

THE INDIVIDUAL IN THE LAW AND PRACTICE OF THE INTERNATIONAL COURT OF JUSTICE

The cornerstone of the World Court's identity is its resolution of inter-state disputes. This insightful critique challenges the implication that individuals have little importance in such disputes as a result. Arguing for individuals' enhanced integration, it reveals their relevance in a myriad of disputes beyond those centred on violations of multilateral human rights treaties and unveils a multitude of procedural practices with unquenched potential. It also carefully unpacks and interrogates the Court's legal reasoning in various contexts such as territorial and maritime disputes, amongst others. Finally, it critically analyses and evaluates the legal and political underpinnings for the Court's approaches and state litigants' choices from a lens of social idealism. This pioneering study sheds light on the imbalance between individuals as key stakeholders in inter-state disputes and their treatment in law and practice.

YUSRA SUEDI is a lecturer in International Law at the University of Manchester. She has worked for the United Nations and in international courts and tribunals, including the International Court of Justice. She has also worked in cases before the International Court of Justice.

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THE INDIVIDUAL IN THE LAW AND PRACTICE OF THE INTERNATIONAL COURT OF JUSTICE

YUSRA SUEDI

University of Manchester



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FOREWORD

The relationship between the individual and the International Court of Justice might, *prima facie*, appear to be a curious choice for academic appraisal. After all, the World Court is distinguished on the international plane by its jurisdictional mandate to resolve legal disputes between states. This function of the Court may give the impression that the activities and output of the principal judicial organ of the United Nations are not of much relevance to individuals or to the protection of their rights. Yet, Yusra Suedi's book, *The Individual in the Law and Practice of the International Court of Justice*, illustrates that this relationship is richer than one might expect. It commendably provides a thorough examination of several previously underexplored questions, whilst purposefully taking an original approach when it comes to questions that have already been explored in the existing literature.

As the position of the individual in international law has evolved over the past century, so has the significance and impact of the Court's work on the rights of individuals in the context of inter-state disputes. Thus, the fact that individuals do not have *locus standi* before the ICJ has never been an obstacle to the consideration and, where necessary, protection of the rights of individuals by the Court. The jurisprudence of the Court examined and assessed in Yusra Suedi's book amply illustrates this point. It testifies to the fact that the Court, despite its state-centred function, has never been oblivious to and cannot afford to ignore or neglect the famous maxim '*hominum causa omne jus constitutum est*', that is, all law is created for the benefit of human beings.

The author could have easily demonstrated the relevance of the Court's work to the rights of individuals through an analysis of its contribution to the development of human and people's rights in international law, as has been done by many others. However, she chose to venture down an untrodden path. Indeed, this book offers significant new insights with respect to cases brought before the Court where the relevance of the rights of individuals might not be immediately obvious

but where the Court has clearly and considerably addressed them as part of its function of interpreting and applying the law. These cases include inter-state disputes in diverse areas such as the delimitation of territorial or maritime boundaries, the protection of the environment, the interpretation of treaties, or the identification of customary international law. This innovative approach to the relevance of the Court's work to individuals is what makes Yusra Suedi's book particularly interesting.

This is a work of mapping and locating the scope and effect of the rules of international law. But the law is not and cannot be like a geographical location. It has to be more; it has to evolve and address the changing needs of society. This is also the case of contemporary international law. With the adoption of the UN Charter and the Universal Declaration of Human Rights, the international legal system has slowly shifted from a Westphalian state-centred model to one that recognises and serves to protect the rights of individuals. The interplay between the individual and the system of international justice has similarly evolved. Thus, in interpreting and applying the rules of international law, the effect of those rules on individuals cannot be ignored by the principal judicial organ of the United Nations, even though those rules may have originally been devised for different circumstances, such as maritime delimitation. Today's judge must pay attention to the impact of such rules on the rights of, for example, local fisherfolk or on their traditional way of life. There is no need any more for a state to exercise diplomatic protection for such fisherfolk's rights to be taken into consideration and thus to perpetuate the old and outdated fiction that it is the state's rights that might have been breached and not the individual's.

As a judge at the Court, I often have to deal with the intricate interplay between the rights of individuals and the mechanisms of international justice. I have, at times, considered that this relationship could be strengthened through the progressive development of the law by the Court. In *Jurisdictional Immunities*, for example, I dissented that the Court, in its consideration of the merits, limited its examination almost entirely to the general applicability of immunity to the acts committed by a state as a sovereign. In my view, this was too abstract and formalistic as compared to the real-life situation of the victims of Nazi atrocities who, for the lack of any alternative means of redress, had to submit their claims for reparation to Italian courts.

