





DIRECTORS'
WELCOME LETTER

Dear Delegates and Faculty Advisors,

On behalf of the organizers, the Advisory Board, and the Executive Board of AUSMUN 2019, it is my greatest pleasure to welcome you to the 12th annual AUSMUN Conference. With over 900 delegates registered from more than 40 national and international educational institutions, this conference will be the biggest one yet!

This year's background guide was diligently written to provide delegates with enough guidance for their research. It will act as a great starting point for delegates to familiarize themselves with the topics of their respective committee. After a short letter that gives the chairs a chance to welcome their delegates, a summary, a brief history, a discourse on the issue, and the latest developments of the issue will be presented. In the summary, delegates will have their first quick briefing on the issue where concerns will be defined. Followed by that, the guide delves into the root causes of the issue by identifying its history. Then, a discourse section will look into the issue with further scrutiny by presenting both sides of the topic's debate and examining some of its challenges and influences. Finally, it will aim to provide delegates with the latest activities in regards to the matter and any progressions in its respect. At the very end of the guide, delegates will find questions that will guide their thinking, some suggestions that will guide their research, and references that they can use for further relevant information. However, it is important to point out that depending solely on the guide will not be sufficient enough to prepare delegates for the conference. It is highly encouraged for delegates to look at the Delegate Handbook on the AUSMUN website and to view the "How to Research" video created by AUSMUN.

The theme of this year's conference is youth empowerment. This is very important as we are the children of tomorrow. Even if delegates are not necessarily planning on pursuing an occupation in the field of law or politics, MUN is an enriching experience to all. MUN is supposed to teach more than just details on a certain crisis, it educates them to work harder, to think on their feet, to learn from others and from themselves, to fall and to fail, and to break free from their fears. It dares them to be without hesitation. It dares them to add to the world. To Speak. To act. To know. We all understand how difficult it is to be a delegate. It requires a suspicious load of work and consumes most of one's energy. But we want delegates to give it their all and to get what they came here for.

Finally, I would like to conclude this letter by extending my gratitude to everyone who has contributed to this background guide in any way or form. It is the collaborative work of the chairs, the AUSMUN Research Team, and the AUSMUN Media Team. On behalf of them all, we truly hope that you find this background guide of great help and use.

All the best with the conference and if you have any questions or concerns, please do not hesitate to contact me at research@ausmun.com.

Nada Nassereddin
Director of Research
AUSMUN 2019



INTERNATIONAL
COURT OF JUSTICE



Azmi Chahal



Muhammad Fahad
Khawaja

Khaled Khayat

MODERATOR'S
WELCOME LETTER

Dear Delegates,

It is with our utmost honor to welcome you to the twelfth annual American University of Sharjah Model United Nations (AUSMUN). We are waiting with great excitement for the day we get to meet you and witness a series of gripping debates.

The International Court of Justice (ICJ) is one of the six main organs of the United Nations (UN), which deals with judicial affairs. It was first established in 1945 in The Hague, through the UN Charter. With the use of international law, the court aims to settle disputes among Member States and gives advisory opinions on legal questions posed by UN organs or UN specialized agencies. However, the ICJ only works with the consent of Member States. Given that, it is incapable of gaining jurisdiction over a case unless the states in question approve of it.

There are fifteen judges that are selected by the UN General Assembly and UN Security Council to contribute to the ICJ's responsibilities for a term of nine years. Although the judges are not representatives of their state, no two judges may come from the same nation. Instead, an informal understanding makes certain that judges are selected proportionally from each region of the world. These judges each represent their interpretation on a legal dispute, where decisions are then taken by majority. If the votes turned out to be equal, the president of the ICJ decides on the matter. Furthermore, the parties in question of the case may choose to bring an ad-hoc judge into the case of their choice.

Despite the frustration that comes with being a delegate at an MUN conference, the position has a lot to offer. Everyone involved in the organization of AUSMUN2019 has worked especially hard to ensure that this experience will be as fruitful as possible. We promise you that all the work you put in will be worth it. Stay active and work hard and we can guarantee that you will reap many benefits from this conference. We hope that you will have fun, learn, and grow. If there is anything you need, please do not hesitate to contact us at ICJAUSMUN@gmail.com.

Best Regards,
The ICJ Chairs

TOPIC 1

Armed Activities on the Territory of Congo (Congo v. Uganda)

On August 1998, the Democratic Republic of Congo (DRC) filed a lawsuit against the Republic of Uganda on the grounds of "... acts of armed aggression committed in breach of the United Nations (UN) Charter..." (ICJ Reports, 1999, p.1). The DRC asserted that the case is within the ICJ's jurisdiction as it complies with Article 36, paragraph 1 of the Statute of the Court, which refers to all matters concerning countries violating the UN charter. Moreover, the DRC argued that the Republic of Uganda violated the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" as presented by the UN General Assembly resolution 39/46 of 10 December 1984 (UNHCR office of High Commissioner, 1987). In addition, the DRC addressed the shooting of a Boeing 727 at Kindu airport on October 9th of 1998, causing the death of 40 civilians. Thereby, it argued that Uganda has violated the Convention on International Civil Aviation signed on December 7th of 1944 and The Hague Convention signed on December 16th of 1970 for the suppression of unlawful seizure of aircrafts (ICJ Report, 2005). Furthermore, the DRC also claimed that the Republic of Uganda forcibly took possession of the hydroelectric dam located in the Inga region and purposefully caused electric power cuts. Therefore, the ICJ accepted the case, and on the 1st of July 2000, the Court directly ordered both parties to stop all military actions immediately. The purpose of this order was to ensure both countries continue to respect the terms of the UN Charter, particularly Article 2 paragraph 4, which states that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" (UN Charter, 1945).

