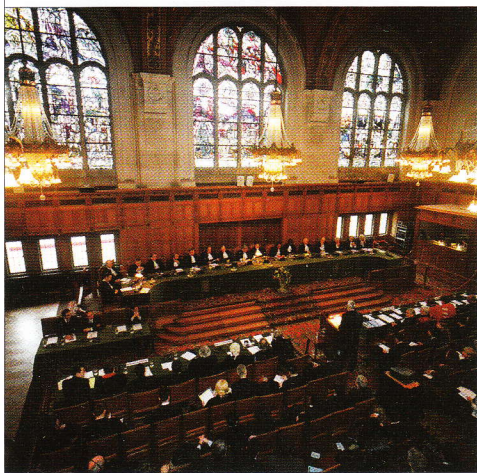


PROFILE

The International Court of Justice

Small Country Plays Host To Big Decisions and Big Issues



The International Court of Justice (ICJ) is the only one of the six principal organs of the United Nations that is not located in New York. Instead, the ICJ is located at the Peace Palace in The Hague. Established in 1945 by UN Charter, it began its work immediately in 1946. Fifteen judges, each serving a term of nine years, and with no two judges from the same country, hear and then advise and/or rule on cases presented to the Court.

The functions of the Court are two-fold. Firstly, it's responsible for settling contentious legal disputes submitted by member states. Secondly, it provides advisory opinions on legal questions submitted by UN organizations and agencies.

An example of one of the contentious cases presented to the ICJ is the 2006 case between Argentina and Uruguay concerning Pulp Mills on the River Uruguay. Argentina brought the case against Uruguay to the Court for alleged breaches of Uruguay's obligations under the Statute of River Uruguay, a treaty between the two States.

However, court decisions are not always accepted and there have been a number of criticisms and concerns about the Court, its set-up and the representation. One case that illustrates this well is that

of a security fence being built to separate Israel from Palestine (2003 - *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*).

One of the major criticisms of this case was based on the fact that the Court's jurisdiction is limited to cases between member states where both parties accept its authority on international law. In this particular case, Israel refused to give their consent and members such as the United States, Russia and the European Union declared the case outside of the boundaries of the Court.

The Court carried on none-the-less and advised that the wall should be removed as it was violating Palestinian humanitarian rights, such as their right to work and their right to education (despite the suggestion that the wall had already helped in reducing the number of suicide attacks in Israel). In addition, many people were angered by the fact that this statement



of humanitarian rights over the right to defend was read by the chief judge, representing China, a country that many feel denies its own citizens of their own humanitarian rights.

The ICJ does not, in fact, deal with that many cases. According to their own website there are only thirteen pending and two currently being heard. However as the current societal climate continues to change, it is clear that The Netherlands will be playing host to many more decisions and contentious issues both in and outside Europe. ■

