

## HOW MANY DICTIONARIES DO THEY NEED IN THE HAGUE?

*Zuzana Trávníčková*

**Abstract:** The article examines the use of dictionaries in the decision-making of the International Court of Justice (ICJ). While dictionary consultation has been extensively studied in domestic legal systems (especially in relation to the United States Supreme Court), it has so far received little systematic attention in international adjudication. Using corpus linguistic methods and the corpus of ICJ judgments, advisory opinions, orders, and also individual opinions of judges (comprising 2,289 texts and 14 million words), the study identifies 214 occurrences of the terms *dictionary*, *dictionaries*, *dictionnaire*, and *dictionnaires* in 109 documents related to 71 cases before the Court. The analysis explores which dictionaries are cited, by whom, and for what purposes. By combining legal and linguistic approaches, this contribution aims to provide a data-driven look at the interpretive practice of the International Court of Justice.

**Resumé:** Článek se zabývá používáním a rolí výkladových slovníků v rozhodovací praxi Mezinárodního soudního dvora. Zatímco v národních právních systémech (zejména ve vztahu k Nejvyššímu soudu Spojených států) už bylo používání slovníků podrobně studováno, v kontextu mezinárodního soudnictví mu dosud nebyla věnována systematická pozornost. Za pomoci metod korpusové lingvistiky pracuje text s korpusem sestávajícím z rozsudků, poradních stanovisek, příkazů a také individuálních stanovisek soudců Mezinárodního soudního dvora (zahrnujícího 2 289 textů a 14 milionů slov). V korpusu identifikuje 214 výskytů termínů *dictionary*, *dictionaries*, *dictionnaire* a *dictionnaires* v 109 dokumentech souvisejících se 71 případy projednávanými před soudem. Příspěvek zkoumá, které slovníky jsou citovány a využívány, kým (Soudem nebo jednotlivými soudci) a proč. Kombinací právního a lingvistického přístupu si tento text klade za cíl poskytnout daty podložený pohled na výklad mezinárodního práva v podání Mezinárodního soudního dvora.

**Key words:** International Court of Justice, individual opinion, legal interpretation, corpus linguistics, dictionaries

### **About the Author:**

**Zuzana Trávníčková, Ph.D.**, graduated in International Politics and Diplomacy at the University of Economics in Prague, and in Law at the Charles University Faculty of Law in Prague. She lectures in international law, international economic law and diplomatic and consular law at the Department of International and Diplomatic Studies (Faculty of International Relations, University of Economics and Business in Prague). Her research interests include the implementation and enforcement of international sanctions, diplomatic and consular law, human rights protection, and the use of linguistic methods in the interpretation of international law.

## Introduction

Concerning my long-standing professional interest in international sanctions, I came across several documents on the website of the International Court of Justice (ICJ) that refer to dictionaries. In the case of *Certain Iranian Assets (Iran v United States)*, the Court mentioned *Dictionnaire de la terminologie du droit international*.<sup>1</sup> In the same case, Judge Robinson in his separate opinion consulted the *Concise Oxford Dictionary* in relation to the word “determine.”<sup>2</sup> In the same case, Judge Sebutinde, in her dissenting opinion, used the definition of “commerce” in the *Oxford English Dictionary* and *Black’s Law Dictionary*.<sup>3</sup>

An academic perspective shows that the use of dictionaries in interpreting the law is a widespread, understandable, but at the same time risky and criticised practice. In some legal systems (especially in the US), it is a practice closely monitored and studied. In relation to the International Court of Justice (ICJ), it has not yet been paid attention to. A quick look at the decisions of the ICJ shows that both the Court and individual judges (in declarations, separate opinions, and dissenting opinions) occasionally refer to various dictionaries. In this contribution, I would like to examine systematically the use of (explanatory) dictionaries in the decisions of the International Court of Justice. Based on an inquiry into how and how often they are used and what dictionaries the Court and judges refer to in their reasonings, this article aims to assess their place in the interpretation of international law as carried out by the International Court of Justice. To perform this analysis systematically and thoroughly, I will use the tools offered by corpus linguistics.

### 1. Dictionaries in the legal interpretation

The use of dictionaries in legal interpretation represents an attractive research question jointly explored by both lawyers and linguists. The increase in the use of dictionaries by courts at various levels has been documented, particularly in the United States, where the ordinary meaning approach plays a central role in judicial interpretation.

When it comes to searching in explanatory dictionaries, this is not a technique that law students learn during their studies. However, as research from the US shows, consulting dictionaries is becoming a common part of the decision-making process. The reasons and motivations of judges for using dictionaries, its impact on decisions, and the risks that this practice brings in certain situations are described and evaluated.<sup>4</sup>

Scholars identify a whole range of problems and risks associated with the selection and use of dictionaries in judicial practice, not only in regard to American practice. External problems concern the choice of the dictionary itself, its type, age, and reliability. There are

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<sup>1</sup> *Certain Iranian Assets (Islamic Republic of Iran v United States of America)* (Judgment) [2023] ICJ Rep 51, [para 214].

<sup>2</sup> *Certain Iranian Assets (Islamic Republic of Iran v United States of America)* (Separate Opinion of Judge Robinson) [2023] ICJ Rep 191, [para 12].

<sup>3</sup> *Certain Iranian Assets (Islamic Republic of Iran v United States of America)* (Dissenting Opinion of Judge Sebutinde) [2023] ICJ Rep 177–178.

