The International Judiciary in Context: A Synoptic Chart

The purpose of this chart is to provide international legal scholars and practitioners with a compendium of all international judicial bodies. Yet, this apparently straightforward task is riddled with traps and dilemmas. Perhaps the greatest challenge is to portray what can be called oonymonically “an anarchic system” without exaggerating its level of order. The grouping and sub-grouping of all these bodies and mechanisms into a taxonomy does not imply the existence of an “international judicial system”, if by system it is meant “a regularly interacting or interdependent group of items forming a unified whole” or “a functionally related group of elements” (Webster’s Collegiate Dictionary, 10th ed.). Whether they ought to exist as a system is open to debate.

The second challenge is that in order to capture the dynamism and fluidity of the international judicial domain, any chart of the international judiciary needs to have a temporal dimension. Thus, alongside existing institutions, such as the International Court of Justice, the chart portrays bodies that have been closed down (labeled “extinct”), such as the Permanent Court of International Justice. There are also bodies provided for in treaties that never entered into force (aborted), such as the International Peace Court; ide-like ones like the Organization for Security and Cooperation in Europe’s European Nuclear Energy Tribunal (dormant); and nascent bodies, like the International Criminal Court. Moreover, the synoptic chart also includes bodies that have been debated and remain confined to the realm of ideas, such as a possible International Court for the Environment (proposed). In sum, the chart depicts the past, present and potential make-up of the international judiciary.

The main focus of the chart is on international judicial bodies. On the top portion of the chart, there are 43 different institutions (of which only 16 are currently functioning) grouped by subject-matter jurisdiction in seven clusters. All the entities listed in this group meet certain fundamental criteria, which set them apart from all other entities listed in the bottom part of the chart. Namely, these entities:

a) are permanent institutions;
b) are composed of independent judges;
c) adjudicate disputes between two or more entities, at least one of which is either a State or an International Organization;
d) work on the basis of predetermined rules of procedure; and
e) render decisions that are binding.

Altogether, these entities form the so-called “international judiciary”. However, in order to fully understand the reasons for the rapid quantitative increase in the number of international judicial bodies, the extensive transformation of their competencies, and the success of certain subject-matter jurisdictions over others, it is necessary to include also those bodies and mechanisms which, while not meeting several or all of the above mentioned standards, also play a role in the enforcement, interpretation and implementation of international law. When these international judicial bodies are placed in a much larger historical and analytical context, 82 other entities and mechanisms, referred to as “Internationalized Criminal Courts and Tribunals”, while 35 bodies changed status, and a few corrections were made. For what concerns the bottom part (Quasi-Judicial, Implementation Control and Dispute Settlement Bodies), we added five bodies, changed the status of nine, and several new entries were added. Therefore, this chart will be updated regularly. To this end, any comments and suggestions will be greatly appreciated and can be sent to <cr28@acf2.nyu.edu>.

Note to Version 2.0

This is an updated version of the Synoptic Chart that was prepared in 1998 as a supplement to the special issue of the NYU Journal of International Law and Politics, Vol. 31, 4. That version listed 41 bodies in the top group and 55 in the bottom one. Some of the additions are new bodies that have been created or proposed since 1998, while others are simply past omissions that have been kindly pointed out by readers.

New features of this chart include a special category for “dominant bodies” and a new sub-grouping in the bottom part called “Internationalized Criminal Courts and Tribunals” (i.e., “domestic criminal tribunals with international supervision created in the aftermath of regional and domestic armed conflicts, such as those for Sierra Leone, Kosovo, East Timor, and Cambodia). These are the latest additions to the multitude of bodies populating the international legal scene.

Note to Version 3.0

This is an update to Version 2.0 of the Synoptic Chart, prepared in August 2001. We added six new bodies to the top section (International Judicial Bodies), while three bodies changed status, and a few corrections were made. For what concerns the bottom part (Quasi-Judicial, Implementation Control and Dispute Settlement Bodies), we added five bodies, changed the status of nine, and made a few corrections needed. As compared to the previous version, most changes occurred in the “Regional Economic and Political Integration Agreements” section, in particular under the tab “Africa”, where a series of bodies previously not listed where added, and in the bottom part, in the “Non-Compliance” section, where several bodies and procedures changed status.

Cesare P.R. Romano