Data for Empirical Legal Studies of International Adjudication:

ICJ DATASET 1.0

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Abstract

Although there have been several quantitative studies of the International Court of Justice (ICJ), no data set of judgments, judges and covariates is currently available to the research community. We address this lacuna by releasing a new data set compiling information on case characteristics, outcomes, judges and state parties. The data covers the period 1974 to January 2023. This note describes and explores the data and variables covered in the current release.

1 Introduction

Established in 1946 as a successor of the League of Nations' Permanent Court of International Justice, the International Court of Justice (ICJ) is the oldest and most prominent inter-state dispute settlement body in existence. One of the principal organs of the United Nations (UN), it is known as the "World Court". As a generic international court, it deals with a broad set of inter-state issues: territorial claims, border delimitation, military aggression, consular protection, etc. These encompass cases over questions that were flashpoints of the Cold War era – like *Nicaragua v United States* – or, more recently, of the confrontation between autocracies and the Western bloc – like *Ukraine v Russia*. Though to a lesser extent than international courts such as the World Trade Organisation (WTO) Dispute Settlement Body, the European Court of Human Rights (ECHR) or the Court of Justice of the European Union (CJEU), it has been the object of several quantitative empirical studies (see Ma and Guo 2017; Powell and Mitchell 2007; Posner and de Figueiredo 2005; Smith 2004; Kuijer 1997; Weiss 1987).

While these studies have uncovered interesting patterns, the researchers have not publicly shared their data, thus impairing both replications and new investigation efforts. We attempt to remedy this lacuna by releasing a new data set covering the entire universe of cases and issues

* Corresponding author. Author contributions: KW collected data on ICJ votes and case characteristics; AD and KW cleaned the data; AD added observation ID, issue ID, ISO, COW, legal tradition, UNGA, Democracy and GDP data for judges, applicants and respondents; AD created visuals, conducted the regression analysis and wrote the note.

adjudicated from 1974 to January 2023. Compiled is information on case, judge, applicant and respondent characteristics. Information on litigant states include GDP, indicators of democratic governance and geopolitical preference, which also covers the judges' home states. Organised at the judge-issue level, the current release has 6109 entries and 47 variables. While the voting record prior to 1974 is patchy (the practice of systematically disclosing individual votes only started in that year), we hope to add these older cases in a future release.

The data set can be downloaded from the Harvard Dataverse website. Despite careful curation and cleaning, the data may still contact errors. Should you find mistakes please contact artdyevre@gmail.com.

2 Description of Variables

2.1 Unit of Observation

Our basic unit of observation is the judge-issue: there is one observation for each judge who sat on the issue. **ID** is the unique identifier for each observation.

2.2 Case and Issue Variables

Case and issue characteristics were manually compiled from the Court's record available on its official

judgment: Official case ID.

issueID: Identifies the specific issue. It is a concatenation of the case ID, phase and issue variables.

year: Year the judgment was rendered.

phase: The phase or type of judgment as described in the official record. Possible values are: "advisory_opinion", "appeal_jurisdiction", "application_for_permission_to_intervene", "application to intervene", "compensation", "counter_claim", "declaration of intervention", "joinder of proceedings", "judgment", "jurisdiction", "jurisdiction & admissibility", "merits", "preliminary objections", "reparations", "request for an advisory opinion", "request for an examination of the situation", "request for interpretation", "request for provisional measures", "request for provisional measures"

issue: Issue number, coded from the order of votes in the record.

date: Date of the judgment.