<sup>4</sup> MOURITSEN, Stephen C, ‘Corpus Linguistics in Legal Interpretation: An Evolving Interpretative Framework’ (2017) 6 *International Journal of Language & Law* (JLL) 67, 89; MOURITSEN, Stephen C, ‘The Dictionary Is Not a Fortress: Definitional Fallacies and a Corpus-Based Approach to Plain Meaning’ (2010) 2010 *BYU Law Review* 1915; GRIES, Stefan Th, ‘Corpora and Legal Interpretation: Corpus Approaches to Ordinary Meaning in Legal Interpretation’ in COULTHARD, Malcolm, SOUSA-SILVA, Rui and MAY, Alison (eds), *The Routledge Handbook of Forensic Linguistics* (2nd edn, Routledge 2021) 628.

different kinds of dictionaries (linguistic, legal, technical, etc.), but there is no consensus or rules on which dictionary is authoritative or appropriate for legal interpretation. This may cause so-called dictionary shopping.<sup>5</sup> Internal problems are related to the definitions and methods of defining words within dictionaries. Dictionaries usually provide different meanings of the word, but they lack contextual information.<sup>6</sup>

In relation to international law, the Vienna Convention on the Law of Treaties (VCLT) establishes ordinary meaning as a cornerstone of treaty interpretation. According to Art. 31(1) VCLT: ‘A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.’<sup>7</sup> The ICJ has affirmed the importance (although not the exclusivity) of literal interpretation already in one of the first advisory opinions *Competence of the General Assembly for the Admission of a State to the United Nations* in 1950:

*The Court considers it necessary to say that the first duty of a tribunal which is called upon to interpret and apply the provisions of a treaty, is to endeavour to give effect to them in their natural and ordinary meaning in the context in which they occur. If the relevant words in their natural and ordinary meaning make sense in their context, that is an end of the matter. If, on the other hand, the words in their natural and ordinary meaning are ambiguous or lead to an unreasonable result, then, and then only, must the Court, by resort to other methods of interpretation, seek to ascertain what the parties really did mean when they used these words.*<sup>8</sup>

Another question is whether dictionaries can provide reliable information about ordinary meaning. The above-mentioned critical remarks on the use of dictionaries can certainly be somehow transferred from the national environment to international law. However, referring to dictionaries is indeed something that happens in the ICJ decision-making practice or at least something, that this practice must reflect. The search form on the ICJ website indicates that as of 15 August 2025, the term “dictionary” appears in 265 documents published on the court’s website (including submissions by the parties and records of oral proceedings).<sup>9</sup> The ICJ plays a pivotal role in the interpretation of international law. What role do dictionaries play in this?

In the international arena, limited attention has been paid to this *dictionary issue* so far. Several studies have discussed the use of dictionaries in WTO decision-making.<sup>10</sup> However,

<sup>5</sup> APRILL, Ellen P, ‘The Law of the Word: Dictionary Shopping in the Supreme Court’ (1998) 30 *Arizona State Law Journal* 275.

<sup>6</sup> MOURITSEN 2010; KONCA, Paulina, ‘Servants or Masters? Linguistic Aids in Legal Interpretation’ (2021) 10 *Ius Humani: Revista de Derecho* 73, p. 81.

<sup>7</sup> Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331.

<sup>8</sup> *Competence of the General Assembly for the Admission of a State to the United Nations (Advisory Opinion)* [1950] ICJ Rep 4, p. 8.

<sup>9</sup> International Court of Justice, *Advanced Document Search: Query “dictionary”* (ICJ-CIJ.org) <[https://www.icj-cij.org/advanced-search?search\\_api\\_fulltext=dictionary](https://www.icj-cij.org/advanced-search?search_api_fulltext=dictionary)> accessed 15 August 2025.

<sup>10</sup> LO, Chang-fa, ‘Good Faith Use of Dictionary in the Search of Ordinary Meaning under the WTO Dispute Settlement Understanding’ (2010) 1 *Journal of International Dispute Settlement* 431, 445; PAVOT, David, ‘The Use of Dictionary by the WTO Appellate Body: Beyond the Search of Ordinary Meaning’ (2013) 4 *Journal of International Dispute Settlement* 29; VAN DAMME, Isabelle, ‘On “Good Faith Use of Dictionary in the Search of Ordinary Meaning under the WTO Dispute Settlement Understanding” – A Reply to Professor Chang-Fa Lo’ (2011) 2 *Journal of International Dispute Settlement* 231, 239.

there is still a lack of insights into whether and how judges of the International Court of Justice use dictionaries in the scholarly literature.<sup>11</sup>

## 2. ICJ judicature as a corpus

The use of dictionaries in ICJ decisions, so as to cover as many ICJ decisions and all acknowledged uses of the dictionary as possible, must be based on a list of cases in which the Court has used the dictionary. Such a list can be compiled in at least two different ways. One is to use the search function on the International Court of Justice website. The advantage of this approach is direct access to texts containing the search term dictionary or dictionaries, not only to Court decisions, but also to submissions by the parties and records of oral proceedings. The disadvantage is that the results obtained cannot be easily processed, filtered, and organised. The second possible approach is to use the possibilities offered by corpus linguistics. Corpus linguistics is an approach to the study of language that uses computers to analyse large amounts of language data, both written and spoken, which we call corpora.<sup>12</sup>

The connection between legal studies and corpus linguistics is a relatively recent development; however, it is rapidly gaining significant attention. By statistically and computationally analysing large volumes of text, corpus linguistics can provide legal scholarship with precise, objective, and verifiable information about how and how often words are used and in what contexts.

The decisions of the ICJ, i.e., judgments, advisory opinions, and orders, together with the individual or joint opinions of judges that are usually appended to them, constitute the corpus, a collection of written texts that will be subject to computer analysis using LancsBox X version 5.5.1 software.<sup>13</sup>

As creating a corpus for computer processing requires technical editing and formatting, the author uses a corpus of decisions (judgments, resolutions, and advisory opinions of the Court) and appended opinions (concurring, dissenting) and declarations compiled by Sean Fobbe.<sup>14</sup> The corpus covers the Court's decision-making activity from the first case in 1947 to 16 October 2023. The corpus consists of 2,289 documents, and the total number of tokens (words) in the corpus is 14 million.

