

Country: Germany

Committee: International Court of Justice (ICJ)

Case: Concerning the Respect of International Obligations in the Protection of Migrants and in Maritime Border Control Operations

Introduction

The Federal Republic of Germany appears before the International Court of Justice to reaffirm its strong commitment to international law, human rights, and the protection of refugees.

Germany considers that the accusations against the European Union and its partners do not fully reflect the legal safeguards and humanitarian efforts already in place. Germany maintains that effective border management can and must coexist with full respect for international protection obligations.

Summary of Facts and Evidence

The European Union has faced significant migration pressure, especially across the Mediterranean. In response, Member States, including Germany, have acted within international and European legal frameworks to protect both the right to seek asylum and the security of external borders.

Germany remains one of the main host countries for asylum seekers worldwide and has received the highest number of asylum applications in the EU in recent years. In addition, the EU–Türkiye Statement of 2016 helped reduce dangerous irregular crossings in the Aegean Sea while maintaining refugee protection mechanisms.

Frontex operates under strict fundamental rights rules, including a Fundamental Rights Officer, a complaints mechanism, and monitoring systems. These tools show the EU's ongoing efforts to ensure compliance and transparency.

Legal Arguments

1) Respect for the Principle of Non-Refoulement

Germany fully respects the 1951 Geneva Convention. EU law clearly protects the principle of non-refoulement (asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom.). Claims of systematic violations do not reflect the legal obligations imposed on Member States or the judicial remedies available.

2) Protection of the Right to Asylum

(a fundamental human right, enshrined in Article 14 of the Universal Declaration of Human Rights, allowing individuals to seek protection from persecution in other countries)

The European Union maintains one of the most developed asylum systems in the world (The Common European Asylum System (CEAS)), which requires individual examination of

applications. Germany considers that isolated incidents cannot be presented as proof of a general EU policy.

3) Compliance with Maritime Law (UNCLOS)

International maritime law requires both the rescue of persons in distress and the right of states to control their borders. European maritime operations aim to save lives while fighting smuggling networks that put migrants at risk.

4) Legality of Cooperation with Third Countries

Cooperation with countries such as Türkiye is a recognized and lawful migration management tool. These partnerships aim to improve protection in transit regions and reduce dangerous journeys. They also include financial and humanitarian support.

5) Existing Oversight and Accountability

Germany reminds that Frontex and Member States are subject to courts, parliamentary oversight, and independent monitoring. When credible allegations arise, investigations can and do take place.

Requests to the Court

Germany respectfully asks the Court to:

1. Reject the claims of systematic violations of international law.
2. Recognize that European border management operates within a strong legal framework.
3. Investigation of the potential abuse of Frontex toward Migrants Rights
4. Better repartition of Immigrants inflow

Conclusion

The Federal Republic of Germany remains firmly committed to human dignity, refugee protection, and multilateral cooperation. Germany believes that migration challenges require practical reforms and stronger cooperation, not the mischaracterization of existing lawful policies. Germany therefore calls for a balanced and fact-based assessment by the Court.