

Obligations *Erga Omnes* as a Basis of Legal Standing in International Law

ABSTRACT

Obligations *erga omnes* represent the norms protecting the most fundamental interests in international law. Despite their longstanding presence, some aspects of these obligations remain unclear. The thesis aims to determine whether it is possible to enforce these norms by invoking responsibility for their breach before international courts and tribunals, specifically before the International Court of Justice (ICJ). The primary objective is to determine whether obligations *erga omnes* and their treaty counterparts, obligations *erga omnes partes*, effectively establish legal standing in ICJ proceedings.

To achieve this aim, the thesis comprehensively examines the emergence of obligations *erga omnes*, their relationship with *jus cogens*, and their role in safeguarding community interests in order to situate the studied notion in the framework of law of international responsibility. By analysing the ICJ's case law, Judge opinions, the work of the International Law Commission, and prominent scholarly contributions, the study investigates how States' interest in protecting obligations *erga omnes (partes)* translates into the ability to invoke responsibility for their breaches through judicial proceedings.

The analysis reveals that obligations *erga omnes (partes)* are indeed capable of establishing legal standing before the ICJ. The answer, however, is only partially based on the judicial practice. While the Court has repeatedly acknowledged legal standing based on the invocation of breaches of obligations *erga omnes partes*, legal standing based on obligations *erga omnes* under general international law remains unclear, as the Court has not yet directly addressed the issue. Given the absence of a decision to the contrary, and taking into account arguments supporting such possibility, the analysis observes obligations *erga omnes* are also capable of providing for a legal standing before the Court. Regarding the enforceability of both types of obligations, it is however necessary to note, that even with effective *ius standi*, the States must still face the biggest obstacle hindering access to the Court, the lack of consent to the ICJ's jurisdiction. Despite these obstacles, proceedings based on obligations *erga omnes (partes)* serve as a valuable mechanism for addressing the violations of community interest in the decentralized system of international law. With the increasing number of such proceedings before the ICJ, the need for clarity on the discussed issues the need of clarification of the discussed issues rapidly grows.

Keywords: *obligations erga omnes, obligations erga omnes partes, legal standing, international responsibility, International Court of Justice*