In the corpus, named ICJ.23.en for the purposes of LancsBox X, the term *dictionary* or *dictionaries* appears 168 times in 90 different texts (152 times dictionary, 16 times dictionaries).<sup>15</sup> Ten texts relate to advisory proceedings, while most of the 80 texts concern

<sup>11</sup> The occasional use of dictionaries and scientific dictionaries in the interpretative practice of the ICJ is mentioned by LEKKAS, Sotirios-Ioannis, MERKOURIS, Panos, and PEAT, Daniel, 'The Interpretative Practice of the International Court of Justice' in: *Max Planck Yearbook of United Nations Law Online*, vol 26 (1), 2023, 316–357, [https://doi.org/10.1163/18757413\\_02601015](https://doi.org/10.1163/18757413_02601015), p. 326.

<sup>12</sup> BREZINA, Vaclav and MCENERY, Tommy, 'Introduction to Corpus Linguistics' in TRACY-VENTURA, Nicole and PAQUOT, Magali (eds), *The Routledge Handbook of Second Language Acquisition and Corpora* (Routledge 2020) 17–30.

<sup>13</sup> BREZINA, Vaclav and PLATT, William, *LancsBox X* [software] (Lancaster University 2025) <<http://lancsbox.lancs.ac.uk>> accessed 30 June 2025.

<sup>14</sup> FOBBE, Sean, 'Corpus of Decisions: International Court of Justice (CD-ICJ) [Data set]' (2023) 19 *Journal of Empirical Legal Studies* 491, Zenodo <<https://doi.org/10.5281/zenodo.10030647>> accessed 15 August 2025.

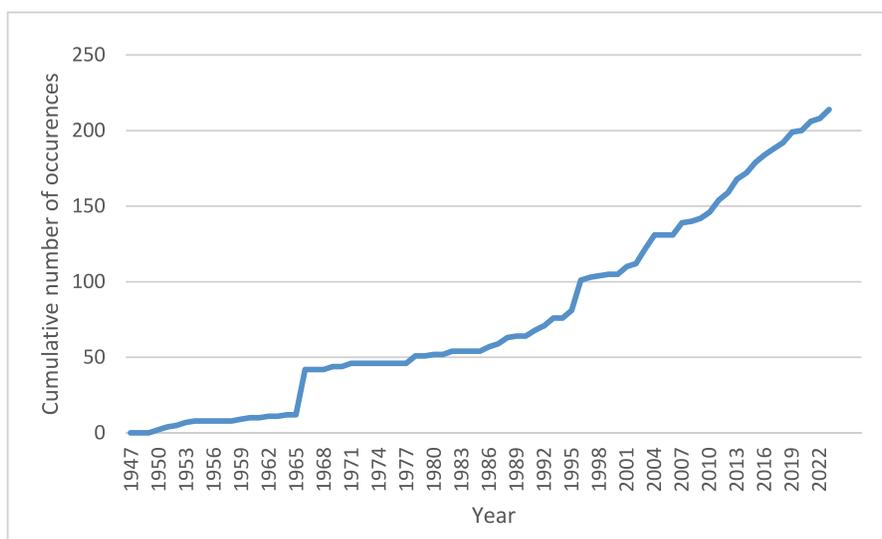
<sup>15</sup> For illustration, it may be noted that the words foster, regrettably, perpetrator, Malaysian, dangers, purchase, and lawyers have the same number of absolute occurrences (frequency) as dictionary in the corpus.

contentious cases. Another 45 relevant occurrences are recorded in English-language texts for the French term *dictionnaire* and one for *dictionnaires*, most often with a specific reference to the *Dictionnaire de la terminologie du droit international*. This specialised dictionary was created in 1960 under the leadership of the first President of the International Court of Justice, Jules Basdevant.<sup>16</sup>

In total, there are 214 occurrences of the terms *dictionary*, *dictionaries*, *dictionnaire*, and *dictionnaires* in 109 texts related to 71 different cases. Of these, only nine are texts that are court decisions (eight in contentious proceedings and one in advisory proceedings); in the other cases, references to the dictionary appear in the judges' individual opinions appended to the text of the decision.

The ICJ.23.en corpus contains a total of 2,289 texts, of which 811 are Court decisions (the remainder are individual opinions). Decisions thus represent 35% of the texts in the corpus. In the subcorpus, consisting only of texts containing references to a dictionary, the share of decisions is only 8% (9 out of 109 texts). It means that references to dictionaries are four times more common in individual opinions than in Court judgments, advisory opinions, and orders.

**Figure 1. Cumulative occurrence of words *dictionary*, *dictionaries*, *dictionnaire* and *dictionnaires* in the ICJ.23.en corpus**



Source: *Author*.

Figure 1 shows the cumulative occurrence of the words *dictionary*, *dictionaries*, and *dictionnaire* in the ICJ.23.en corpus from 1947 to 2023. The increase is generally gradual. In

<sup>16</sup> Union académique internationale, *Dictionnaire de la terminologie du droit international* (preface J Basdevant, Sirey 1960). Basdevant's dictionary represents a historical cornerstone, an early attempt to codify the terminology of international law. Published in 2001, Salmon's dictionary updates and expands this tradition and reflects the developments of international law at the end of the twentieth century. SALMON, Jean (ed), *Dictionnaire de droit international public* (Bruylant 2001).

the Court's early decades, mentions of dictionaries were rare. The notable spike around 1966 corresponds to the *South West Africa Cases (Ethiopia v South Africa; Liberia v South Africa)* and represents 30 occurrences of dictionaries in the text of two interconnected judgments and individual opinions. The curve accelerates from the late 1990s into the 2000s (especially after roughly 1998–2004). This trend might correspond with the increasing availability of the internet and online dictionaries.

