

International Court of Justice, The Hague
September 2004 – May 2005

Law Clerk to President Shi Jiuyong (China)
and Judge Pieter H. Kooijmans (The Netherlands)

Emma Lindsay

During my time at the Court, I assisted President Shi and Judge Kooijmans. Four of the Clerks in my intake worked for two Judges; the remaining six worked for one. Our work was in both English and French, the official languages of the Court. It was definitely an advantage to have a good knowledge of French, but I found that listening/reading skills were more important than speaking/writing.

A Clerk's duties are defined by the needs of the individual Judge within the broad confines of the Clerkship Program (e.g. Clerks can only work on their Judge's Court-related work and cannot be involved in any arbitration cases their Judge may have), and will vary depending on the nature and extent of the cases pending before the Court. Typically, Clerks perform legal research, prepare memos (on substantive law and evidentiary/procedural issues), assemble documents, attend hearings, assist with speech writing and background research for law review articles, and perform other duties as the Judge may require (including editing, proofreading and verification of citations).

During my Clerkship term, I worked on three principal cases. First, the Court handed down its Judgment on Preliminary Objections in the eight *Legality of Use of Force* cases, in which the Federal Republic of Yugoslavia (formerly Serbia and Montenegro) accused NATO members of illegal acts allegedly committed in Kosovo. Next came a Chamber case brought by special agreement, the *Frontier Dispute* between Benin and Niger; the Judgment in that case was handed down in July. Finally, the Court heard oral argument in *Armed Activities on the Territory of the Congo (Democratic Republic of Congo v. Uganda)*; the case is currently under deliberation.

Many aspects of the Clerkship were similar to elements of both trial and appellate clerkships in the United States. The International Court of Justice is a court of first and last resort. Consequently, Clerks become involved in fact-finding and are often required to get to grips with large volumes of evidentiary material. They also work on legal issues raised by the cases before the Court and frequently undertake comprehensive review and coordination of existing relevant judgments (although it has no doctrine of binding precedent, Court usually chooses to follow its prior decisions).

Having completed my Clerkship, I feel that it was an exceptional educational opportunity. During my time at the Court, I received an unparalleled insight into the process of judicial decision making at the international level, as well as exposure to the

documents, procedures and functioning of the litigation system and the opportunity to strengthen analytical skills and legal writing abilities. The Clerkship improved my understanding of the practical considerations with which international law must deal and heightened my awareness of the significant legal and political issues of the day. I also found it useful to examine both sides of complex legal issues from a critical standpoint.

Among the Clerkship's other benefits, I would include refining organizational and interpersonal skills; exposure to a breadth of substantive and procedural public international law; engaging in a strong, supportive mentoring relationship with judges; and gaining a unique perspective on how international judges think and the way the International Court of Justice operates. I am certain that the opportunity to view the international justice system from the inside at the beginning of my legal career will prove invaluable, and I am grateful to NYU for supporting the Clerkship Program.

While at the Court, I, like many of the other Clerks, kept up my research interests. The Peace Palace Library has the most extensive international law collection in the world, so it was a privilege to be able to access it so freely. Prior to beginning my Clerkship, I worked in Geneva for a non-governmental organization seeking to improve the lives of women affected by violent conflict in Africa. Consequently, a particular focus of mine has been international law as it relates to women in conflict and post-conflict situations. Not long after my clerkship ended, I presented a conference paper on this topic, and I look forward to having a second paper published shortly.

Having completed my Clerkship, I will be returning to New York where I will be joining Simpson Thacher & Bartlett as a litigation associate in the fall. I look forward to building on my work at the Court by maintaining a focus on international dispute resolution.