Compliance Is Political

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International law is often mocked for lacking muscle. No police, no enforcement squad waiting outside the courtroom. True enough. But that quip misses how power works in a world of alliances and institutions. The point of international adjudication is not always to make the target state comply. Increasingly, it is to make everyone around the target state decide what they can still live with.

That is why the International Court of Justice' (ICJ) advisory opinion of 22nd October 2025 functions like a price tag: it does not ban a policy, it makes its political cost harder to ignore. Even though it is formally non-binding, it still matters. It shifts the cost of non-compliance onto bystanders,

such as allies, donors and international organisations, who would prefer to remain tastefully silent.

A word on the instrument. Advisory opinions sit in the strange middle ground of international law: not quite a judgment between litigating states, not quite an academic seminar either. The Court answers legal questions posed by authorised United Nations (UN) bodies, and it does so with the institutional weight of the UN's principal judicial organ. The ICJ itself is explicit: the process is structured, state participation is invited, and the output is meant to clarify legal obligations, even without the direct enforcement machinery that attaches to contentious judgments. Advisory jurisdiction is, in short, law's way of speaking loudly when coercion is unavailable.

Advisory opinions as political signals

Now to the uncomfortable bit. In the October 2025 opinion, the Court addressed Israel's obligations "in relation to the presence and activities of the United Nations, other international organisations and third States" and in relation to the Occupied Palestinian Territory. But the political meaning is clearer than the legal detail: this is a ruling designed to travel. It is written not only for Jerusalem, but for New York, Brussels, Washington, and any capital that funds, hosts or diplomatically shields the UN's work.

Look at what happened next. Norway, hardly a reckless revolutionary, has treated the opinion as a lever to pull the UN system into motion. In a blunt Norwegian government press release, the opinion is framed as confirming obligations to facilitate humanitarian assistance and to avoid obstructing the work of UN bodies, with the United Nations Relief and Works Agency singled out as "indispensable". Whatever one thinks of that characterisation, the move is strategically astute: it turns a contested moral debate into a compliance problem for the international community. Norway then went further, using the opinion as the basis for follow-up action in the General Assembly, insisting (correctly) that the system does not act by itself. Norway's UN statement introducing the resolution is a warning to bystanders not to outsource the rule of law to judges and then complain when nothing changes.

Reactions by allies and institutions

Then the bystanders answered. The EU, for instance, in its European External Action Service statement to the UN General Assembly, emphasised the importance of complying with courts and acknowledged that advisory opinions are of a non-binding nature but can still encourage action, before adding that it had taken note of the October opinion. In Brussels terms, 'taken note of' means that we see the legal signal, but we have not yet priced it into policy.

America's reaction was less nuanced and more revealing. According to Politico's reporting, the State Department rebuked the opinion in unusually

sharp terms. This matters not because Washington's irritation will surprise anyone, but because it forces allies to confront a perennial temptation: praising the rules-based order in principle while treating the rule of law as optional when it collides with strategic loyalties.

Meanwhile, institutions did what institutions do, they began to treat legal uncertainty as operational risk. UNRWA's own summary is an example of bureaucratic adaptation to judicial signalling. This is how the real pressure accumulates, not in dramatic showdowns, but in procurement decisions, legal reviews, donor conditions, access negotiations, and the reputational calculus of officials who do not want their organisation to be the one that ignored the Court.

Implications for compliance and the international order

That is also why the UN General Assembly's response matters. On 12th December 2025, the Assembly adopted a resolution welcoming the advisory opinion by a recorded vote of 139 in favour, 12 against and 19 abstentions. UN reportings read like routine UN theatre until you remember what votes do: they create a shared paper trail. They reduce the space for later claims of surprise or ambiguity. They make selective amnesia harder.

So, what is my view? Bystanders should stop hiding behind the words "non-binding" as if they were a moral whitewash. If the rule of law is to mean anything in a world where enforcement is weak, then allies and institutions must adopt a tougher norm for themselves. When the Court clarifies obligations, taking note is not a policy. At minimum, it should trigger transparent assessments of implications for cooperation, funding, access, and institutional support, especially where UN operations and humanitarian delivery are concerned.

International law's decisive audience is often the bystander. That is not a lament; it is a diagnosis. And diagnoses come with uncomfortable prescriptions: if the bystanders refuse to absorb any costs, the Court's words will remain beautifully drafted, impeccably archived, and strategically irrelevant.