2.3 Judge Characteristics

judgecnt: Home country of judge.

judgereg: Region of judge home country following UN nomenclature.

ccode: Correlates of War code for the judge's country.

judgname: Name of judge.

iso_judge: ISO three-letter country code of judge home country.

cow_judge: Correlates of War numeric code of judge home country.

cowc_judge: Correlates of War country code of judge home country.

principal: Indicates if the judge sat as President or as Vice-President. It is coded "no" when the judge did not fulfill either role.

adhoc: Indicates if the judge is an *ad hoc* judge. It is coded "no" if the judge is a permanent judge.

gender: Gender of judge.

jud_tradition: Legal tradition of the judge's country. Countries are classified in four groups: Socialist Law, Islamic Law and Common Law.

app_jud_match: Indicates if there's a match between applicant country and judge country. Coded 1 if there is a match and 0 otherwise.

res_jud_match: Indicates if there's a match between respondent country and judge home country. Coded 1 if there is a match and 0 otherwise.

gdp_judge: GDP per capita of judge home country in 2015 constant US$. Data obtained from World Bank development indicators.

ideal_unga_judge: Dynamic ideal points of judge home country are obtained from Voeten, Strezhnev, and Bailey (2023).

rank_unga_judge: Ordinal version of **ideal_unga_judge**. Rank are standardized to lie between 0 and 1.

xm_qudsest_judge: Democracy score of judge home country based on Marquez (2016)'s Quick Method for Extending Unified Democracy Scores.

v2x_polyarchy_judge: V-Dem polyarchy score of judge home country.

polity2_judge: Polity2 score of judge home country.

2.4 Outcome Variables

opinion: Opinion issued by judge. Values are: "separate", "dissenting", "declaration" and combinations of these values (e.g. "declaration + dissenting"). If judge did not issue any opinion the variable is coded "no".

appvote: Variable is coded 1 if applicant prevails and 0 otherwise.

resvote: Variable coded 1 if respondent prevails and 0 otherwise.

proapp: Variable indicating if applicant prevailed in the overall vote. Coded 1 if applicant wins and 0 otherwise.

2.5 Applicant Characteristics

applbody: Appealing UN body for advisory opinion.

appcnt: Applicant country.

appreg: Applicant country following UN nomenclature.

iso_app: ISO three-letter code of applicant country.

cow_app: Correlates of War numeric code of applicant country.

cowc_app: Correlates of War country code of applicant country.

ideal_unga_app: Dynamic ideal points of applicant country from Bailey, Strezhnev, and Voeten (2017).

rank_unga_app: Ordinal version of **ideal_unga_app**. Rank are standardized to lie between 0 and 1.

gdp_app: GDP per capita of applicant country in 2015 constant US$. Data obtained from World Bank development indicators.

xm_qudsest_app: Democracy score of applicant country based on Marquez (2016)'s Quick Method for Extending Unified Democracy Scores.

v2x_polyarchy_app: V-Dem polyarchy score of applicant country.

polity2_app: Polity2 democracy score of applicant country.

2.6 Respondent Characteristics

rescnt: Respondent country.

resreg: Region of respondent country.

iso_res: ISO code of the respondent country.

ideal_unga_res: Respondent country ideal point based on UNGA votes.

rank_unga_res: Ordinal version of **ideal_unga_res**. Rank are standardized to lie between 0 and 1.

gdp_res: GDP per capita of respondent country.

xm_qudsest_res: Democracy score of respondent country based on Marquez (2016)'s Quick Method for Extending Unified Democracy Scores.

v2x_polyarchy_res: V-Dem polyarchy score of respondent country.

polity2_res: Polity score of respondent country.

3 Exploring the Data

The R script for the visuals and tables reported in this Section are available on Harvard Dataverse together with the data.

3.1 Geographic origin of litigants

Litigation dynamics and litigant characteristics can be analysed at the case or at the issue level. Figure 1 illustrates the geographic origin of litigants at the case level based on the variables **appreg** and **resreg**. Because a case may encompass several issues but issues may vary significantly in number from case to case, the issue level (Figure 2) is often more pertinent when considering pro-applicant or pro-respondent biases.