### 3. References to dictionaries in decisions of the International Court of Justice

References to the dictionary directly in the text of a judgment, advisory opinion, or resolution of the MSD are rather exceptional and rare (9 out of 109 texts with occurrences). The following text presents and analyses the use of the dictionary in seven decisions. The two oldest references to the dictionary from 1966 will be introduced and explained in the next section of this contribution. The Court's inconsistency in including the Declaration of the President of the Court, Sir Percy Spender, both in the judgment and as a separate document has resulted in duplication.<sup>17</sup>

The sole occurrence of words *dictionary*, *dictionaries*, *dictionnaire*, and *dictionnaires* in the text of the decision does not mean that the Court itself used the dictionary. From the context of the case, it is necessary to identify whether the Court had its own need to consult the dictionary (whether for the purpose of determining the ordinary meaning or for understanding a technical term), or whether it is dealing in its reasoning with the fact that one of the parties to the proceedings is arguing on the basis of a dictionary entry.

On 19 December 1978, the Court delivered its Judgment on the Preliminary Objections in the *Aegean Sea Continental Shelf case (Greece v Turkey)*, finding it lacked jurisdiction to entertain the Greek application. The Court itself did not rely directly on dictionaries in its reasoning; however, it mentioned four different dictionaries cited by Greece in its pleadings — Robert's Dictionnaire alphabétique et analogique de la langue française (Vol. IV), Dictionnaire de l'Académie française, Littré – Dictionnaire de la langue française, and the Dictionnaire de la terminologie du droit international. The Court adopted a critical stance toward such use of dictionaries. Concerning the French expression *et, notament* the Court noted that the dictionaries allowed for interpretations other than the one advanced by Greece. Regarding the grammatical interpretation of *territorial status*, the Court acknowledged only “marginal” importance to Greece's dictionary-based argument.<sup>18</sup>

At the end of the 1970s, the WHO considered relocating its regional office from Alexandria to another member state in the region. Egypt objected that such a step would

<sup>17</sup> Thus, in the list of occurrences, one reference to the dictionary appears twice by mistake. For reasons of authenticity and transparency, I did not alter the corpus after identifying this duplication. In practice, this single reference appears four times in the corpus. Twice because it was published duplicitously by mistake, and twice because the identical text of the judgment and individual opinion is part of two cases. Although these were dealt with simultaneously and jointly, and the court's decision in both cases was the same, the court documents were recorded separately for each dispute. Regardless of the fact that the Court also published it as part of the judgment, it is clearly the individual opinion of the President of the Court appended to the judgment. The entire fact that the first individual statement appended to the judgment was that of the President of the Court reflected the dramatic adoption of the decision. The Court rejected the claims of Ethiopia and Liberia by the narrowest possible margin of seven votes to seven, with the casting vote of the President of the Court.

<sup>18</sup> *Aegean Sea Continental Shelf (Greece v Turkey)* (Judgment) [1978] ICJ Rep 3 [51, 54, 81].

violate or effectively terminate the existing agreement. At the initiative of the World Health Assembly, an advisory proceeding was commenced before the ICJ. The Court was asked whether such a move would be compatible with the 1951 agreement between the WHO and Egypt.

In the text of the advisory opinion of 20 December 1980, the Court dealt with determining how to understand the term *revision* used in the 1951 agreement, specifically whether *revise* also includes the possible termination of an agreement, or whether the true meaning relates to the modification of the agreement only. Without further clarification, the court refers to specialised legal dictionaries:

*The differences regarding the application of Section 37 of the Agreement to a transfer of the Regional Office from Egypt have turned on the meaning of the word 'revise' in the first sentence and on the interpretation then to be given to the two following sentences of the Section. According to one view the word 'revise' can cover only modifications of particular provisions of the Agreement and cannot cover a termination or denunciation of the Agreement, such as would be involved in the removal of the seat of the Office from Egypt: and this is the meaning given to the word 'revise' in law dictionaries.<sup>19</sup>*

In its judgment on preliminary objections of 12 December 1996, in the case concerning *Oil Platforms (Islamic Republic of Iran v. United States of America)* the Court refers – in relation to the term *commerce*, or *international commerce* – to two explanatory dictionaries, the Oxford English Dictionary and Black's Law Dictionary, and one technical legal dictionary:

*The word 'commerce' is not restricted in ordinary usage to the mere act of purchase and sale; it has connotations that extend beyond mere purchase and sale to include 'the whole of the transactions, arrangements, etc., therein involved' (Oxford English Dictionary, 1989, Vol. 3, p. 552). In legal language, likewise, this term is not restricted to mere purchase and sale because it can refer to 'not only the purchase, sale, and exchange of commodities, but also the instrumentalities and agencies by which it is promoted and the means and appliances by which it is carried on, and transportation of persons as well as of goods, both by land and sea' (Black's Law Dictionary, 1990, p. 269). Similarly, the expression 'international commerce' designates, in its true sense, 'all transactions of import and export, relationships of exchange, purchase, sale, transport, and financial operations between nations' and sometimes even 'all economic, political, intellectual relations between States and between their nationals' (Dictionnaire de la terminologie du droit international (produced under the authority of President Basdevant), 1960, p. 126 [translation by the Registry]).<sup>20</sup>*

In the case concerning *Avena and Other Mexican Nationals (Mexico v United States of America)*, the Court addressed the right of a foreign national deprived of liberty and the meaning of the phrase *without delay* in Article 36(1)(b) of the Vienna Convention on Consular Relations. In paragraph 84 of its Judgment of 31 March 2004, the Court, without referring to any specific dictionary, stated:

<sup>19</sup> *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* (Advisory Opinion) [1980] ICJ Rep 73 [40].

<sup>20</sup> *Oil Platforms (Islamic Republic of Iran v United States of America)* (Preliminary Objection, Judgment) [1996] ICJ Rep 803, [para 45].

