

XXXV

TECMUN

International Court of
Justice

XXXV TECMUN
Sessions Schedule

Wednesday, march 16

Registry	8:00 – 9:00 h.
Opening ceremony	9:00 – 10:00 h.
Recess	10:00 – 10:30 h.
First session	10:30 – 12:30 h.
Recess	12:30 – 13:00 h.
Second session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Third session	16:00 – 18:00 h.

Thursday, march 17

Master conference	8:30 – 9:30 h.
Recess	9:30 – 10:00 h.
Forth session	10:00 – 12:30 h.
Recess	12:30 – 13:00 h.
Fifth session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Sixth session	16:00 – 18:00 h.

Friday, march 18

Seventh session	8:00 – 9:30 h.
Recess	9:30 – 10:00 h.
Eight session	10:00 – 12:00 h.
Recess	12:00 – 12:30 h.
Nineth session	12:30 – 14:30 h.
Meal	14:30 – 16:00 h.
Closing ceremony	16:00 – 18:00 h.

XXV TECMUN
General Agenda

Secretary General: Vanessa Arroyo Jerez

Chief of General Coordination: Paola Ayelén Hernández Hernández

ASAMBLEA GENERAL

Subsecretary General: Andrea Michelle Martínez Lozano
Coordinating Supervisor: Anahí Amairany Pérez Escobedo

Reunión de Alto Nivel para la Asamblea General

President: Gerardo Calderón Huerta

- A) Estrategias para abordar las políticas aplicadas dentro de la región Xinjiang que constituyen una violación directa al Derecho Internacional por parte de la República Popular China
- B) Medidas para evitar el empleo de diamantes de sangre como fuente de financiamiento de grupos guerrilleros en la región africana

Third Commission on Social, Humanitarian and Cultural Issues

President: Anael Oliveros Aguilar

- A) Strategies to cope with the various social constraints that people with disabilities face in the region of Latin America and the Caribbean
- B) Strategies to approach the current sanitary and humanitarian crisis in the region of Cuba with emphasis on the acquisition of the citizen's basic human needs

Sexta Comisión Jurídica de la Asamblea General

President: Ixtli Zenit Ramírez García

- A) Estrategias para fortalecer el derecho internacional humanitario con el objetivo de regular y limitar la proliferación, así como la creación de Sistemas de Armas Letales Autónomas en Asia y Europa
- B) Medidas para garantizar la seguridad y asistencia a grupos kurdos desplazados debido a la ofensiva de las fuerzas militares turcas y sus aliados con énfasis en el cumplimiento de las normas ius in bello

International Criminal Police Organization

President: Emilio Díaz López

- A) Strategies to decrease bioterrorism activities, focusing on the potential use of biological weapons and enforcing biosecurity measures in Africa
- B) Measures to dismantle and control the impact caused by organized crime groups in the region of the Caucasus, focusing on the decrease of violence and security of the population

Histórica Organización de los Estados Americanos

President: Regina Montserrat Villalpando Camberos

- A) Estrategias para detener el ingreso ilegal de armas a los Estados Unidos Mexicanos provenientes de Estados Unidos de América mediante el clandestino “Operativo Rápido y Furioso” con énfasis en su relación con el narcotráfico mexicano (2013)
- B) Estrategias para concretar el fin de la intervención estadounidense en la República de Panamá como consecuencia de la “Operación Causa Justa” en búsqueda de la revocación del mandato de Manuel Antonio Noriega (1990)

CONSEJO ECONÓMICO Y SOCIAL

Subsecretary General: Maria Fernanda Casillas Monroy
Coordinating Supervisor: Cinthya Paulina Chávez Hernández

Commission on the Status of Women

President: Valeria Loera Gómez

- A) Strategies to eradicate threats, harassment, and violent attacks against female journalists and activists in Latin America and the Caribbean
- B) Mechanisms to reduce maternal mortality due to the inaccessibility of medical supplies in Sub-Saharan Africa

Comisión de Prevención del Delito y Justicia Penal

President: Abraham Alejandro Carlos Mendoza

- A) Estrategias para garantizar la justicia penal a menores de edad detenidos por el delito de robo de hidrocarburos en los Estados Unidos Mexicanos, teniendo en cuenta la Ley General de los Derechos de Niñas, Niños y Adolescentes
- B) Medidas para atender la crisis en la región de Crimea, derivada de las acusaciones entre Ucrania y la Federación de Rusia por el financiamiento de grupos extremistas, considerando el Convenio internacional para la Represión de la Financiación del Terrorismo