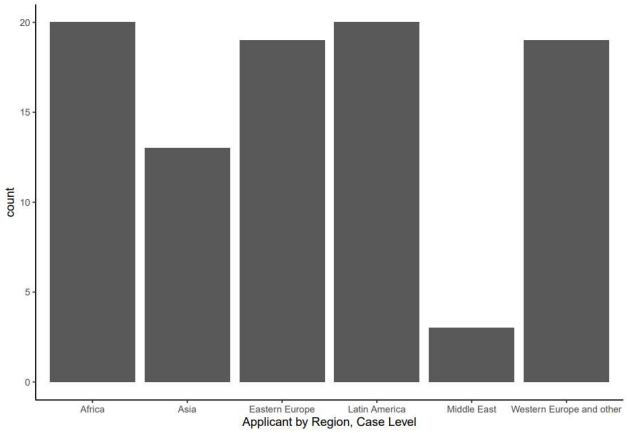

Figure 1. Applicant by geographic origin, case level.

Figure 3 (issue level) and 4 (case level) help contrast the contrast the geographic distribution of respondent states from that of applicant states. As can be readily seen, Western states are less likely to be applicants than African, Latin American and even Eastern European states but significantly more likely to be respondents.

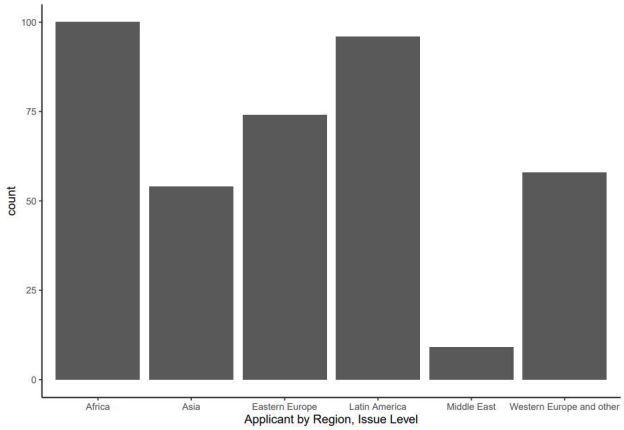

Figure 2. Applicant by geographic origin, issue level.

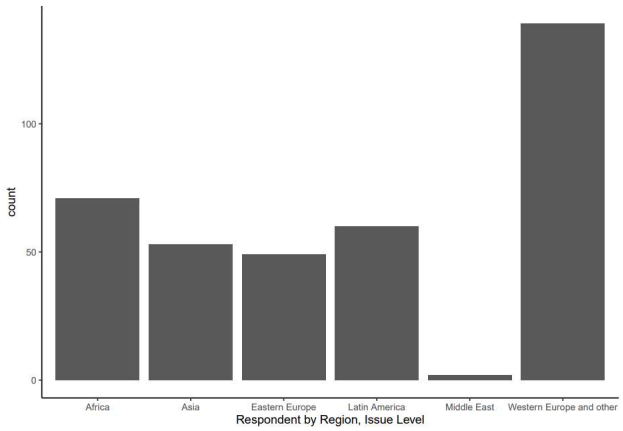

Figure 3. Respondent by geographic origin, issue level.

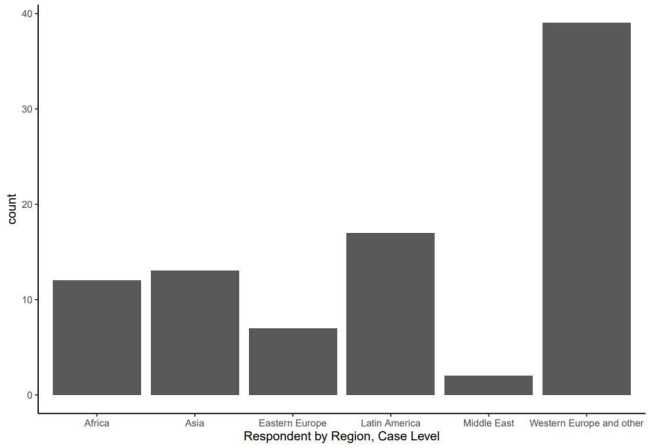

Figure 4. Respondent states by geographic origin, case level.

