

Ethnicity, Nationalism, and Democracy

In-Class Activity: The International Court of National Justice
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The UN Security Council unanimously voted to create the International Court of National Justice (ICNJ), a new IGO dedicated to hearing cases by ethnic minorities against its containing state (or states) to arrive at just compensation for alleged wrongs dealt them by their containing states. As it stands today, the nations of the world have no forum outside their state to right their suffered injustices. The UNSC created the ICNJ to fix that.

While the UNSC has indicated that the ICNJ needs to be created, it has decided to allow experts in the field to do the actual creation. You are one of those experts charged with creating the structure and guidelines of this entity. While you are a citizen of the United States, the US Ambassador has specifically told you to ignore US domestic politics in your creation—the ICNJ is to be a non-political entity, created by non-political experts.

As with any entity, there are several technical details that must be determined. Among those details are these three sets of questions. Read through all three sets before you begin.

1. How are the judges of the ICNJ to be determined? How many should there be? What qualifications should they have? How are they appointed? Who pays them? How much? How? Should there be a geographical distribution to the judgeships? How long shall they serve? Can they be reappointed? If so, how many times?
2. What cases should be heard? What prerequisites must the petitioners (those bringing the case) have? Can any group bring the case, or must they meet certain ‘ethnic’ requirements? Will this be a court of original jurisdiction, an appellate court, or a court of last resort? What must the petitioners prove in order to succeed here? What level of injustice must the group experience to achieve what level of award? What are the levels of awards? Only dismissal and independence, or more?
3. How are the decisions handed down? What will bind the states to the findings of the court? Should a state refuse to uphold a court decision, what will the court be allowed to do to ensure compliance?

In your assigned groups, you will be assigned to answer one or more of the above three categories. Read through the categories and realize that the questions *are not exhaustive*; there are other questions that need to be answered before this court will ever hear its first case.