Fondo de las Naciones Unidas para la Infancia

President: Ana Lourdes García Nila

A) Estrategias para frenar la esclavitud sexual infantil en la región asiática con énfasis la asistencia a las víctimas

B) Acciones para salvaguardar a los niños y niñas sin tutores a consecuencia de la pandemia del Covid-19 en los Estados Unidos de América

Alto Comisionado de las Naciones Unidas para los Refugiados

President: Chiara Trejo Infante

A) Acciones para prevenir las discriminación y las barreras sistemáticas de los refugiados, solicitantes de asilo e inmigrantes en el Reino Unido de Gran Bretaña e Irlanda del Norte a partir del proceso del Brexit

B) Medidas para realzar la respuesta de la Unión Europea ante la crisis de refugiados provenientes del Emirato Islámico de Afganistán

World Trade Organization

President: José Pérez Jiménez

A) Measures to limit the economic repercussions of the trade conflict between the United States of America and the People's Republic of China focusing on the European Union

B) Actions to digitalize the economy of Latin America through the employment of regulations for electronic commerce

AGENCIAS ESPECIALIZADAS Y ORGANISMOS REGIONALES

Subsecretary General: Javier Márquez Saucedo

Coordinating Supervisor: Andrea Lizet Martínez Olvera

Organización Marítima Internacional

President: Mariana Cortés Gallardo

A) Medidas para prevenir la contaminación de los mares y océanos a causa de los derrames de buques tanque pertenecientes a la industria petrolera, enfocado en el Golfo Pérsico

B) Acciones para impulsar una transición energética segura y eficiente en la industria naval mediante el uso de nuevas tecnologías, combustibles alternativos e infraestructuras en Latinoamérica y el Caribe

Convención de las Naciones Unidas Contra la Corrupción

President: Sofía Victoria Solís Uribe

A) Medidas para la regulación de la crisis política de la República Bolivariana de Venezuela a consecuencia de la inestabilidad del régimen y el debilitamiento del sistema democrático con énfasis en el movimiento sindical

B) Medidas para contrarrestar la criminalización de defensores de derechos humanos con énfasis en comunidades indígenas de los Estados Unidos Mexicanos

Liga de Estados Árabes

President: Elena Ramírez Sandoval

A) Estrategias para confrontar al grupo extremista Wilayat Sinaí a fin de prevenir inestabilidad política en la República Árabe Egipto

B) Medidas para contrarrestar los ataques a médicos en zonas de conflicto, con enfoque en la República Árabe Siria

Security Council

President: Diego Márquez Sánchez

A) Actions to restrain the Russian Federation's military expansion on Republic of Belarus' territory as a result of borderline disputes with the Republic of Poland

B) Measures to limit the military development of the People's Republic of China focusing on the tensions with Taiwan

International Court of Justice

President: Elías Dávila Martínez

A) Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)

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

*“If we lay a strong enough foundation, we’ll pass it on to you
We’ll give the world to you, and you’ll blow us all away”
-Lin Manuel Miranda*

For the present, the moment you read this,

The word revolution can be defined as a rapid, profound, and generally violent change that can occur in anything or anyone, although sometimes, in our daily lives, we tend to forget this last and important subject. What do you call a revolution? Maybe the first ideas that come to our mind come from what we know as an event of change that historically marked a region, however, if we break this concept down further, we will find a word that I hope will resonate in you and this is nonconformity.

There are few moments in life when the noise of an injustice overcomes the calm of our daily lives, whether by brief words or scandalous actions, none of us is exempt from feeling nonconformity. The difference lies in what we decide to do with this feeling, our first impulse is to complain, to find more and more factors that justify this discomfort and feed our need to complain. The second is more complex, as it requires courage and bravery, which is our action. And it is this little recognized event that we call revolution, that spark of change that leads us to fight for what we believe is right and to defend with every word, thought and movement what we are passionate about. Whether big or small, the dimension of your revolution can only be measured in its impact and in how many brave people like you have decided to take that first step towards change. I hope that after these three days, having faced the challenges of a debating room, you will give yourself the opportunity to draw inspiration from the world around you. Whether it is from friends, strangers, the committee you were part of or even the street you walked down, being the voice of change knows no boundaries and no place. Think about what moves you, because it is perhaps that brief moment of introspection when we truly understand why we change, and that is all we need to start our own revolution.

