gets bulk of oil, gas reserves in delimitation dispute with Romania, says commissioner to international court, INTERFAX-Uкраїна (Feb. 3, 2009).

EUOBSERVER, supra note 78.


SCHULTE, supra note 8, at 238.

Id. at 234.

Maritime Delimitation in the Black Sea, supra note 93.

130 Hussain, supra note 74.
131 Id.
133 SCHULTE, supra note 8, at 227.
136 Maritime delimitation in the area between Greenland and Jan Mayen (Denmark v. Norway).
137 SCHULTE, supra note 2, at 325-47.
138 Id. at 223 (the exploitation of possible transboundary oil and gas fields).
139 Pulp Mills on the River Uruguay, supra note 69 (date of judgment: April 20, 2010).
141 Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea, supra note 27.
142 Id. at para. 321(4).
143 Id.
144 Llamzon, supra note 2, at 833.
145 Id.
146 SCHULTE, supra note 8, at 274.
150 Id.
151 Llamzon, supra note 2, at 838.
154 Llamzon, supra note 2, at 840.
155 See Avena and Other Mexican Nationals, supra note 34.
156 See id. at paras 144-150.
158 Llamzon, supra note 2, at 842.
159 Id.
160 Id. at 842, nn. 201-202, discussing actions taken by the U.S. Supreme Court in Medellín v. Dretke, Bustillo v. Johnson and Sanchez-Llamas v. Oregon.
162 Llamzon at 842, n. 201.
164 Llamzon at 843.
167 Steve Charnovitz, Revitalizing the U.S. Compliance Power, 102(3) AJIL 551 (July 2008).
168 Id. at 551.
169 Medellin at 1360.
Charnovitz at 559.

Id.

See Land and Maritime Boundary Between Cameroon and Nigeria, supra note 12.

See generally Mexico v. United States of America, supra note 34; Arrest Warrant of 11 April 2000, supra note 39; LaGrand, supra note 33; Application of the Convention on the Prevention and Punishment of the Crime of Genocide, supra note 52.


Id.

See Arrest Warrant of 11 April 2000, supra note 39.

See Avena and Other Mexican Nationals, supra note 34.

See Appendix C, Table 1, C-1.

See id. at Table 2, C-1.

See id. at Table 3, C-2.

See id. at Table 4, C-2.

See, e.g., Maritime delimitation in the area between Greenland and Jan Mayen, supra note 72.

See, e.g., Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea, supra note 27.

See, e.g., Land, Island and Maritime Frontier Dispute, supra note 27.

See, e.g., Land, Island and Maritime Frontier Dispute, supra note 27; Gabčíkovo-Nagymaros Project, supra note 17.

Compare, e.g., Pulp Mills on the River Uruguay, supra note 69, Sovereignty over Pulau ligitan and Pulau Sipadan, supra note 37; Botswana/ Namibia, supra note 64.

See, e.g., Land and Maritime Boundary between Cameroon and Nigeria, supra note 12; Territorial Dispute, supra note 14.

See, e.g., Sovereignty over Pulau ligitan and Pulau Sipadan, supra note 37; Botswana/ Namibia, supra note 64.

Territorial Dispute, supra note 14.

See, e.g., Maritime Delimitation in the Black Sea, supra note 93.

See Land and Maritime Boundary Between Cameroon and Nigeria, supra note 12.

See Avena and Other Mexican Nationals, supra note 34; Arrest Warrant of 11 April 2000, supra note 39; LaGrand, supra note 33; Application of the Convention on the Prevention and Punishment of the Crime of Genocide, supra note 52.
## Appendix A

