



**18.04.2016 – 70 years ago today the International Court of Justice began work in resolving international disputes and maintaining international peace and security. In commemoration of the official anniversary of the ICJ, we take a look at some recent contentious cases convening at The Hague.**

### **Croatia vs. Serbia**

Application of the Convention on the Prevention and Punishment of the Crime of Genocide, 3rd February 2015

Background: Following the collapse of Yugoslavia in 1992, ethnic tensions and rivalries fuelled years of violent conflict in the Balkans throughout the 1990s involving Serbia, Bosnia and Herzegovina, and Croatia.

In these [proceedings](#), Croatia contended that Serbia was responsible for breaches of the Genocide Convention committed in Croatia between 1991 and 1995. In its counter-claim, Serbia contended that Croatia was itself responsible for breaches of the Convention committed in 1995 in the “Republika Srpska Krajina”, an entity established in late 1991.

The UN’s highest court ruled that neither Croatia nor Serbia committed genocide against each other’s populations during the Balkan wars that followed the collapse of Yugoslavia in the 1990s.

Peter Tomka, president of the International Court of Justice at the time, [said](#) crimes had been committed by both countries’ forces during the conflict, but that the intent to commit genocide – by “destroying a population in whole or in part” – had not been proven against either country.

## Australia vs. Japan

Whaling in the Antarctic, 31 March 2014

The ICJ [ruled](#) against Japan in a case involving charges by Australia that the country was using a scientific research programme to mask a commercial whaling venture in the Antarctic.

The Hague ordered a temporary halt to the activities, largely involving fin, humpback and minke whales, finding that the Japanese Whaling Research Programme under Special Permit in the Antarctic (JARPA II) is “not in accordance with three provisions of the Schedule to the International Convention for the Regulation of Whaling (ICRW).”



*Secretary-General Ban Ki-moon meets with Judge Peter Tomk, President of the International Court of Justice (ICJ). UN Photo/ Paulo Filgueirasa*

## **Marshall Islands vs. the United Kingdom**

The Marshall Islands in the Pacific Ocean are suffering the effects of nuclear contamination having been the location of repeated nuclear testing from 1946-1958 under the trusteeship of the United States. In this ongoing case the Republic of the Marshall Islands claims that the UK is in breach of its obligations under Article VI of the non-proliferation treaty (NPT), specifically its obligation to pursue negotiations leading to nuclear disarmament.

The Islands claim that the UK maintains and modernizes its arsenal of nuclear weapons whilst the UK government maintains their necessity in assuring a minimum nuclear deterrent.

At the end of the [hearings](#) , which took place from 9-16 March 2016, the Agents of the Parties presented the following submissions to the Court:

For the United Kingdom: “The United Kingdom requests the Court to adjudge and declare that: it lacks jurisdiction over the claim brought against the United Kingdom by the Marshall Islands and/or the claim brought against the United Kingdom by the Marshall Islands is inadmissible.”

For the Republic of the Marshall Islands: “The Marshall Islands respectfully requests the Court: (a) to reject the preliminary objections to its jurisdiction and to the admissibility of the Marshall Islands’ claims, as submitted by the United Kingdom of Great Britain and Northern Ireland in its Preliminary Objections of 15 June 2015; (b) to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014; and (c) to adjudge and declare that the Marshall Islands’ claims are admissible.”

The Court’s judgment is due to be announced in due course.

UN Secretary General Ban Ki-moon will be present at The Hague for a week of commemorative events.

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