This is my last chance to reaffirm to you that a model of nations is not your greatest challenge, but only a tool to begin to challenge your fears. You will find your true challenges every day and then, and only then, will you decide what it is that drives you to fight for what you believe in. Three days are not enough to change the world, but I hope they were enough to make you feel inspired.

TECMUN is a different journey for all of us, but as someone dear to me once said "this journey lasts more than three days; it perpetuates in the minds and in the soul", although mine has been full of folders, badges, unexpected laughter, tears, songs, an office, hundreds of zooms, friendships, chaffis, inspiration, debates, uncertainty, love, fear, change and learning, today I leave all of this in your hands. I hope your journey takes you to a destination of success and that you continue to be the hope of many, just as you have been mine for the past three years.

The words that changed the course of my life came from a room like the one you are about to meet, so today I share them with you: *you are doing well, keep going*. I hope you remember that you are capable of more than you think, and that even when the only constant is that nothing remains, you find in these six words a small impulse to live a new day.

Thank you TECMUN for changing my life, this last trip will always be in my heart.

Vanessa Arroyo Jerez
Secretary General for the
XXXV TECMUN

“I want to be defined by the things that I love. Not the things I hate. Not the things I’m afraid of. Not the things that haunt me in the middle of the night. I just think that you are what you love.”

● *Taylor Swift*

Participant,

Lately I have been thinking nonstop about beginnings and endings. I admire the idea of tearing out the last page of a book, thus leaving a conclusion open to a million possibilities. And if I could tear out the last page of this chapter, I would certainly do so without a moment of hesitation. Instead, I find myself writing it, while admitting to myself that no matter how much time I got, no amount of hours, minutes, or seconds could ever be enough. That is the effect TECMUN has on a person. Some might see it as three days of tedious debate, or an eye-opening journey, but what I truly think is that it is completely ineffable.

If I had to define it, I would say that TECMUN has been two things for me. The first is a danger zone; it has forced me to speak up, to overcome myself, but most of all, it has helped me get over my insecurities and anxiety, and for that I will be eternally grateful. Ironically, it has also been my safe place, where I walked into a small office that would become one of my favorite locations in the whole world, where I could always expect my greatest smiles to emerge (even over simple words like "fried fish"), where I met the absolute finest friendships the universe could have bestowed upon me, where I found the person I wanted to be and have strived to look her in the eye when a mirror is in front of me, where I created the voice I have spent my life craving for, where I was given the opportunity to share and leave a part of my soul in the people I had the pleasure of guiding, and where I discovered the reason and purpose why I am here. I tend to say that I entered TECMUN to run, literally. Although, in hindsight, I think there was some allegory in that statement, especially when I so mistakenly say that I never got to do it. I know now that I ran and never stopped doing it. I think I just changed the course. I got tired of trying to get away from everything behind and in front of me. I stopped wondering if I would ever get out of the woods and learned that there are monsters that are just trees. Around and around I went, until the little UNICRI coordinator found the Chief of General Coordination.

The XXXV edition of TECMUN is one that was lost due to the unpredictability of the world around us. It is the last I will be a part of, just as it was the first. I like to think that both of us found our way at exactly the right time, just as I am convinced that TECMUN is the place I was meant to be, and that it was a higher-level life force carefully setting up the events that led to me filling that first register, all building up to this very moment. I hope you feel that way when you come out of your last session and wish to repeat the experience until that decision is no longer in your power, for my only request to you is that you make of TECMUN whatever you want to but a memory. Carry it in the lessons you learn, in the relationships you forge, in the questions it has planted for you, and in the lives you have the opportunity to change. I know I will, just as I will carry it as the most beautiful incident I could have come across. There are insufficient words in a language to say goodbye to the place I have called my home for the past couple of years, so I will only say thank you. Thank you, Coordination, you are my pride, my passion, my heart, and the best thing that has ever been mine. And thank you, TECMUN, I had the time of my life fighting dragons with you.