*Article 1 of the Vienna Convention on Consular Relations, which defines certain of the terms used in the Convention, does not define the phrase ‘without delay’. Moreover, in the different language versions of the Convention various terms are employed to render the phrases ‘without delay’ in Article 36 and ‘immediately’ in Article 14. The Court observes that dictionary definitions, in the various languages of the Vienna Convention, offer diverse meanings of the term ‘without delay’ (and also of ‘immediately’). It is therefore necessary to look elsewhere for an understanding of this term.*<sup>21</sup>

In the *Kasikili/Sedudu Island (Botswana v Namibia)* case, the Court found it necessary to clarify the meaning of the term *main channel*. For this purpose, in its Judgment of December 1999, it referred to the specialised Dictionnaire français d’hydrologie de surface avec équivalents en anglais, espagnol, allemand (1986), another technical work entitled *Water and Wastewater Control Engineering Glossary* (1969), and the *Rio Palena Arbitration* award, to identify the criteria for determining the main channel of the Chobe River. In this case, the dictionary was not used to establish the ordinary meaning of the term but rather to define a technical concept from the field of hydrology.<sup>22</sup>

Throughout its existence, the International Court of Justice has already dealt with five territorial disputes between Costa Rica and Nicaragua. The first of these was instituted by an application filed in 2005 and by the Court entitled *Dispute regarding Navigational and Related Rights (Costa Rica v Nicaragua)*. The dispute concerned the interpretation of the 1858 Treaty of Limits, particularly Costa Rica’s navigational rights on the San Juan River and related sovereignty issues. In their submissions, the parties of the dispute presented differing views on the meaning of the Spanish word *comercio*. While the applicant, with the help of the nineteenth-century editions of the Dictionary of the Royal Spanish Academy, interpreted the term broadly, the defendant perceived its meaning more narrowly. The Court cited Costa Rica’s argument and reference to the dictionary in its judgment of 13 July 2009, but could not *‘subscribe to neither the particularly broad interpretation advocated by Costa Rica nor the excessively narrow one put forward by Nicaragua.’*<sup>23</sup>

In *Certain Iranian Assets (Islamic Republic of Iran v United States of America)*, the Court examined whether ‘financial transactions or operations constitute ancillary activities integrally related to commerce.’ In doing so, it relied on its previous jurisprudence in the *Oil Platforms case*, and it recalled the definition of *international commerce* provided in the Dictionnaire de la terminologie du droit international (1960).<sup>24</sup>

The above examples demonstrate that references to dictionaries in the reasoning of the ICJ are relatively rare and exceptional. The mere mention of “dictionary” in the Court’s texts does not necessarily indicate that the Court itself relied on such sources; rather, it may reflect linguistic or interpretative arguments advanced by one of the parties. When the Court does engage with dictionary definitions, it distinguishes between their use for clarifying the *ordinary*

<sup>21</sup> *Avena and Other Mexican Nationals (Mexico v United States of America)* (Judgment) [2004] ICJ Rep 12, [para 84].

<sup>22</sup> *Kasikili/Sedudu Island (Botswana v Namibia)* (Judgment) [1999] ICJ Rep 1045, [para 30].

<sup>23</sup> *Dispute regarding Navigational and Related Rights (Costa Rica v Nicaragua)* (Judgment) [2009] ICJ Rep 213, [paras 59–60]. This dispute and the use of methods of interpretation therein are discussed in detail in JENSSEN, Eric Talbot and LEE, James Rex, ‘International Law: Corpus Linguistics and Ordinary Meaning’ (2022) 54 *George Washington International Law Review* 1, BYU Law Research Paper No 22–26 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4285742](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4285742)> accessed 15 August 2025.

<sup>24</sup> *Certain Iranian Assets (Islamic Republic of Iran v United States of America)* (Judgment) [2023] ICJ Rep 51, [para 214].

meaning of treaty terms (as seen in *Oil Platforms* or *Avena cases*) and for explaining *technical or scientific terminology*, such as in the *Kasikili/Sedudu Island* case. The Court's approach toward dictionary-based arguments in *Aegaen Sea Case* seems to be cautious and at times critical, emphasising that dictionary definitions alone cannot determine the authoritative interpretation of a treaty provision.

#### 4. References to dictionaries in individual opinions appended to the Court's decisions

Article 57 of the Statute of the International Court of Justice grants judges the right to attach individual opinions (concurring, dissenting, separate) to the Court's judgments, advisory opinions, or orders. The 1978 Rules of Court formally recognised "declarations" and confirmed that opinions could accompany the ICJ's decisions. This practice allows judges to express personal legal reasoning and arguments when the majority decision of the Court does not fully reflect their views. The tradition of publishing individual opinions originates in the common law system and has influenced other international courts, including the International Tribunal of the Law of the Sea, WTO Appellate Body, the European Court of Human Rights, the Inter-American Court of Human Rights as well as the African Court of Human and Peoples' Rights.<sup>25</sup> There are ongoing debates over limits on individual opinions; some judges argue for judicial self-restraint, both in tone and length, to protect the Court's authority. Others defend an unrestricted right of expression and present dissent as an essential part of judicial independence. In practice, individual opinions are quite a popular tool for expressing a different view. By 2017, 1,390 separate, concurring, (fully or partly) dissenting, joint, or individual opinions were appended to 359 decisions of the ICJ.<sup>26</sup>

In relation to the discussed case, they can clarify, supplement, or even influence the reasoning of the majority decision. Individual opinions may be a subsidiary source of international law in terms of Article 38(1)(d) of the Statute of the International Court of Justice, which refers to *'the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.'*<sup>27</sup> Historically, several dissenting opinions have influenced international law, such as in the *Lotus* case (1927) and the *Genocide Convention* advisory opinion (1951).<sup>28</sup>

The corpus contains one hundred texts in which a dictionary reference occurs. However, many of these texts are repeated or largely identical. The Court might consider several related cases simultaneously such as *South West Africa* (Ethiopia and Liberia – South Africa), *Lockerbie* (Libya – United Kingdom, United States), *North Sea Continental Shelf* (Germany – Denmark, Netherlands), *Nuclear Disarmament* (Marshall Islands – United Kingdom, India, Pakistan), or *Use of Force* (Federal Republic of Yugoslavia – Belgium, Canada, France, Germany, Italy, Netherlands, Portugal, United Kingdom). In such cases, a single judgment is

<sup>25</sup> HOFMANN, Rainer, 'Separate Opinion: International Court of Justice (ICJ)' (last updated February 2018) in FABRI, H Ruiz (ed), *The Max Planck Encyclopedia of International Procedural Law* (OUP 2019-2023) <www.opil.oup.com/home/mpeipro> accessed 15 August 2025, para 1.