On November 29th of 2001, the Republic of Uganda filed a counter-memorial by counter arguing that the only party guilty of armed, aggressive action is the DRC itself because "For seven years, Uganda has been subjected to devastating cross-border attacks on a regular basis from armed insurgents based in eastern Congo" (ICJ Reports, 2001). Furthermore, it claimed that various anti-Uganda militia, such as the ADF, LRA, UNRF II, FUNA, WNBF, and NALU, who openly claim loyalty to Idi Amin, known as the President of the Republic of Uganda from 1971-79, have resided and operated from Congolese territory, with the alleged support of Presidents Seko and Kabila, former and current presidents of the

DRC respectively (ICJ 2001). Additionally, the Republic of Uganda emphasized that the damages caused by the DRC attacks, particularly the 1998 attack on the Kichwamba Technical School, were deeply destructive. It specifically stated that “ADF terrorists armed and directed by the Congolese government crossed into Uganda and herded students into their dorms, locked the building then set it on fire... Fifty burned to death...such cross-border attacks have killed thousands of Ugandans; a majority were innocent civilians like the students at Kichwamba” (ICJ Reports, 2001). Finally, the Republic of Uganda argued that it has taken proportional military action in self-defense and that these actions are compliant with international law to maintain the territorial integrity of Uganda. To conclude, the DRC is seeking reparations from the Republic of Uganda, while the Republic of Uganda seeks to clear their name from the accusations as their right to self-determination forces them to defend their borders.

QUESTIONS THE VERDICT MUST ANSWER

- Does Uganda have the right to self-defense? Were its measures proportional?
- What evidence exists that proves that Uganda violated the Conventions on Torture?
- Does the case justify as a state of war? If so, do the parties comply with the international laws on war?

REFERENCES

Case Concerning Armed Activities on the Territory of the Congo: The ICJ Finds Uganda Acted Unlawfully and Orders Reparations | ASIL. (2018). Retrieved from https://www.asil.org/insights/volume/10/issue/1/case-concerning-armed-activities-territory-congo-icj-finds-uganda-acted#_edn6

Chapter I. (2018). Retrieved from <http://www.un.org/en/sections/un-charter/chapter-i/index.html>

Counter-claims | Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) - Counter-claims | International Court of Justice. (2018). Retrieved from <https://www.icj-cij.org/en/case/116/counter-claims>

Latest developments | Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) | International Court of Justice. (2018). Retrieved from <https://www.icj-cij.org/en/case/116>

OHCHR | Convention against Torture. (2018). Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

Statute of the Court | International Court of Justice. (2018). Retrieved from https://www.icj-cij.org/en/statute#CHAPTER_II

TOPIC 2

Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)

On June 6th of 2016, the Republic of Chile filed a memorial against the Plurinational State of Bolivia to the ICJ. Chile argued that the waters of Silala belong to Chile because the “total length of Silala is about 8.5 km, 3.8 km is located in Bolivia while 4.7 km is in Chile” (ICJ Reports, 2016). Chile also claimed that the waters have been a part of the Republic for years, as it is the primary water supply to the city of Antofagasta and the towns of Sierra Gorda and Baquedano. Chile has made a formal request which stated that the fate of the Silala river system be concluded based on customary international law, where Chile is entitled to a fair portion of the waters. Furthermore, it mentioned that Chile is entitled to the existing water systems that supply the city above and towns. Chile also urged Bolivia to take appropriate actions to prevent further pollution of the water systems supplying the city and towns and for it to cooperate efficiently and openly with Chile to reach a possible verdict/solution. As it currently stands, on May 23rd of 2018, Bolivia has filed for an extension with regards to their counterclaim.

The Silala Basin water dispute signifies the importance of history and effects of differences in national socio-economic philosophies between Chile and Bolivia. The dispute is backed by a long-lasting controversy between the two parties on the sovereignty over land that provides an outlet to the Pacific Ocean. Chile and Bolivia both utilize the Silala waters for provisional human and domestic use as well as industrial purposes.

QUESTIONS THE VERDICT MUST ANSWER

- According to the previous Conventions on the Laws of the Sea, who has the right to rule the waters, if any?
- Does Bolivia have any obligations or rights towards the Silala waters?
- What is the urgency of providing a bilateral solution on the issue?

REFERENCES

Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia) (International Court of Justice 2018). Retrieved from <https://www.icj-cij.org/en/case/162>

Eckstein, G., & Mulligan, B. M. (2011). The Silala/Siloli Watershed: Dispute over the Most Vulnerable Basin in South America. *International Journal of Water Resources Development*, 595-606.

Latest developments | Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia) | International Court of Justice. (2018). Retrieved from <https://www.icj-cij.org/en/case/162>

The Economist. (2012, 11 17). The Economist. Retrieved from <https://www.economist.com/the-americas/2012/11/17/trickle-down-diplomacy>

Toromoren, A. (2000). Situación del río Silala. Retrieved from <https://www.monografias.com/trabajos15/rio-silala/rio-silala.shtml>

United Nations. (1997). Convention on the Law of the Non-navigational Uses of International Watercourses. Retrieved from http://legal.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf