

**ABSTRACT****CASE COMMENTARY ON AUSTRALIA V PORTUGAL (CASE CONCERNING EAST TIMOR)****\*N.S.L.MUHANDIRAM<sup>1</sup>**

In 1991 Portugal filed the application ‘Case Concerning East Timor<sup>2</sup>’ before the International Court of Justice (ICJ) disputing lawfulness of the conduct of Australia concerning its activities relating to East Timor. The ICJ dismissed the matter by 14 to 2 due to the lack of jurisdiction of the ICJ. The case is significant in the history of ICJ decisions as it illustrates how the human rights obligation and permanent sovereignty over natural resources become vulnerable in the presence of procedural requirements and formalism in international law. Therefore the purpose of the study is to identify the vulnerable nature of substantive rights in the international context. First the article discusses the claims made by parties, legal issues and legal reasoning of the ICJ. Then, the article moves to elaborate historical background of the matter. After critically analyzing the case, in the conclusion the author claims possibility of changing the position of the ICJ in future matters.

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<sup>2</sup> *Australia v Portugal* [1995] ICJ Rep 90