Paola Ayelén Hernández Hernández
Chief of General Coordination for the
XXXV TECMUN

*“A society grows great when old men plant tree,
the shade of which they know they will never sit in”*

● *Greek Proverb*

Delegate,

No one is ready for this moment, I am not talking about the model, but leaving possibly the most beautiful thing of your last years. During these three days you're going to see a lot of dedicated people ready to give it all in sake of your experience, although they might have a melancholic attitude. I will take a moment to explain so that you don't feel weird. This people that you're going to listen say nice words or cry during their speeches or their last time moderating are leaving this United Nations Model after making a great sort of friends, sacrificing sleep nights and even vacations, they are leaving their safe place. Keeping that in mind, I don't want you to feel sorry or sad for them, try to make both of your experiences as unique as you can, because at the end of the day, that is the reason we are here, to make an experience you will take for the rest of your life.

I can still remember perfectly what I had to go through five years ago to have a similar handbook in my hands to the one you are now holding, I remember talking to my History teacher just so he could make an exception for me to participate in TECMUN as a second-year student of middle school, because in my school only third grade students were able to participate. And after a lot of insisting and someone cancelling their participation my school let me partake. I can also remember the tortuous road trip from my school to Tec, without friends, my headphones on while writing an opening speech I forgot the moment my delegation's name was called to Speaker's List. I can remember the last day of the model, in which I received my trophy as Best Delegate, I remember my mom yelling at me for taking off my tie when I accepted the award, and I also remember my dad asking me for a photo as I was a famous person with my trophy, my classmates that hadn't have a Word with me until that moment congratulate me and making me feel as someone deserving of respect, something that until that day, I wasn't able to feel. And in that exact moment I wanted TECMUN to last forever, I wanted to stay stuck in that moment for the rest of my life, sadly, it didn't happened.

Life carried on and I looked for a way to keep being a part of TECMUN, I entered Tecnológico de Monterrey and when the announcement to be part of the secretariat was opened, I didn't hesitate for a second, and when finally I sent that Google Forms with the committees of my choosing, I went straight up to talk with the president to beg for her to let me be a part of his committee, because I couldn't see a future without TECMUN. And this ruled my high school, I did everything I could to don't leave TECMUN, and even when I thought of leaving the secretariat, I did everything I could so I could stay here. And today that I have to leave what kept me alive during high school, I want to help you to have a similar story as the one I had with TECMUN, I want to help you love this Model as I love it, and even if we never personally meet, I want to have an impact in the future speech of a president, the person who is reading this, I want you to become the tree in which shadow I may never rest.

I love you TECMUN, I don't know what I would do without you, I can't remember what I did before you,

Javier Márquez Saucedo

Subsecretary General for the Specialized Agencies and Regional Organisms for the
XXXV TECMUN

“Breaking down is what allows us to build ourselves back up again at our will”.

- Amalia Andrade

Dear Judge / Agent;

We live in a world where many things can happen, all at the same time. Most of the time we do not even notice the fact of our co-existence alongside all of the other things that are right in front of us. The questioning, the loving, the breathing and living itself are the most valuable things we have. Life is ephemeral and worth living for. What do we do when we do not understand why things happen to us? Those things that make us stand up, freeze in astonishment, feel that the world stops for a few brief instants while we try to process the nature of the events. How do we move on after that? What would be the aftershock and how do we brace ourselves to that? If there's something I can say about it, is that we can never be completely ready for the next step, and no matter how much things will be affected by the circumstances, what's left for us is to adapt to what would be our new reality. Humanity is made of stories, nothing but stories and stories of other's stories, all of them with a beginning and an inevitable end. Today marks the end of my story inside TECMUN. An age that will always have one of the biggest parts inside my heart. This is the place where I finally found my true self and my voice, the place where I came out, fell in love for the first time and met the most amazing people that I have the privilege to get to call them my friends. A place where I saw myself grow and rise, but also where I once crashed and was shredded into pieces by the blades of a major size occurrence. It is the place where for the first time in my life I felt I was part of something, much bigger than myself or anything I had ever known at the time. Let me tell you something, whenever you question yourself, how is it that you are right here, present, and existing in this very precise moment, or even wondered why every event on your life has happened, just know that without your past, you could never have arrived so wondrously and brutally by design or some violent exquisite happenstance here. We should always be open to anything that comes to us, even if we are clueless about it. Believe in yourselves, dream, try and do good. The secret of life is that people change people. No matter whatever any page may teach you, the most important lessons are the ones you learn from the people you care about. I can see this journey as a bunch of feelings, memories, and experiences that somehow all fit together and form a beautiful mosaic that will be added to the many unique stories of the people that were here before, and now will transcend in time. But don't you worry, because I'll remember it all too well.