<sup>26</sup> HOFMANN 2018, para 34.

<sup>27</sup> *Statute of the International Court of Justice* (adopted 26 June 1945, entered into force 24 October 1945) 33 UNTS 993.

<sup>28</sup> HOFMANN 2018, para 54.

often reproduced across all related cases, resulting in similar reasoning and, at times, identical passages in individual opinions, including identical dictionary references.

Still, there are 46 situations where a reference to the dictionary in an individual opinion can be considered unique. Since it is beyond the scope of this paper to analyse all these instances, only a selection of illustrative examples will be discussed below. Given that random selection could lead to biased conclusions, the following sample deliberately includes situations that stand out in some way (e.g., oldest, widest, broadest mention of dictionary) and can therefore be assumed to delineate the possibilities for using dictionaries in the reasoning of individual judges.

The earliest recorded reference to a dictionary in the jurisprudence of the International Court of Justice appears in Judge Sir Arnold McNair's dissenting opinion in *Fisheries (United Kingdom v Norway)* in 1951. He cited the New Oxford Dictionary to explain the term *skerry*.<sup>29</sup>

On 18 July 1966, the Court delivered judgment in two interconnected cases, *South West Africa (Ethiopia v South Africa)* and *South West Africa (Liberia v South Africa)*. In the text of his declaration, the President of the Court in his declaration refers to the Dictionary of the Terminology of International Law when explaining the difference between a *concurring* and a *dissenting opinion* of a judge on a decision of the Court:

*In other words, if any judge is entitled to give a separate opinion quite outside the range of the Court's decision and on issues upon which the Court has made no findings of any kind, every other judge is so entitled. The inevitable confusion which this could lead to cannot, in my view, be supported by any rational interpretation and application of Article 57 [of the Statute of the International Court of Justice]. It would, or could, in practice be destructive of the authority of the Court. [...] President Basdevant, a former distinguished President of this Court, in his Dictionary of the Terminology of International Law (p. 428) defines an individual concurring opinion as not a mere statement of disagreement as to the reasons given for a decision, the dispositif of which the judge accepts, but the formal explanation he gives of the grounds on which he personally does so.*<sup>30</sup>

Besides the declaration of the President, two separate opinions and seven dissenting opinions were appended to the judgments of the Court in the South Africa cases. Among them, the separate opinion of *ad hoc* judge J.T. van Wyk stands out. In his opinion, the mention of the dictionary appears 10 times. The judge searches for the meaning of *military base* in six different dictionaries: Webster's Complete Dictionary of the English Language (1880); Webster's New International Dictionary of the English Language (Second Edition); The Shorter Oxford English Dictionary (Third Edition); Gaynor, The New Military and Naval Dictionary (1951); The Concise Oxford Dictionary of Current English (1958); Funk and Wagnalls New Standard Dictionary for the English Language (1961).<sup>31</sup>

<sup>29</sup> *Fisheries case (United Kingdom v Norway)*, Judgment of December 18th, 1951: I.C.J. Reports 1951, 116, Dissenting Opinion of Judge Sir Arnold McNair, 57, 58.

<sup>30</sup> *South West Africa Cases (Ethiopia v South Africa; Liberia v South Africa)*, Second Phase (Judgment) [1966] ICJ Rep 6, [para 21].

<sup>31</sup> *South West Africa (Ethiopia v South Africa; Liberia v South Africa) (Second Phase) (Judgment)* [1966] ICJ Rep 6, Separate Opinion of Judge van Wyk, 209.

The example above shows the most common way of working with a dictionary – a judge looks up or verifies the meaning of a word contained in the text of an international treaty or other source.

In the *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* (1996), Judge Weeramantry's dissenting opinion represents the most extensive use of dictionaries in the Court's jurisprudence. He consulted both general and technical dictionaries to clarify the precise meaning of *poison*, *radioactive*, and *generally*, as well as *electromagnetic pulse*.<sup>32</sup>

Table 1 provides further examples of general, legal, technical, and Latin terms for which judges consulted the dictionary when drafting individual opinions.

**Table 1. Dictionary Use in Judges' Opinions before the International Court of Justice**

Case	Year	Judge name	Word(s)
Interpretation of Peace Treaties with Bulgaria, Hungary and Romania	1950	John Erskine Read	<i>third member</i>
Minquiers and Ecrehos (France/United Kingdom)	1953	Levi Fernandes Carneiro	<i>of (de)</i>
Aerial Incident of 27 July 1955 (Israel v Bulgaria)	1959	David Goitein	<i>still</i>
Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v Nicaragua)	1960	Francisco Urrutia Holguin	<i>compensar</i>
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)	1971	Sir Gerald Gray Fitzmaurice	<i>pending</i>
Application for Review of Judgment No. 273 of the United Nations Administrative Tribunal	1982	Stephen M. Schwebel	<i>repatria, relate to</i>
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)	1986	Sir Robert Yewdall Jennings	<i>logistics</i>
Application for Review of Judgment No. 333 of the United Nations Administrative Tribunal	1987	Stephen M. Schwebel	<i>relate</i>
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	1988	Mohamed Shahabuddeen	<i>concern</i>
Aerial Incident of 3 July 1988 (Islamic Republic of Iran v United States of America)	1989	Stephen M. Schwebel	<i>any</i>
Arbitral Award of 31 July 1989 (Guinea-Bissau v Senegal)	1991	Mohamed Shahabuddeen	<i>relations</i>
Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)	1992	Santiago Torres Bernárdez	<i>determinar</i>
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v United Kingdom)	1992	Prince Bola Adesumbo Ajobola	<i>within</i>

<sup>32</sup> *Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion)* [1996] ICJ Rep 226, Dissenting Opinion of Judge Weeramantry.

Case	Year	Judge name	Word(s)
Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v Norway)	1993	Christopher Gregory Weeramantry	<i>ex aequo et bono</i>
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)	1993	Christopher Gregory Weeramantry	<i>devoir</i>
Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v Bahrain)	1995	Mohamed Shahabuddeen	<i>preponderant</i>
Request for an Examination of the Situation in Accordance with Paragraph 63 of the Courts Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v France) Case	1995	Christopher Gregory Weeramantry	<i>fallout</i>
Oil Platforms (Islamic Republic of Iran v United States of America)	1996	Stephen M. Schwebel	<i>commerce</i>
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)	1997	Christopher Gregory Weeramantry	<i>counter-claim</i>
Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v Bahrain)	2001	M. Bedjaoui, R. Ranjeva, A. G. Koroma	island
	2001	Santiago Torres Bernárdez	<i>mainland</i>
Oil Platforms (Islamic Republic of Iran v United States of America)	2003	Hisashi Owada	<i>commerce</i>
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)	2003	Vladlen Stepanovich Vereshchetin	<i>fact</i>
		Ahmed Mahiou	<i>fact</i>
Legality of Use of Force (Serbia and Montenegro v Belgium)	2004	Milenko Kreća	<i>locus standi in judicio</i>
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)	2007	Sir Kenneth Keith	<i>complicity</i>
Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)	2009	Antônio Augusto Cançado Trindade	<i>urgence</i>
Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua)	2011	Abdul G. Koroma	<i>plausible</i>
		Bernardo Sepúlveda-Amor	<i>plausibility</i>
		Christopher J. R. Dugard	<i>plausibility</i>
Jurisdictional Immunities of the State (Germany v Italy: Greece intervening)	2012	Antônio Augusto Cançado Trindade	<i>immunity</i>
Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua)	2013	Bernardo Sepúlveda-Amor	<i>plausible</i>
Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v Thailand) (Cambodia v Thailand)	2013	Antônio Augusto Cançado Trindade	<i>to withdraw/se retire</i>

Case	Year	Judge name	Word(s)
Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua)	2015	Dalveer Bhandari	<i>sic utere tuo ut alienum non laedas</i>
Construction of a Road in Costa Rica along the San Juan River (Nicaragua v Costa Rica)	2015	Hisashi Owada	<i>channel</i>
		Patrick Lipton Robinson	<i>against</i>
Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v Colombia)	2016	Hisashi Owada	<i>final judgment</i>
Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v India)	2016	Dalveer Bhandari	<i>dispute</i>
Immunities and Criminal Proceedings (Equatorial Guinea v France)	2016	James L. Kateka	<i>complicity</i>
Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation)	2017	Hisashi Owada	<i>plausible</i>
Obligation to Negotiate Access to the Pacific Ocean (Bolivia v Chile)	2018	Patrick Lipton Robinson	<i>open to</i>
Immunities and Criminal Proceedings (Equatorial Guinea v France)	2018	Hisashi Owada	<i>incorporation by reference</i>
Jadhav (India v Pakistan)	2019	Tassaduq Hussain Jillani	<i>supplement</i>
Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965	2019	Peter Tomka	<i>validité</i>
Immunities and Criminal Proceedings (Equatorial Guinea v France)	2020	Patrick Lipton Robinson	<i>use</i>
Maritime Delimitation in the Indian Ocean (Somalia v Kenya)	2021	Abdulqawi Ahmed Yusuf	<i>cut off; concave</i>
		Patrick Lipton Robinson	<i>Concave</i>
Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v United States of America)	2021	Charles Brower	<i>relating to, fissionable, admission</i>
Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)	2022	Patrick Lipton Robinson	<i>navigation</i>
Certain Iranian Assets (Islamic Republic of Iran v United States of America)	2023	Julia Sebutinde	<i>commerce</i>
		Patrick Lipton Robinson	<i>determine</i>

Source: *Author*.

The table indicates that Judge Robinson consulted the dictionary in the largest number of different cases. It also shows that the most frequently searched word is *plausible/plausibility*. A third conclusion is that over time, and especially after 2000, consultation of dictionaries regarding the meaning of a specific term has become increasingly frequent.<sup>33</sup>

For the completeness of the picture, however, it must be noted that this practical attitude towards dictionaries is not the only one possible. In his dissenting opinion in 1950, Judge Alvarez referred to dictionaries precisely to distance himself from the literal reading of Article 4(2) of the Charter of the United Nations in the *Competence of the General Assembly regarding Admission to the United Nations* advisory proceedings:

*When the wording of a text seems clear, that is not sufficient reason for following it literally, without taking into account the consequences of its application. Multilateral treaties are not drafted with the help of a dictionary, and their wording is often the result of a compromise which influences the terms used in the text.*<sup>34</sup>

Two years later, in his dissent in the *Anglo-Iranian Oil Co. (United Kingdom v Iran)* case he criticised the ‘*slavish adherence to the literal meaning*’ of texts, emphasising that legal instruments ‘*were not drafted with a grammar and a dictionary in front of them*’ and should be read according to the evolving international environment.<sup>35</sup>

## 5. What kind of dictionaries?

While in a domestic context, a specific dictionary may be prescribed for the interpretation of law, albeit exceptionally,<sup>36</sup> judges of the International Court of Justice have no restrictions in this regard. As the analysis and the above-mentioned examples show, it is common for judges to consult more than one dictionary. With the help of corpus analysis, the most frequently cited dictionaries are listed in Table 2.

<sup>33</sup> From more recent practice the separate opinion of *ad hoc* Judge Tuzmukhamedov in the case *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation)* can be mentioned. In his opinion, *ad hoc* Judge Tuzmukhamedov relied on the Cambridge Dictionary to interpret the term *financing*, on the Oxford English Dictionary to clarify the meaning of *funds*, and on the Merriam-Webster Dictionary in connection with the word *pecuniary*. *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation)*, Separate Opinion of *ad hoc* Judge Tuzmukhamedov [2024] ICJ Rep 322, 322–23 [69]–[70].