Similarly in *DRC v. Uganda (Reparations)*, I expressed the view that

one of the inadequacies of the reparation awarded by the Court in this case flows from the overly narrow approach to reparations adopted in the

Judgment and the lack of consideration of the communities, collectivities and individuals who have directly suffered as a result of the wrongful acts of Uganda through loss of life, personal injuries, destruction of private properties, conscription of child soldiers and the displacement of population. These individuals and communities have not yet recovered from the impact of the violent conflict on their lives. Their plight, therefore, deserved to be taken into account by adopting different forms of reparation that would fit their different circumstances and by clearly indicating that they were the direct addressees of these reparations.

Thus, despite the inter-state nature of the proceedings, it was possible, in my view, to envisage different forms of reparation that took into account the different categories of injury suffered by individuals and communities and to direct the reparations to them, and not to the state, in order to redress the harm caused.

This book serves as a most valuable guidepost, inviting a continued introspection into the intersectionality of two topics that have sustained great interest in international legal scholarship: the position of the individual in international law, on one hand, and the International Court of Justice, on the other. Yusra Suedi's comprehensive legal inquiry, which invites us to contemplate this interface, could not be more timely, given the nature of many issues coming before the Court through contentious and advisory channels. Her work, through its thorough research and compelling legal analysis, pushes the frontiers of international law in the right direction. It should be warmly welcomed by academics and practitioners alike.

Judge Abdulqawi Ahmed Yusuf
International Court of Justice
The Hague

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- Territorial and Maritime Dispute (Nicaragua v. Colombia)* (Judgment) [2012] ICJ Rep 624
- Application for permission to intervene by the government of Costa Rica (25 February 2010)
- Application for permission to intervene by the government of Honduras (10 June 2010)
- Memorial of Peru (20 March 2009)
- United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)* (Judgment) [1980] ICJ Rep 3
- Memorial of the Government of the United States of America (12 January 1980)
- Vienna Convention on Consular Relations (Paraguay v. United States of America)* (Order of 10 November 1998) [1998] ICJ Rep 426
- Memorial of the Republic of Paraguay (9 October 1998)
- Conditional request of Paraguay for an order conclusively established facts (9 October 1998)
- Western Sahara* (Advisory Opinion) [1975] ICJ Rep 12
- Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)* (Judgment) [2014] ICJ Rep 226

Permanent Court of International Justice

- Acquisition of Polish Nationality* (Advisory Opinion) [1923] PCIJ Series B
- Appeal from a Judgment of the Hungaro-Czechoslovak Mixed Arbitral Tribunal (The Peter Pazmany University)* (Judgment) [1933] PCIJ Series A/B
- Brazilian Loans* (Judgment) [1929] PCIJ Series A
- Case of Free Zones of Upper Savoy and the district of Gex* (Order) [1930] PCIJ Series A
- Case Relating to the Territorial Jurisdiction of the International Commission of the River Oder* (Judgment) [1929] PCIJ Series A

- The Case of the S.S. Lotus* (Judgment) [1927] PCIJ Series A
Certain German Interests in Polish Upper Silesia (Merits) (Judgment) [1926] PCIJ Series A
Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City
 (Advisory Opinion) [1935] PCIJ Series A/B
Designation of the Workers' Delegate for the Netherlands at the Third Session of the
International Labor Conference (Judgment) [1922] PCIJ Series B.
Eastern Carelia (Advisory Opinion) [1923] PCIJ Series B
Electricity Company of Sofia and Bulgaria (Judgment) [1939] PCIJ Series A/B
Factory at Chorzów (Jurisdiction) (Judgment) [1927] PCIJ Series A
Factory at Chorzów (Merits) (Judgment) [1928] PCIJ Series A
German Settlers in Poland (Advisory Opinion) [1923] PCIJ Series B
Interpretation of the Convention of 1919 concerning Employment of Women during the
Night (Advisory Opinion) [1932] PCIJ Series A/B.
Jurisdiction of the Courts of Danzig (Pecuniary Claims of Danzig Railway Officials who
 have passed into the Polish Service, against the Polish Railways Administration)
 (Advisory Opinion) [1928] PCIJ Series B
 'Jurisdiction of Danzig Courts in Actions Brought by Railway Officials against the
 Railway Administration', Decision of the High Commissioner (8 April 1927),
 English translation reproduced
Jurisdiction of the European Commission of the Danube between Galatz and Braila
 (Advisory Opinion) [1927] PCIJ Series B
Legal Status of Eastern Greenland (Judgment) [1933] PCIJ Series A/B
Lighthouses Case between France and Greece (Judgment) [1934] PCIJ Series A/B
Lighthouses in Crete and Samos (Judgment) [1937] PCIJ Series A/B
Mavrommatis Palestine Concessions (Judgment) [1924] PCIJ Series A
Oscar Chinn (Judgment) [1934] PCIJ Series A/B
Pajzs, Csáky and Esterházy (Judgment) [1936] PCIJ Series A/B
Panevezys-Saldutiskis Railway (Judgment) [1939] PCIJ Series A/B
Phosphates in Morocco (Judgment) [1938] PCIJ Series A/B
Right of Passage over Indian Territory (Portugal v. India) (Merits) (Judgment) [1960]
 ICJ Rep 6
Rights of Minorities in Upper Silesia (Minority Schools) (Judgment) [1928] PCIJ Series A
Serbian Loans (Judgment) [1929] PCIJ Series A
Société Commerciale de Belgique (Judgment) [1939] PCIJ Series A/B
S.S. 'Wimbledon' (Judgment) [1923] PCIJ Series A