### LIST OF CASES CONSIDERED

<table>
<thead>
<tr>
<th>Year Initiated:</th>
<th>Judgment Date: (m-d-y)</th>
<th>Claimants:</th>
<th>Subject:</th>
<th>Category:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>04-20-2010</td>
<td>Argentina v. Uruguay</td>
<td>Pulp Mills on the River Uruguay</td>
<td>Territorial dispute (sovereignty issue)</td>
</tr>
<tr>
<td>2004</td>
<td>02-03-2009</td>
<td>Romania v. Ukraine</td>
<td>Maritime Delimitation in the Black Sea</td>
<td>Territorial dispute (boundary line)</td>
</tr>
<tr>
<td>2003</td>
<td>05-23-2008</td>
<td>Malaysia/ Singapore</td>
<td>Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge</td>
<td>Territorial dispute (sovereignty issue)</td>
</tr>
<tr>
<td>2003</td>
<td>03-31-2004</td>
<td>Mexico v. United States of America</td>
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<tr>
<td>2002</td>
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<td>1999</td>
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<td>Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea</td>
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<tr>
<td>1999</td>
<td>06-21-2007</td>
<td>Germany v. United States of America</td>
<td>LaGrand</td>
<td>Criminal procedure</td>
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<td>1998</td>
<td>10-23-2001</td>
<td>Indonesia/ Malaysia</td>
<td>Sovereignty over Pulau Ligitan and Pulau Sipadan</td>
<td>Territorial dispute (sovereignty issue)</td>
</tr>
<tr>
<td>1996</td>
<td>12-13-1999</td>
<td>Botswana/ Namibia</td>
<td>Kasikili/Sedudu Island</td>
<td>Territorial dispute (sovereignty issue)</td>
</tr>
<tr>
<td>1993</td>
<td>09-25-1997</td>
<td>Hungary/Slovakia</td>
<td>Gabčíkovo-Nagymaros Project</td>
<td>Territorial dispute (boundary line)</td>
</tr>
<tr>
<td>Year</td>
<td>Date</td>
<td>Parties</td>
<td>Case Description</td>
<td>Type</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
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<tr>
<td>1990</td>
<td>02-03-1994</td>
<td>Libyan Arab Jamahiriya/ Chad</td>
<td>Territorial Dispute</td>
<td>Territorial dispute (sovereignty issue)</td>
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<tr>
<td>1988</td>
<td>06-14-1993</td>
<td>Denmark v. Norway</td>
<td>Maritime Delimitation in the Area between Greenland and Jan Mayen</td>
<td>Territorial dispute (boundary line)</td>
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</table>
## Appendix B

### CASES EXCLUDED FROM CONSIDERATION

<table>
<thead>
<tr>
<th>Year Initiated</th>
<th>Claimants:</th>
<th>Subject:</th>
<th>Reason for Exclusion:</th>
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</thead>
<tbody>
<tr>
<td>2010</td>
<td>Burkina Faso/Niger</td>
<td>Frontier Dispute</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2010</td>
<td>Australia v. Japan</td>
<td>Whaling in the Antarctic</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2009</td>
<td>Belgium v. Switzerland</td>
<td>Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2009</td>
<td>Honduras v. Brazil</td>
<td>Certain questions concerning diplomatic relations</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2008</td>
<td>Germany v. Italy</td>
<td>Jurisdictional Immunities of the State</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2008</td>
<td>Former Yugoslav Republic of Macedonia v. Greece</td>
<td>Application of the Interim Accord of 13 September 1995</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2008</td>
<td>Georgia v. Russian Federation</td>
<td>Application of the International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2008</td>
<td>Ecuador v. Colombia</td>
<td>Aerial Herbicide Spraying</td>
<td>Case is still pending</td>
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<tr>
<td>2008</td>
<td>Peru v. Chile</td>
<td>Maritime Dispute</td>
<td>Case is still pending</td>
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<tr>
<td>2006</td>
<td>Commonwealth of Dominica v. Switzerland</td>
<td>Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2006</td>
<td>Djibouti v. France</td>
<td>Certain Questions of Mutual Assistance in Criminal Matters</td>
<td>Judgment is not one in which compliance can be evaluated</td>
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<tr>
<td>2005</td>
<td>Costa Rica v. Nicaragua</td>
<td>Dispute regarding Navigational and Related Rights</td>
<td>There has not been sufficient time to adjudge compliance since Judgment on July 13, 2009</td>
</tr>
<tr>
<td>2003</td>
<td>Republic of the Congo v. France</td>
<td>Certain Criminal Proceedings in France</td>
<td>Case is still pending</td>
</tr>
<tr>
<td>2002</td>
<td>Democratic Republic of the Congo v. Rwanda</td>
<td>Armed Activities on the Territory of the Congo</td>
<td>Case was discontinued without any prior judgment on the merits</td>
</tr>
<tr>
<td>2002</td>
<td>El Salvador/Honduras: Nicaragua intervening (El Salvador v. Honduras)</td>
<td>Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land,</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>Year</td>
<td>Case</td>
<td>Description</td>
<td>Outcome</td>
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<tr>
<td>------</td>
<td>------</td>
<td>-------------</td>
<td>---------</td>
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<tr>
<td>2001</td>
<td>Nicaragua v. Colombia</td>
<td>Territorial and Maritime Dispute</td>
<td>Judgment is not one in which compliance can be evaluated</td>
</tr>
<tr>
<td>2001</td>
<td>Bosnia and Herzegovina v. Yugoslavia</td>
<td>Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
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<tr>
<td>2001</td>
<td>Liechtenstein v. Germany</td>
<td>Certain Property</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Croatia v. Serbia</td>
<td>Application of the Convention on the Prevention and Punishment of the Crime of Genocide</td>
<td>Judgment has been made regarding jurisdiction, but no judgment has been made on the merits</td>
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<tr>
<td>1999</td>
<td>Yugoslavia v. United States of America</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Yugoslavia v. Spain</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. United Kingdom</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. Portugal</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. Netherlands</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. Italy</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. Germany</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. France</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. Canada</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Serbia and Montenegro v. Belgium</td>
<td>Legality of Use of Force</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>Year</td>
<td>Case Description</td>
<td>Issue</td>
<td>Decision</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
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<tr>
<td>1999</td>
<td>Pakistan v. India</td>
<td>Aerial Incident of 10 August 1999</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1999</td>
<td>Democratic Republic of the Congo v. Uganda</td>
<td>Armed Activities on the Territory of the Congo</td>
<td>Case was discontinued without any prior judgment on the merits</td>
</tr>
<tr>
<td>1998</td>
<td>Republic of Guinea v. Democratic Republic of the Congo</td>
<td>Ahmadou Sadio Diallo</td>
<td>Compliance may not yet be evaluated</td>
</tr>
<tr>
<td>1998</td>
<td>Cameroon v. Nigeria</td>
<td>Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1995</td>
<td>Spain v. Canada</td>
<td>Fisheries Jurisdiction</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1992</td>
<td>Islamic Republic of Iran v. United States of America</td>
<td>Oil Platforms</td>
<td>Claim was rejected with no positive statement beyond that rejection could possibly imply a duty of acceptance and implementation (the Court’s statement did not trigger an obligation of compliance because the Court ultimately did not find a breach)</td>
</tr>
<tr>
<td>1992</td>
<td>Libyan Arab Jamahiriya v. United States of America</td>
<td>Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie</td>
<td>Case was removed from the Court’s list at the joint request of the parties</td>
</tr>
<tr>
<td>1992</td>
<td>Libyan Arab Jamahiriya v. United Kingdom</td>
<td>Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie</td>
<td>Case was removed from the Court’s list at the joint request of the parties</td>
</tr>
<tr>
<td>1991</td>
<td>Portugal v. Australia</td>
<td>East Timor</td>
<td>Claim was rejected on the basis of lack of jurisdiction or admissibility</td>
</tr>
<tr>
<td>1989</td>
<td>Nauru v. Australia</td>
<td>Certain Phosphate Lands in Nauru</td>
<td>Case was discontinued without any prior judgment on the merits</td>
</tr>
<tr>
<td>1987</td>
<td>United States of America v. Italy</td>
<td>Elettronica Sicula S.p.A. (ELSI)</td>
<td>Claim was rejected with no positive statement beyond that rejection could possibly imply a duty of acceptance and implementation (the applicant lost on the basis of substantive law)</td>
</tr>
<tr>
<td>1986</td>
<td>Nicaragua v. Honduras</td>
<td>Border and Transborder Armed Actions</td>
<td>Case was discontinued without any prior judgment on the merits</td>
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</table>
## Appendix C

