

IN THE
International Court of Justice

No. 134-2006

COMMONWEALTH OF DOMINICA,

Petitioner,

v.

SWITZERLAND,

Respondent.

**Case Concerning the Status Vis-à-Vis the Host State of a
Diplomatic Envoy to the United Nations**

BACKGROUND GUIDE

THE MATERIAL FACTS

The Commonwealth of Dominica has a long history of “outsourcing” its diplomats. A very small state of about 70 thousand inhabitants, the Dominica maintains that she does not have a population of the adequate size to support its interests in international organizations. To this end, Dominica appointed Roman Lakschin, a naturalized citizen of Dominica of Russian heritage to serve as the Dominican Ambassador to the United Nations in Switzerland.

The Swiss government refused to recognize Mr. Lakschin diplomatic status. Switzerland maintains that Mr. Lakschin’s activities were that of a businessman rather than a diplomat.

Dominica requests that the International Court of Justice adjudge that Switzerland violated the following agreements: the Vienna Convention on Diplomatic Relations, the Headquarters Agreement between Switzerland and the United Nations, the Agreement on Privileges and Immunities of the United Nations between Switzerland and the United Nations, the Convention on Privileges and Immunities of the United Nations. They also charge violations of principles of customary international law.

THE LEGAL FACTS

The Commonwealth of Dominica only acceded to the the Compulsory Jurisdiction Clause of the Statute of the ICJ, [Art. 36(2)], and the Optional Protocol to the Vienna Convention on Diplomatic Relations a few weeks before the case was filed.

Switzerland has, since 1946, served as a host state for the United Nations.

THE LEGAL ISSUES

Was the accession to the Compulsory Jurisdiction Clause of the Statute of the ICJ, [Art. 36(2)], and the Optional Protocol to the Vienna Convention on Diplomatic Relations done in a manner consistent with the Vienna Convention on the Law of Treaties?

Does Switzerland have an obligation as a host state of the United Nations to allow unwanted envoys to maintain residence within its territory?

Does any state have the right to reject an envoy attached to a foreign diplomatic mission?

VALUBALE RESEARCH AIDS

ICJ website with resources relating to every case, including petitions and responses, press releases and the United Nations Charter: <http://www.icj-cij.org/>

UN Treaty Collection with an expansive database of treaties that includes all multinational treaties filed with the Secretary General: <http://treaties.un.org/home.aspx>

Cornell Law Library's research guide for the ICJ, including resources for pertinent journal articles and books relating to the background of the ICJ as well as current issues, etc.: <http://library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/ICJ.cfm>