3.2 Judges: appointments by region and legal tradition

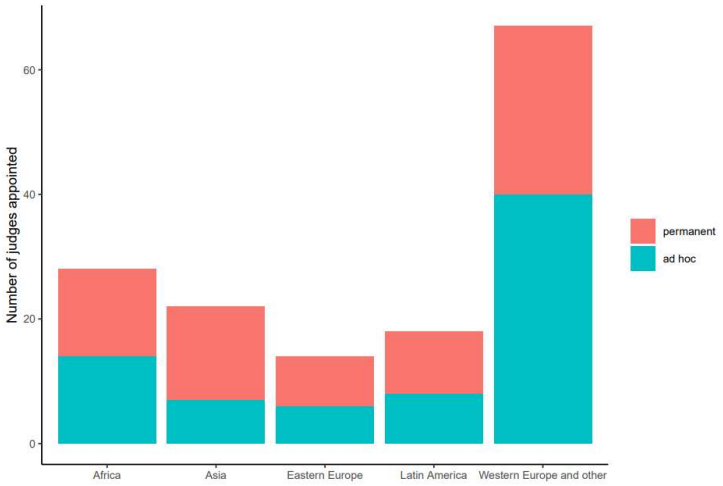

Figure 5. Appointed judges by region.

As shown in Figure 5, jurists from Western nations account for the largest share of both permanent and *ad hoc* judges. Judges trained in the Civil and Common Law jurists predominate (Figure 6).

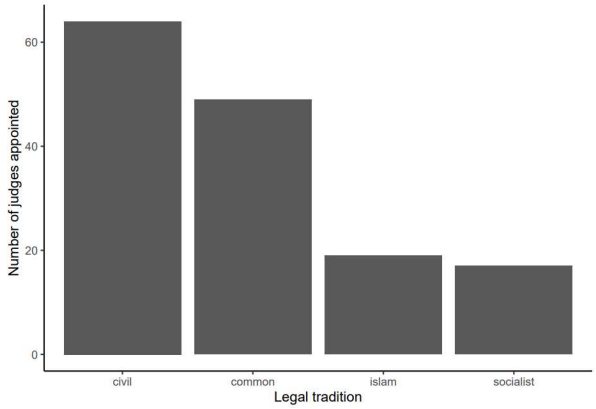

Figure 6. Appointed judges by legal tradition.

3.3 Outcomes and Votes

Figure 7 displays the proportion of issues (N = 399) decided in favour of the applicant (**proapp** variable) per year.

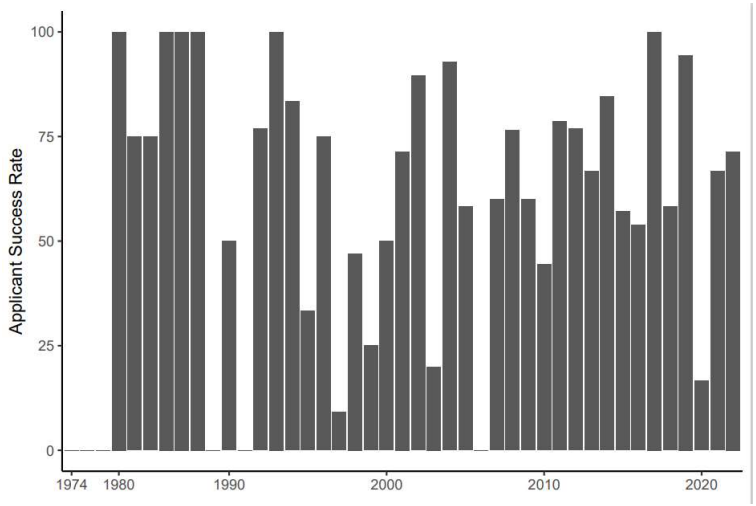

Figure 7. Share of issues where the applicant prevailed per year, 1974-2022.