COMPLIANCE BY CATEGORY

### Table 1. Territorial Disputes (sovereignty)

<table>
<thead>
<tr>
<th>Case:</th>
<th>Initial:</th>
<th>End:</th>
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<tbody>
<tr>
<td>Argentina v. Uruguay (Pulp Mills on the River Uruguay)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Malaysia/ Singapore (Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Indonesia/ Malaysia (Sovereignty over Pulau Ligitan and Pulau Sipadan)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Botswana/ Namibia (Kasikili/Sedudu Island)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cameroon v. Nigeria: Equatorial Guinea intervening (Land and Maritime Boundary between Cameroon and Nigeria)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya/ Chad (Territorial Dispute)</td>
<td>No</td>
<td>Yes</td>
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</table>

### Table 2. Territorial Disputes (boundary line)

<table>
<thead>
<tr>
<th>Case:</th>
<th>Initial:</th>
<th>End:</th>
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</thead>
<tbody>
<tr>
<td>Romania v. Ukraine (Maritime Delimitation in the Black Sea)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Benin/Niger (Frontier Dispute)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Nicaragua v. Honduras (Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hungary/Slovakia (Gabcikovo-Nagymaros Project)</td>
<td>Yes *</td>
<td>Yes *</td>
</tr>
<tr>
<td>Qatar v. Bahrain (Maritime Delimitation and Territorial Questions between Qatar and Bahrain)</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Denmark v. Norway (Maritime Delimitation in the Area between Greenland and Jan Mayen)</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>El Salvador/ Honduras: Nicaragua intervening (Land, Island and Maritime Frontier Dispute)</td>
<td>Yes *</td>
<td>Yes *</td>
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</table>

* Compliance is difficult to ascertain as a result of ambiguity in the requirements of the decision.
### Table 3. Criminal Procedure Issues