Case-Law from Other Judicial and Quasi-judicial Bodies

Arbitration

- Affaire Junghans (deuxième partie)* (Allemagne/Roumanie) (1940) (Award) III RIAA 1883
Arbitration regarding the Delimitation of the Abyei Area between the Government of
Sudan and the Sudan People's Movement/Army (2009) (Award) XXX RIAA 145

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- Arbitration regarding the Delimitation of the Maritime Boundary between Guyana and Suriname* (2007) (Award) XXX RIAA 1
- Barbados v. Trinidad and Tobago* (2006) (Award) XXVII RIAA 147
- Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India (Bangladesh v. India)* (2014) (Award) XXXII RIAA 1
- Grant-Smith Case (the Gin and Angostura) (United Kingdom/Italy)* (1952) (Award) XIV RIAA 13
- The Grisbådarna case (Norway/Sweden)* (1909) (Award) PCA XI RIAA 147
- Island of Palmas (or Miangas) (The Netherlands/The United States of America)* (1928) (Award) II RIAA 829
- Mixed Claims Commission (United States/Germany) (1 November 1923–30 October 1939)* (1923) (Award) (Administrative Decision II) VII RIAA 1
- North American Dredging Company of Texas (USA) v. United Mexican States* (1926) (Award) IV RIAA 26
- Second Stage of the Proceedings between Eritrea and Yemen (Maritime Delimitation) (Eritrea/Yemen)* (1999) XXII RIAA 335
- South China Sea Arbitration (Philippines v. China)* (2016) (Award) XXXIII RIAA 153
- Territorial Sovereignty and Scope of the Dispute (Eritrea and Yemen)* (1998) (Award) XXII RIAA 209
- William A. Parker (USA) v. United Mexican States* (1926) (Award) IV RIAA 35

World Trade Organisation

- Canada – Certain Measures Affecting the Renewable Energy Generation Sector (2012) WT/DS412/R
- European Communities – Anti-Dumping Measure on Farmed Salmon from Norway (2007) WT/DS337/R
- United States – Certain Country of Origin Labelling (COOL) Requirements (2011) WT/DS384/R

International Tribunal for the Law of the Sea (ITLOS)

- The ‘Arctic Sunrise’ Case (Kingdom of the Netherlands v. Russian Federation)* (Order of 22 November 2013) [2013] ITLOS
- Delimitation of the Maritime Boundary in the Bay of Bengal (Bangladesh/Myanmar)* (Judgment) [2012] ITLOS
- Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area* (Advisory Opinion) [2011] ITLOS

Human Rights Courts and Bodies

- Hatton and Others v United Kingdom* App no 36022/97 (ECHR, 8 July 2003)
- The Environment and Human Rights* (Advisory Opinion) [2017] IACtHR, OC-23/17

Firstov v Russia App no 42119/04 (ECHR, 20 February 2014)
Gbemre v Shell Petroleum Development Company of Nigeria Ltd et al. (Judgment)
[2005] ACtHPR, FHC/B/CS/53/05
Gridin v Russia App no 4171/04 (ECHR, 1 June 2006)
Human Rights Committee, *General Comment No. 32 – Article 14: Right to Equality
before Courts and Tribunals and to a Fair Trial*, CCPR/GC/32 (23 August 2007)
Lautsi v Italy App no 30814/06 (ECHR, 18 March 2011)
Lopez Ostra v Spain App no 16798/90 (ECHR, 9 December 1994)
Marangopoulos Foundation for Human Rights (MFHR) v Greece (Decision on the
Merits) [2007] ECSR, Complaint No. 30/2005
Michelot Yogogombaye v Senegal (Judgment) [2009] ACtHPR, App no 1/2008
Peck v United Kingdom App no 44647/98 (ECHR, 28 January 2013)

Other

Decision on Request for leave to file amicus curiae brief (Judgment) [2014] ECCC
Trial Chamber
Judgment No. 3003 [2011] ILOAT