



Interview

# Yusra Suedi

Geneva Graduate Institute

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**Anne Saab (AS):**

*Thank you so much, Yusra Suedi, for joining us today for this interview in our series on emotions at the International Court of Justice. It's really a pleasure to be speaking with you.*

*So the first question I'm going to ask you is if you could tell us a little bit about your career trajectory and how you got to where you are today.*

**Yusra Suedi (YS):**

Well, I am an academic. I am a lecturer in international law at the University of Manchester. Prior to that, I was carrying out a postdoctoral fellowship at the London School of Economics for two years. And prior to that, I was trained as an international lawyer here in Geneva, where I did my PhD and all of my university education.

**AS:**

*And could you tell us a little bit more about particular topics that you've been interested in along the way?*

**YS:**

So my PhD research was on the individual in the law and practice of the International Court of Justice (ICJ). I've been very interested in international dispute settlement, broadly speaking. These days, I focus a lot more on international environmental and climate change law.

But in the past, because I practiced as an international lawyer on the side of my university pursuits in different UN roles, whether that was the International Law Commission or the International Court of Justice. And that meant that I was trained as a generalist who dabbled in all kinds of areas of international law. And it's been a wonderful experience, actually.

**AS:**

*I wanted to hear a little bit more from you about a book that you recently published. This was based on your PhD research that you just mentioned. The book is titled **The***

*Individual in the Law and Practice of the International Court of Justice.* Could you tell us briefly, although it does probably need more than a brief explanation, what your main argument is in the book? And could you also speak a little bit about the role of emotions being or not in this notion of social idealism that runs through your book?

**YS:**

The book is essentially an exploration of the role that individuals play in the judgments and legal reasoning of the ICJ on one hand, and also in the process and procedure in various ICJ cases. It essentially argues that there is more room for individuals to be considered in the legal reasoning of the judges and a number of issues that will somehow impact them. And there's also room for them to be more seen in the Great Hall of Justice and in various procedural ways.

The theoretical underpinning of the book is a social idealist lens or perspective, which is something that's been pioneered mainly by Philip Allott, but also developed by Wilfrid Jenks and some other fantastic international legal scholars. And the idea behind social idealism is an idea of an international law, a version of international law that is more underpinned by values, by an idea of community, and by an idea that individuals are at the heart of the international legal system and processes, as opposed to an afterthought, as is the case through some other theoretical lenses.

So, I think there is a strong connection between the social idealist movement and emotions. But I would say that there's an interesting tension, because the social idealist movement, how it tries to come across intellectually is, I think it intends to speak to the more doctrinal scholars who tend to often dominate that space in international legal scholarship, for better or for worse. And so, it tends to present arguments in a very rational way that is actually completely divorced from any form of emotion.

And I think that might be deliberate, in order to speak to those scholars and resonate with them and somehow convince them of the legitimacy of a social idealist approach. But I think that what's interesting is that on the other hand, the social idealist movement must be born out of emotions. Because it's feelings of hope and aspiration, it's feelings of outrage, it's feelings of maybe fear and anxiety that have pushed people or driven individuals to feel like they can and should occupy a greater space in international legal thought and practice.

And so even though that's not necessarily reflected in social idealist writings, it is very much the backbone or the driver of the movement.

**AS:**

*Great, thank you so much. And then I have a question, which I know that your book isn't about emotions. But I still want to try to tease out how your book might connect to this thinking about emotion. So a more particular question is whether you think that*

*emotions or emotional dynamics are connected to the effectiveness and legitimacy of the ICJ? And I think that is somehow building on what you introduced on social idealism before.*

**YS:**

Yeah, absolutely. So, I explore a number of different types of legitimacy, as well as effectiveness, of course, the argument being that if these are notions that the court would like to properly embody, that there are ways of perceiving them differently. And there are ways that the treatment of and approach towards individuals factor into whether the court can be deemed effective or legitimate in its work.

I understand how complex those terms can be. I think one particular type of legitimacy that I talk about in the book is democratic legitimacy. And the idea behind that is that individuals, for example, and maybe even other non-state actors should play a bigger role in the processes, because a failure to do so would essentially be problematic from the lens of democratic legitimacy.