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<tr>
<th>Case:</th>
<th>Initial:</th>
<th>End:</th>
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<tbody>
<tr>
<td>Mexico v. United States of America (Avena and Other Mexican Nationals)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Democratic Republic of the Congo v. Belgium (Arrest Warrant of 11 April 2000)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Germany v. United States of America (LaGrand)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bosnia and Herzegovina v. Serbia and Montenegro (Application of the Convention on the Prevention and Punishment of the Crime of Genocide)</td>
<td>Yes</td>
<td>Yes</td>
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### Table 4. Interpretation of Prior Award

<table>
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<tr>
<th>Case:</th>
<th>Initial:</th>
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<tbody>
<tr>
<td>Guinea-Bissau v. Senegal (Arbitral Award of 31 July 1989)</td>
<td>Yes</td>
<td>Yes</td>
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</table>
## Appendix D

**FIGURES**

**Figure 1. Influence of Factors by Case**

<table>
<thead>
<tr>
<th>KEY</th>
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</thead>
<tbody>
<tr>
<td>(+) = <strong>Positive effect on compliance</strong></td>
</tr>
<tr>
<td>(-) = <strong>Negative effect on compliance</strong></td>
</tr>
<tr>
<td>NE = <strong>No effect on compliance</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case</th>
<th>External Political Influence</th>
<th>Need for a Definitive Solution</th>
<th>Substance of the Judgment</th>
<th>Internal Political Influence</th>
</tr>
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<tbody>
<tr>
<td>Argentina v. Uruguay (Pulp Mills on the River Uruguay)</td>
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<td>(+)</td>
<td>(+)</td>
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<td>Romania v. Ukraine (Maritime Delimitation in the Black Sea)</td>
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<td>(+)</td>
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<td>(+)</td>
</tr>
<tr>
<td>Malaysia/ Singapore (Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge)</td>
<td>(+)</td>
<td>(+)</td>
<td>(+)</td>
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<tr>
<td>Mexico v. United States of America (Avena and Other Mexican Nationals)</td>
<td>(+)</td>
<td>(+)</td>
<td>(-)</td>
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<tr>
<td>Benin/Niger (Frontier Dispute)</td>
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<td>Democratic Republic of the Congo v. Belgium (Arrest Warrant of 11 April 2000)</td>
<td>(+)</td>
<td>(+)</td>
<td></td>
<td>NE</td>
</tr>
<tr>
<td>Nicaragua v. Honduras (Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea)</td>
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<td>(+)</td>
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<tr>
<td>Germany v. United States of America (LaGrand)</td>
<td>(+)</td>
<td>(+)</td>
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<td>NE</td>
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<tr>
<td>Indonesia/ Malaysia (Sovereignty over Pulau Ligitan and Pulau Sipadan)</td>
<td>(+)</td>
<td>(+)</td>
<td>(+)</td>
<td>NE</td>
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<tr>
<td>Botswana/ Namibia (Kasikili/Sedudu Island)</td>
<td>(+)</td>
<td>(+)</td>
<td></td>
<td>NE</td>
</tr>
<tr>
<td>Cameroon v. Nigeria: Equatorial Guinea intervening (Land and Maritime Boundary between Cameroon and Nigeria)</td>
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<td>(+)</td>
<td>(+)</td>
<td>(-)</td>
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<tr>
<td>Case Study</td>
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<td>(+)</td>
<td>(+)</td>
<td>(+)</td>
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<td>-----</td>
</tr>
<tr>
<td>Hungary/Slovakia (Gabčíkovo-Nagymaros Project)</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bosnia and Herzegovina v. Serbia and Montenegro (Application of the</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Convention on the Prevention and Punishment of the Crime of Genocide)</td>
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</tr>
<tr>
<td>Qatar v. Bahrain (Maritime Delimitation and Territorial Questions)</td>
<td></td>
<td></td>
<td>(+)</td>
<td>(+)</td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya/ Chad (Territorial Dispute)</td>
<td>(+)</td>
<td>(+)</td>
<td>(+)</td>
<td>(+)</td>
</tr>
<tr>
<td>Guinea-Bissau v. Senegal (Arbitral Award of 31 July 1989)</td>
<td>(+)</td>
<td>(+)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denmark v. Norway (Maritime Delimitation in the Area between Greenland</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and Jan Mayen)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>El Salvador/ Honduras: Nicaragua intervening (Land, Island and Maritime</td>
<td>(+)</td>
<td>(+)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frontier Dispute)</td>
<td></td>
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</tr>
</tbody>
</table>

**Figure 2. Prevalence of Factors**

- **Pressure from Int’l Community**
- **Presence of IOs**
- **Reputation Costs**
- **Shared Interests**
- **Close Relations**
- **Militarized Conflict**
- **Determinacy of Decision**
- **Conflicting Self-Interests Principles**
- **Compromise/Cooperation**
- **Internal Political Influence**