

CIMUN VI

Chicago International Model United Nations
Chicago, IL • December 10-13, 2009

International Court of Justice Background Guide



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Dear Delegates,

It is our distinct pleasure to welcome you to the sixth annual Chicago International Model United Nations. If this is your first time as a delegate at CIMUN, you will soon realize that this will be unlike any other conference that you have ever attended. All committees at CIMUN feature a fully-integrated crisis simulation, forcing delegates to think on their feet and work between multiple committees to solve challenging problems in a variety of forums.

From the General Assembly and Security Council to the Cabinets and Regional Bodies, all committees at CIMUN are vital participants in the crisis, and successful delegations will have to work as a team to coordinate their efforts to best promote their national interests, simulating the work of actual diplomats and politicians. As a result, this background guide and the committee topics you have been assigned are intended only as a starting point. It is much more important to be familiar with the “character” and vital interests of your country than to focus on specifics, as you will inevitably be placed in many situations where you will be forced to think outside of the box and make important decisions in real-time. To assist you with this challenge, we encourage you to take full advantage of our extensive Home Government and Simulations staff and the variety of other resources that will be available during the conference.

Additionally, CIMUN employs a much different philosophy than most other high school conferences. Instead of forcing delegates to work towards unrealistic compromises and pass “consensus” resolutions at any cost, we encourage you to faithfully represent your national interests and to always place your country’s strategic motivations, both public and covert, at the forefront, even if it means being confrontational. Our crisis has been specially designed to pit the interests of key players against each other in ways that will involve every country at the conference, and we strongly advise you to always keep your nation’s own interests in mind.

We will continue to post more specifics, updates, and research materials as the date of the conference approaches. Information on Position Papers and other requirements can be found on our website in the “Position Papers” section. If you have any questions, please do not hesitate to contact us or your committee dais. See you in December!

Sincerely,

Greg Young
Undersecretary-General of Simulations
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Tyler Doyle
Director of Present Day Simulation



INTERNATIONAL COURT OF JUSTICE

Case 1: Application of the Interim Accord of 13 September 1995

Former Yugoslav Republic of Macedonia vs. Greece

The conflict's history begins between Greece and former Yugoslav Republic of Macedonia (FYR Macedonia) concerning the post-1991 constitutional name of FYR Macedonia, who calls themselves the Republic of Macedonia. The main concerns are that it lacks any discerning features between the state and neighboring Greek Macedonia. In addition, Greece objects to the disambiguated use of the ethnicity Macedonian to refer to the country's main ethnic group. As such, FYR Macedonia has been the name used in any international relations involving states who do not recognize the name Republic of Macedonia. In 1995, Greece and FYR Macedonia formalized relations in an Interim Accord, which FYR Macedonia agreed to remove the Vergina Sun from its flag and the irredentist clauses from its constitution, and Greece agreed to not object to any application of FYR Macedonia to international organizations so long as it uses the name "former Yugoslav Republic of Macedonia."

At the NATO summit in Bucharest on April 3rd, 2008, FYR Macedonia was denied an invitation to join the alliance. The reasons for non-invitation originate from a case presented by Greece concerning a naming dispute held between FYR Macedonia and Greece concerning the use of the word "Macedonia" within FYR Macedonia's name. NATO secretary general Jaap de Hoop Scheffer then announced that NATO had agreed that the reason for no invitation was the lack of a solution regarding the dispute, and that new negotiations for the name of FYR Macedonia be taken within the United Nations and that negotiations start immediately.

Greece's argument in rejecting FYR Macedonia membership in NATO is that use of the name "Macedonia" implies territorial claims to Greek Macedonia. In addition, Greece expected that FYR Macedonia would request recognition by its constitutional name once entry had been gained into NATO. Greece has further concern that, although territorial claims within Greece have been rejected by FYR Macedonia, there are still numerous irredentist provocations within government, education, and other state run publications. Furthermore, maps have been circulated through FYR Macedonia depicting parts of Greece as being a part of a future Macedonian state, and the prime minister as being depicted laying a wreath under one such map. Greece is firmly committed to inviting FYR Macedonia into the alliance as soon as the naming issue has been resolved.

In response, FYR Macedonia has filed a claim with the International Court of Justice in order to "protect its rights under the Interim Accord and to ensure that it is allowed to exercise its rights as an independent state acting in accordance with international law, including the right to pursue membership of relevant international organizations". The primary contention is "in accordance with Article 11, paragraph 1, of the Interim Accord,

Greece “has undertaken a binding obligation under international law ‘not to object to the application by or the membership of FYR Macedonia in international, multilateral and regional organizations and institutions of which Greece is a member: however Greece reserves the right to object to any membership referred to above if and to the extent FYR Macedonia is to be referred to in such organization or institution differently than in paragraph 2 of the United Nations Security Council Resolution 817”” FYR Macedonia contends that the state of Greece has not met its obligations under the accord, and that the court order Greece to comply with the Accord.

Case 2: Application of the International Convention on the Elimination of All Forms of Racial Discrimination

Georgia vs. Russian Federation

The history of the conflict dates back to the separation of Georgia from the former USSR (now the Russian Federation) concerning two separatist regions within the Georgian State (South Ossetia and Abkhazia). Georgia claims that, between 1991 and 1994 the Russian Federation provided military and financial support to South Ossetian and Abkhaz separatists against the ethnically Georgian population, resulting in “the killing of thousands of civilians and the forced displacement of 300,000 people”. Georgia also claims that Russia used its position through the June 24th 1992 Agreement on the Principles of the Settlement of the Georgian Ossetian Conflict as well as the May 14th 1994 Moscow Agreement on a Ceasefire and Separation of Forces to formalize the Russian Federations status as a party and peacekeeper to these conflicts to further its agenda within the separatist regions.

Georgia’s claim to the ICJ regards the involvement of the Russian Federation within South Ossetia and Abkhazia through violation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Under CERD, racial discrimination is defined as:

“Any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

Georgia claims that Russia has violated its CERD agreement in three “phases” of its interventions within the separatist regions. Georgia claims that between 1991 and 1994, the Russian Federation provided military and financial support to separatist groups, and through their sponsorship of such groups allowed for the forced displacement of ethnic Georgians, inconsistent with CERD. In the second phase, through Russia’s status as peacekeeper to the conflict and through its sponsorship of separatist groups and their independence from Georgia implies that all ethnic Georgians must be removed from the regions. Furthermore, the Russian Federation has conferred its citizenship upon the non-ethnic Georgian populations of the two regions by reference to the presence of Russian citizens within the regions, and as a result ethnic Georgians who have refused Russian Citizenship have been faced with intimidation and harassment. The final phase of the

Russian Federation's violations of CERD concerns its mobilization of military troops into South Ossetia and Abkhazia to assert the establishment of South Ossetia and Abkhazia as independent territories, which Georgia claims is a blatant violation of CERD.

Currently, the ICJ has ordered that all parties involved in the regions of South Ossetia and Abkhazia adhere to CERD and avoid the discrimination of any ethnic groups.

Case 3: Questions relating to the Obligation to Prosecute or Extradite *Belgium vs. Senegal*

This case addresses the extradition of former Chadian President Hissen Habré to the Kingdom of Belgium to face criminal court charges regarding crimes against humanity. These crimes include the death of thousands of individuals, including massacres of ethnic groups and political murders and torture. Belgium legislation allowed universal jurisdiction of the most serious human rights violations to be tried in national and international courts between 1993 and 2003, and although the legislation had been repealed, the Kingdom of Belgium continued its investigation and indicted Habré for crimes against humanity, torture, war crimes, and other violations.

The first criminal complaints filed against former president Habré occurred in January of 2000. In July of 2000, the Chambre d'accusation of the Dakar Court of Appeal dismissed the complaints and the indictment after finding that "crimes against humanity" did not form part of Senegalese criminal law and that, while the crime of torture was covered by Senegalese criminal law, the acts in question had been committed abroad by an alien' Article 669 of the Code of Criminal Procedure did not empower a Senegalese court to exercise extraterritorial jurisdiction of this type.

The Kingdom of Belgium's involvement with the case begins with a Belgian national of Chadian filed criminal complaints against Habré. As part of its investigation, the Kingdom of Belgium addressed two international letters rogatory, addressing Chad and Senegal, to obtain the entire record of the Senegalese investigation, to secure the authorization to Belgium and documents, papers, and items seized or produced to the case, and to carry out any other examination or investigation that would be helpful. In addition, the Kingdom of Belgium examined complainants and witnesses as well as the evidence transmitted by Chadian authorities in compliances to their letter rogatory. In September of 2005, Belgium issued an arrest warrant in absentia against Habré and was transmitted via Interpol to Senegal. The Chambre d'accusation of the Dakar Court of Appeal held that they were without jurisdiction and that extradition was an exercise of the Head of State's functions. In December of 2005, the Senegalese embassy in Brussels states that, by hosting Mr. H. Habré in its territory without "seeking to shield him" from justice, Senegal is giving expression to "its traditional values of hospitality" and "its attachment to the principles of justice and democracy". Senegal further indicates that it is referring the matter to the African Union (AU) summit following the judgment by the Chambre d'accusation of the Dakar Court of Appeal, which declared itself to be without jurisdiction in respect of the request for extradition; Senegal considers that by doing so it is contributing "to the political integration of the continent".

Belgium submits that there is a dispute between the interpretation of the 1984 United Nations Convention against Torture; Article 7, paragraph 1, between the two countries and asks Senegal to submit to an arbitration process as stated by Article 30 of the

convention. As such, the Kingdom of Belgium has submitted its claims to the ICJ based on the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 10 December 1984.

Selected Resources:

ICJ Press Release Re: FYR Macedonia vs. Greece
<http://www.icj-cij.org/docket/files/142/14881.pdf>

Georgian Application Instituting Proceedings
<http://www.icj-cij.org/docket/files/140/14657.pdf>

ICJ Press Release Re: Georgia vs. Russia
<http://www.icj-cij.org/docket/files/140/14803.pdf>

ICJ Initial Brief: Belgium vs. Senegal
<http://www.icj-cij.org/docket/files/144/15054.pdf>