



What is an advisory opinion of the International Court of Justice?

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It not only rules on disputes between states, but also issues advisory opinions on questions of international law.

What is the purpose of an ICJ advisory opinion?

- The aim of an advisory opinion is to clarify specific questions of international law that are submitted to the ICJ.
- The ICJ clarifies the application and interpretation of international law with regard to these questions.
- The ICJ thus informs the requesting body and the international community about the state of international law on a specific issue.
- The advisory opinions are therefore an important element in the peaceful settlement of disputes.

Who can request an advisory opinion?

- The UN General Assembly and the UN Security Council can request an ICJ advisory opinion on any unanswered question of international law.
- Other UN bodies or specialized agencies may request an advisory opinion if they are authorized to do so and the issue falls within the scope of their activities.
- States and individuals are not authorized to request an advisory opinion from the ICJ.

What questions can be submitted to the ICJ for an advisory opinion?

- The question submitted must be a question relating to international law. The fact that a question also has political implications does not affect its character as a legal question.

What are the effects and consequences of an advisory opinion?

- Advisory opinions of the ICJ are not legally binding. However, they do reflect the current state of international law and its interpretation. States are thus not directly bound by the advisory opinion, but by the international law it interprets.
- Advisory opinions thus contribute to the further development of international law.
- The body that has submitted the legal question to the ICJ remains free to decide whether and how it wishes to give effect to an advisory opinion. Among other things, the requesting body can issue a resolution to implement the opinion. For example, following the advisory opinion on the construction of a wall in the Occupied Palestinian Territories, the UN General Assembly adopted a resolution in which it called on Israel and all UN member states to fulfill their obligations as set out in the opinion.

What is the procedure and can states participate?

- States and international organizations wishing to submit information or opinions to the ICJ on the legal issue at hand may participate in the advisory opinion procedure. They can make written or oral submissions on the matter during hearings.

Does Switzerland participate in advisory opinion proceedings?

- Switzerland participates in proceedings if the decision affects its interests, if it can make a particular contribution from a legal perspective and if, with its opinion, it can support the decision-making process in its interests.

- In the proceedings for the advisory opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (2024), Switzerland participated both with a written statement and with a pleading.
- Switzerland is also participating in the advisory opinion procedure on the Obligations of States in respect of Climate Change (2024).
- In previous proceedings, Switzerland has contributed to the composition of the Maritime Safety Committee (MSC, 1960), the legality of the construction of the Israeli West Bank barrier (2004) and the legality of Kosovo's declaration of independence (2010).

What were important cases of ICJ advisory opinions?

- Questions that the ICJ has dealt with in advisory opinions include, for example, the legality of the use of nuclear bombs (1996), the legality of the construction of the Israeli West Bank barrier (2004), the legality of the Kosovo declaration of independence (2010), or the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (2017).