



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Dominica brings a case against Switzerland to the Court in a dispute concerning alleged violations of the Vienna Convention on Diplomatic Relations and other international instruments and rules with respect to a diplomatic envoy of Dominica to the United Nations in Geneva

THE HAGUE, 26 April 2006. Today the Commonwealth of Dominica brought a case against Switzerland to the International Court of Justice (ICJ), principal judicial organ of the United Nations, concerning alleged violations by Switzerland of the Vienna Convention on Diplomatic Relations as well as of other international instruments and rules, with respect to a diplomatic envoy of Dominica to the United Nations in Geneva.

The said envoy, Mr. Roman Lakschin, has been accredited to the United Nations, its Specialized Agencies and to the World Trade Organization (WTO) since March 1996 as a member of the Permanent Mission of Dominica to the United Nations in Geneva (first as a Counsellor, later as a Chargé d'affaires and Deputy Permanent Representative with the rank of Ambassador).

In its Application, Dominica insists that this accreditation was "effected to the organizations and not to Switzerland" but that nevertheless Switzerland has "claimed the right to 'withdraw the accreditation'" of the said envoy, "stating that [he] is a 'businessman' and as such he would have no right to be a diplomat".

Dominica states that this is a violation of the Vienna Convention on Diplomatic Relations of 18 April 1961, the Headquarters Agreement between Switzerland and the United Nations of 11 June and 1 July 1946, the Agreement on Privileges and Immunities of the United Nations between Switzerland and the United Nations of 11 April 1946, the Convention on Privileges and Immunities of the United Nations of 13 February 1946 as well as of general well-established rules and principles of international law on the appointment and withdrawal of diplomats, on diplomatic immunity, on equality of States, and on the rights of passive legation of the United Nations.

According to Dominica, Switzerland has "at no stage . . . claimed that the Envoy had any commercial activities in Switzerland". However, it held, "by what appears [to Dominica] as a wrongful interpretation of article 42 of the Vienna Convention, . . . that a diplomat cannot engage in commercial activities anywhere, even outside the host country".

Dominica contends that Switzerland cannot be allowed to "control a small State like Dominica which has a population of merely some 70,000 people and thus is severely restrained in the selection of foreign envoys". It states that it "has the right to send whichever envoy [it] consider[s] appropriate to the UN in Geneva in [its] attempt to better [its] tourism prospects and [its] economy". Dominica maintains that Switzerland deprived it of "welcome and competent assistance in establishing and running a Mission in Geneva and thereby impeded the efforts of . . . Dominica to develop trade and investment".

Accordingly, Dominica now requests the Court to

“(a) clarify the rights and duties of a host State, of a sending State and those of the United Nations, the Specialized Agencies and the WTO, with regard to Permanent Missions and their diplomatic personnel;

and further to adjudge and declare as follows:

- (b) that the Respondents [Switzerland] have breached, and [are] continuing to breach, their legal obligations toward the Commonwealth of Dominica under Articles 23-47 of the Vienna Convention on Diplomatic Relations of 18 April 1961, the Headquarters Agreement between the Respondents and the United Nations of 11 June and 1 July 1946, the Agreement on Privileges and Immunities between the Respondents and the United Nations of 11 April 1946, the multilateral Convention on Privileges and Immunities of the United Nations of 13 February 1946 and under general international law;
- (c) that the Respondents, in breach of their obligations under the aforementioned treaties and conventions as well as under general and customary international law, have violated the fundamental rules of immunity of diplomats;
- (d) that the Respondents, in breach of their obligations under the aforementioned treaties and conventions as well as under general and customary international law, in the event also failed to recognize the rights under international law concerning active legation of the Applicants and on passive legation of international organizations;
- (e) that the Respondents, in breach of their obligations under the aforementioned treaties and conventions as well as under general and customary international law, have violated rules concerning their rights and duties as a host State;
- (f) that the Respondents have violated and continue to violate relevant sections on sovereignty and equality of the Declaration on Principles of International Law on Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations of 24 October 1970, sections which also reflect binding general international law;
- (g) that the Respondents have violated, and continue to violate, their solemn obligations under Articles 1 (3), 55 and 56 of the United Nations Charter;
- (h) that the Respondents, in breach of their obligations under general and customary international law, have violated and are violating the sovereignty of the Applicants, the Government of the Commonwealth of Dominica, and the rights of its diplomatic envoy;
- (i) that the Respondents, in breach of their obligations under general and customary international law, and under Article 2 (7) of the Charter of the United Nations, have intervened and are intervening in the internal affairs of the Applicants, the Commonwealth of Dominica;
- (j) that the Respondents and their agents and surrogates are under an obligation to cease and desist immediately from its breaches of the foregoing legal obligations;
- (k) that the Respondents have an obligation to pay the Applicants, the Commonwealth of Dominica, in its own right and as *parens patriae* for its citizens, reparations for damages to the trade and economy of the Applicants, the Commonwealth of

Dominica, caused by the foregoing violations of international law in a sum to be determined by the Court. The Applicants reserve the right to introduce to the Court a precise evaluation of the damages caused by the Respondents.”

As a basis for the Court’s jurisdiction, Dominica invokes the declarations of acceptance of the Court’s jurisdiction (under Article 36, paragraph 2, of its Statute) made by Dominica on 17 March 2006 and by Switzerland on 28 July 1948, as well as Article 1 of the Optional Protocol to the Vienna Convention for the Compulsory Settlement of Disputes, to which both Parties have adhered.

The full text of Dominica’s Application will be available shortly on the Court’s website (<http://www.icj-cij.org>).

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