

**Country:** Netherlands

**Commission:** International Court of Justice

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

## **Introduction**

The Kingdom of the Netherlands appears before the Court to defend the legality of European border management policies. As a Member State of the European Union, the Netherlands supports a balanced approach between border security, international cooperation, and respect for fundamental human rights. The Applicant States argue that the European Union and its Member States violate international law through operations coordinated by Frontex. The Netherlands firmly rejects these accusations. European actions aim to protect human life, combat smuggling networks, and ensure safe and orderly migration, in accordance with international law.

## **Summary of Facts and Presentation of Evidence**

The Netherlands participates in European migration management as a Member State of the European Union. Although it is not a frontline Mediterranean country, the Netherlands contributes financially and operationally to joint border operations coordinated by Frontex. Dutch border officers deployed in these missions remain bound by Dutch, European, and international law. At the national level, the Netherlands guarantees individual examination of asylum applications, access to legal assistance, and judicial review before removal decisions. The Dutch government also provides financial support to humanitarian organizations and development programs aimed at addressing the root causes of migration. Therefore, the role of the Netherlands combines border management responsibilities with strong legal safeguards and humanitarian commitments.

## **Legal Argumentation**

### **Respect for the Principle of Non-Refoulement**

The Netherlands is a party to the Convention relating to the Status of Refugees. Article 33 prohibits returning a person to a country where they face persecution. This obligation is reinforced by Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment. In the Netherlands, asylum applications are examined individually, and removal decisions are subject to judicial review.

### **Sovereign Right to Control Borders**

Under Article 2 of the United Nations Charter, States are sovereign and have the right to control entry into their territory. Border control is lawful when it respects human rights. The European Union Charter of Fundamental Rights (Articles 18 and 19) guarantees the right to asylum and prohibits collective expulsions, principles supported by the Netherlands.

### **Attribution of Responsibility in Frontex Operations**

Operations coordinated by Frontex are governed by EU Regulation 2019/1896, which requires compliance with fundamental rights. According to Article 7 of the Articles on the

Responsibility of International Organizations (ARIO), conduct is attributable only when effective control is proven. The Netherlands cannot be held automatically responsible for actions outside its direct control.

### **Duty to Rescue at Sea**

Under Article 98 of the United Nations Convention on the Law of the Sea, States must assist persons in distress at sea. Dutch participation in maritime operations contributes to saving lives and combating smuggling networks, in accordance with international law.

### **Requests to the Court**

The Kingdom of the Netherlands respectfully asks the Court to:

1. Dismiss the allegations of systematic violations of international law.
2. Recognize that the Netherlands acts in accordance with its obligations under refugee and human rights law.
3. Affirm that lawful border control and international protection obligations can coexist.

### **Conclusion**

The Netherlands remains deeply committed to the rule of law and the protection of fundamental rights. As host of the International Court of Justice, it values international justice and accountability. Migration management presents complex challenges. The Netherlands believes that security, sovereignty, and human rights are not contradictory principles. Through cooperation within the European Union and respect for international law, a balanced approach is both possible and lawful.