In previous work, empirical legal scholars have examined whether ICJ judges are biased towards their home state and, more generally, towards states that are more similar to theirs with respect to democratic governance and economic prosperity (Posner and de Figueiredo 2005; Ma and Guo 2017). Table 1 reports the results of logistic regressions assessing the relationship between judicial votes (**appvote**) and legal tradition (**jud_tradition**), home state (**jud_app_match**, **jud_res_match**), democracy (using the **xm_qudsest** indicators for judge, applicant and respondent) and GDP (**gdp**, also for judge, applicant and respondent). Year fixed effects and judge effects (coefficients are not reported) are controlled for using the variables **year** and **judgname**.

While coefficients for legal tradition (Civil Law is the reference category) are not robust across model specifications, the sign and statistical significance **jud_app_match** and **jud_res_match** are consistent with previous research reporting home state favoritism (Posner and de Figueiredo 2005; Ma and Guo 2017). The interaction terms for democracy in model (5) and (6) are consistent with Posner and de Figueiredo (2005). By contrast, the coefficient for the interaction terms **gdp_judge*gdp_app** and

gdp_judge*gdp_res show either the wrong sign or fail to reach conventional cutoffs for statistical significance.

	Dependent variable:					
	Vote (1 = applicant, 0 = respondent)					
	(1)	(2)	(3)	(4)	(5)	(6)
jud_traditioncommon	−0.0701	0.0191	−0.0901	−0.0221	−0.0593	0.0159
	(0.0793)	(0.0821)	(0.0923)	(0.0947)	(0.0905)	(0.0904)
jud_traditionislam	0.3357***	0.2951***	−0.0108	0.1434	0.4878***	0.4341***
	(0.1060)	(0.1081)	(0.1327)	(0.1350)	(0.1536)	(0.1541)
jud_traditionsocialist	−0.1249	−0.1608*	−0.0667	−0.2657**	−0.1422	−0.1081
	(0.0886)	(0.0909)	(0.1076)	(0.1088)	(0.1170)	(0.1174)
app_jud_match1		3.1631***	3.0670***	3.0488***	2.9627***	3.1734***
		(0.4800)	(0.4870)	(0.4800)	(0.4845)	(0.4849)
res_jud_match1		−2.6527***	−2.3509***	−2.5073***	−2.2287***	−2.0648***
		(0.2158)	(0.2233)	(0.2301)	(0.2234)	(0.2256)
xm_qudsest_judge					−0.1850***	0.2271***
					(0.0679)	(0.0841)
xm_qudsest_app					1.6727*	
					(1.0014)	
log(gdp_judge)			0.6897***	0.0419		
			(0.1525)	(0.1588)		
log(gdp_app)			0.2432			
			(1.0586)			
log(gdp_res)				−2.0233		
				(2.2091)		
xm_qudsest_res						−1.0208
						(0.8208)
log(gdp_judge):log(gdp_app)			−0.0875***			
			(0.0165)			
log(gdp_judge):log(gdp_res)				−0.0094		
				(0.0191)		
xm_qudsest_judge:xm_qudsest_app					0.2798***	
					(0.0541)	
xm_qudsest_judge:xm_qudsest_res						−0.2614***
						(0.0573)
Constant	2.2993***	2.2854***	−3.9966	20.2454	1.6899***	−2.0229***
	(0.3988)	(0.3989)	(7.5287)	(19.2472)	(0.5800)	(0.7089)
Judgment FE	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Observations	6,109	6,109	5,012	4,606	4,891	4,827
Log Likelihood	−3,015.4700	−2,879.1710	−2,294.5210	−2,174.7540	−2,350.7750	−2,334.7260
Akaike Inf. Crit.	6,292.9390	6,024.3420	4,833.0410	4,555.5080	4,923.5490	4,887.4520
Note:						*p<0.1; **p<0.05; ***p<0.01

Table 1. Effects of legal tradition, judge-party state match, GDP and democratic similarity on judicial votes.

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