<sup>34</sup> *Competence of Assembly regarding Admission to the United Nations, Advisory Opinion* [1950] ICJ Rep 4, Dissenting Opinion of Judge Alvarez, 17.

<sup>35</sup> *Anglo-Iranian Oil Co. (United Kingdom v Iran)* (Preliminary Objection), Judgment of 22 July 1952, Dissenting Opinion of Judge Alvarez [1952] ICJ Rep 93, 126.

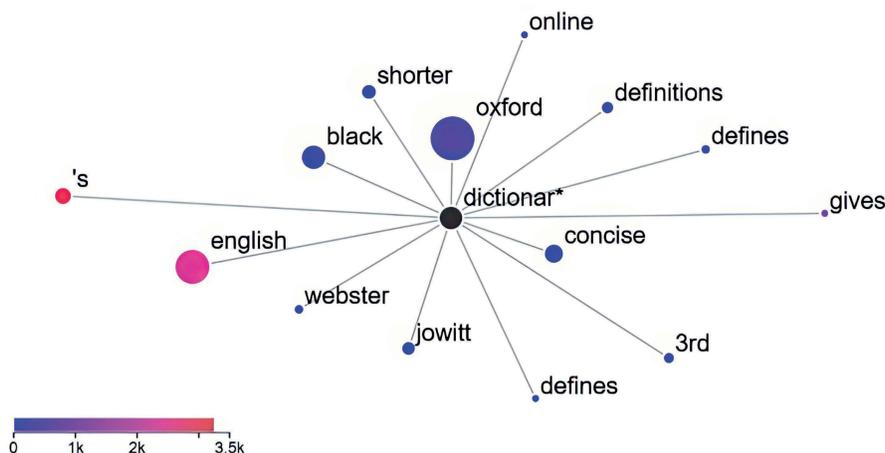
<sup>36</sup> On the Spanish rules regarding use of dictionaries in legal interpretation, see KONCA 2021, p. 81.

**Table 2. Most Frequently Cited Dictionaries in the ICJ decisions corpus (ICJ.23.en)**

Dictionary	Freq.	Texts
Oxford English Dictionary**	33	27
Dictionnaire de la terminologie du droit international, Dictionary of International Legal Terminology (Basdevant)	17	17
Concise Oxford Dictionary, Concise Oxford English Dictionary**	13	12
Webster, Merriam-Webster dictionary	13	11
Jowitt's Dictionary of English Law	9*	9
Dictionnaire de droit international public (Salmon)	7	5
Dictionnaire de la langue française, Dictionnaire Robert, Dictionnaires Le Robert	7	5
Black's Law Dictionary	5	4
Vocabulaire juridique (Cornu)	5	5
Dictionnaire philosophique (Voltaire)	3	2
McGraw-Hill Dictionary of Scientific and Technical Terms	3	2
Shorter Oxford Dictionary, Shorter Oxford English Dictionary**	2	2
Ballantine's Law Dictionary	2*	2
Cyclopedic Law Dictionary	2*	2

Source: Author. \* indicates that the occurrence appears in identical texts issued in related proceedings.

\*\* indicates that the entries may refer to the same dictionary.

**Figure 2. Collocations of *dictionary*\* (L3–R1) in the ICJ decisions corpus (ICJ.23.en)**

Source: Author. Created in LancBox X, GraphColl. Each node represents a collocate. The size of the circle indicates its frequency and the colour reflecting the strength of its association with the node word. The proximity of nodes to the centre reflects the degree of collocational strength.

The graph generated in the GraphColl tool of LancsBox X visualises the collocational relationships of the search term *dictionary\** (including *dictionary* and *dictionaries*) within the ICJ.23.en corpus. It points to the significant representation of Oxford dictionaries and the prominent position of specialised dictionaries (Basdevant 1960, Salmon 2001). Among French general explanatory dictionaries, Le Robert appears most frequently. The use of legal dictionaries (Jowitt, Black, Cornu) is also recurrent. However, in one case (Jowitt), the recurrence is due to Judge Kreča using the same reasoning – including the dictionary usage – in a group of nine related cases. In addition to the above, the corpus also includes the Barnhart dictionary of etymology, Benoist & Goetzer dictionary, Dictionary of the Royal Spanish Academy, Dictionnaire de géopolitique (Lacoste), Dictionnaire encyclopédique d'électronique (Fleutry), Encarta World Dictionary, Oxford Dictionary of English Etymology (Onions), The Chambers Dictionary, and The New Penguin English Dictionary.

## Conclusion

By mining a comprehensive corpus of 2,289 ICJ texts (about 14 million words) – judgments, advisory opinions, orders, including different forms of individual opinion – the study identified 214 instances where dictionaries were cited across 71 cases. A key finding is that references to dictionaries have grown steadily over time. Sporadic in the ICJ's early decades (with a notable early spike in 1966), dictionary references became more frequent from the late 1990s onward. Further, they appear far more often in individual opinions of ICJ judges than in the Court's judgments or advisory opinions. Out of 107 documents containing dictionary references, only 7 were majority decisions of the Court; the remaining references appeared in separate or dissenting opinions by individual judges.

The purposes for which dictionaries are used vary. In some cases, the Court or judges have looked up ordinary meanings of treaty terms, in other instances, dictionaries helped clarify technical or specialised terminology. The research also reveals which dictionaries are favoured and how judges use them. There is no official or prescribed dictionary at the international level, so judges have considerable freedom – and they often consult multiple sources for a single term. The Oxford English Dictionary is the most frequently cited. Judges also relatively often refer to the Concise Oxford Dictionary, Webster's dictionaries and specialised legal dictionaries. Notably, the Dictionnaire de la terminologie du droit international (1960), authored by the ICJ's first president Jules Basdevant, continues to serve as a key reference for interpreting fundamental terms in international law.