Can a court truly be legitimate if it's dealing with issues that relate to people who were not actually consulted or properly included in the process? I think arguments that relate to democratic legitimacy are often quite emotionally charged because they come from a sentiment of being excluded from processes. And if we look at the types of questions that the ICJ deals with, they are often, and increasingly so, very high stakes political issues, very complex issues that clearly impact so many people, whether that has to do with an occupation or climate change or human rights violations. And so, I think at the heart of a pursuit for greater democratic legitimacy is emotion and is feelings of perhaps anger, frustration, and other emotions that would come from being excluded from something that we care about.

**AS:**

*Yeah, and I think what I've been speaking about with some colleagues as well as we start this new academic year and welcome new students of international laws, at once this feeling that international law is really failing in many ways, but at the same time, a huge increase in interest. For instance, the work of the ICJ, a huge number of cases and not just the number of cases, but just the interest. Many people who might have never even heard of the ICJ have now seen some of those cases.*

*So I think that also really speaks to just the stakes and the democratic legitimacy. So let me ask you another question. In your book, you look at different characteristics and legal characteristics of the individual and different types of ICJ cases. Do you see different emotional dynamics play out in the individual as an active participant in contentious or advisory cases before the ICJ, as opposed to, for instance, the individual as figuring indirectly in the ICJ's reasoning?*

**YS:**

That's a really interesting question. So I would say that from a legal reasoning approach, because of the doctrinal prism through which a lot of these cases are dealt, there is no indication of any emotion that could possibly come across. Perhaps maybe in some affidavits, written affidavits that might be annexed to certain written pleadings of certain states in cases that have to do with individuals where those affidavits are provided as evidence, maybe in some of them we can tease out some hints of emotion in that they are essentially interviews with those people who are impacted.

I think that otherwise a lot of the emotion that we see is in the expressions of desperation, frustration, and disappointment that we can get glimpses of, and that I was very fortunate to get glimpses of, from individuals who are nowhere close to having their issues addressed by the ICJ. Now, a lot of these were not exactly realistic, and a lot of the expectations that individuals have towards the ICJ are just jurisdictionally infeasible.

I remember when I was working at the ICJ, and it was actually on my first day of work, I was in an office in the registry that had a pile of letters that were just sitting on one side, and it was a pile of letters that were actually collected from individuals and different groups who had written to the ICJ to ask for its help, to ask for it to intervene in a number of different issues and contexts. And the language in those letters was a language of desperation, frustration, sadness, anger. You could see a lot of emotions coming through. And I think that, and the last point I'll make about this is that I think in modern day, because of social media, we are exposed to a lot of emotion that individuals feel and experience.

These are individuals who are directly connected to certain cases that are being dealt with, but also individuals who are not necessarily although they still feel very strongly about whatever issues are on the table. I think we get a greater sense of how much emotion this institution can generate through some of the recent cases that it's been dealing with.

**AS:**

*I think we could have a much longer discussion about expectation and emotion. And I think that's a very interesting point. Let me ask you one final question for now. Looking beyond your book, and with your wider experience with international law, and also specifically with working at the ICJ in particular, what do you think are some of the avenues that are worth exploring with regard to the role of emotions at the ICJ?*

**YS:**

What I advocate for in my book is really applicable not only to the ICJ, I would say to other international courts and I would say to other arenas where international law is

used as a language. I think that a lot more work needs to be done for us to marry theory and doctrine with practice and reality to really see the people that I believe international law is there to serve and should be serving. I think we often forget that essentially, to some extent at least (I know some people might disagree with this), international law is for people who are, especially today, up against a number of different challenges. And I think for decision makers in international law to fully appreciate that, they need to appreciate the role of emotions because sometimes it's a feeling that can really resonate with a lawmaker or a decision maker or anybody who has some kind of role in the international legal system and in developing the legal norms in that system in some way.

So, it's more a question of really seeing people and engaging with those emotions and not being afraid of them. And I think a problem that international law has is that we are still so attached to this positivist approach or doctrinal approaches to international law which are completely divorced from all emotions. And I'm just not sure that that can really be our guide anymore because it omits so many other dimensions that need to be appreciated if we're going to resolve some of these major crises and problems that we have in 2025 with international law.

**AS:**

*Thank you so much for your time and for being with us and for sharing your thoughts. Plenty more to do on this topic and I look forward to continuing this conversation with you.*

**YS:**

Thank you so much for inviting me to speak about this. It's such an exciting project that you have and I'm excited to see more of what comes out of it.

