Part III
Advisory Opinions
Introduction to Part III

Determining the Self through the ICJ’s Advisory Jurisdiction: Procedures and Principles

We saw in Part II that the ICJ has heard a number of territorial disputes for Third World states through its contentious jurisdiction. The Court has also deliberated on a number of advisory cases, which have often dealt with the relationship between self-determination and territory. Because of the more flexible and open-ended nature of the Court’s advisory jurisdiction and its non-binding outcomes, such self-determination cases should not simply be equated with territorial delimitation. Like their contentious counterparts, however, advisory cases about self-determination are an exercise in delimiting the self (and the state) through law. Further, how the self is grounded territorially is of central importance in determining whether a people can gain international legal personality. In the case of former colonial entities, a tension arises as to whether the contours of the territory or the identity of the people form the framework for emerging legal entities. In the following introductory section, an overview of the nature of the Court’s advisory jurisdiction precedes a summary of the interrelationship between self-determination, decolonisation and territory.

Advisory Opinions enable the world community to seek expert legal opinions beyond the Court’s limits on *locus standi* for states in contentious cases. According to Article 96 of the UN Charter:

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

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