Elías Dávila Martínez
President of the International Court of Justice
for the XXXV TECMUN

Background

The International Court of Justice (hereinafter referred to as ICJ), is the main judicial organ of the United Nations, which solves disputes of legal matters between States and gives advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies under international law. Based in The Hague since 1945 and beginning its work in 1946, the Court was founded as a successor to the Permanent Court of International Justice. The ICJ works under its own Statute, based on the United Nations Charter, adopted by the 193 member States. Through 15 judges and two agents from across the globe, the ICJ represents the main legal system of the world by fairly and impartially settling international disagreements, the Court contributes to the advancement of the rule of law and stable, peaceful societies.

Faculties

The International Court of Justice may intervene in two types of instances: contentious cases between States, in accordance with the statute of the court and the international law; in these disputes, the ICJ produces binding arrangements and rulings between the parties that have agreed to submit to its judgment and jurisdiction. In parallel, The Court also gives advisory opinions on proper legal questions referred to it by request of the United Nations General Assembly, the Security Council or any other of the main organs and specialized agencies. Likewise, The ICJ settles judgment upon worldwide controversies of legal nature regarding matters included in the UN Charter or current conventions or treaties, emphasizing in territorial or maritime sovereignty, right of asylum, nationality or economic rights and violation of the international humanitarian right. Moreover, when requested, the ICJ may either redefine or clarify the rules of nations, apply economic prohibitions, request

the withdrawal of troops, or even decline requests submitted by States, as considered appropriate, in order to achieve an agreement between nations.

Affair A

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)

*By: Elías Dávila Martínez
Ana Daniela Espinosa Nolasco
Jeremías Pérez Caballero*

Outline

For the last 30 years, the Republic of Armenia and the Azerbaijani Republic have been in constant conflict. The tensions started when the Karabakh Armenians demanded to transfer Karabakh from Soviet Azerbaijan to Soviet Armenia back in 1988. The dispute escalated into an armed conflict in the early 90' s, which, over the years, diminished into a low-intensity conflict, until 2020, when it turned back into a war. Most of the strife between the parties has been over the Nagorno-Karabakh region, inhabited mostly by ethnic Armenians; therefore, transforming the dispute into an ethnic-territorial conflict. Soaring up, the war issued several victims of abuse, massacres and torture as a result of the discrimination exercised by Azerbaijanis. As a result of the previous, Armenia filed legal proceedings against Azerbaijan before the International Court of Justice (ICJ), concerning the violation to several articles of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), treaty they both take part of.

Background on the relation between Armenia and Azerbaijan

Azerbaijan and Armenia are contiguous territories that are considered to be historically transcontinental, and geographically located in the South Caucasus region of Eurasia, bestriding Western Asia and Eastern Europe. The first official governmental relations between these two countries started between 1918 and 1921 when the First Republic of Armenia and the Democratic Republic of Azerbaijan were formed after the Russian Empire had fallen. Then, both republics became part of the Union of Soviet Socialist Republics. In 1988, during the brink of destruction of the Soviet Union, tension started to build between these neighboring nations in the territory of Nagorno-Karabakh, when Karabakh Armenians

demanded their transfer from Soviet Azerbaijan to Soviet Armenia, creating the First Nagorno-Karabakh War; not long after, in 1994, a truce¹ was signed.

Despite the signing of the truce, peace has not been achieved between both nations due to the fact that the relationship between Armenia and Azerbaijan is tense and their borders are closed to each other ever since the previously mentioned events took place; leaving the conflict to be considered as frozen. This, until April of 2016, when Azerbaijan took military initiative against Armenia in the Karabakh conflict zone, detonating a heavily weaponized altercation between both parties, until April 5th, when both sides announced an unexpected cease-fire, after several soldiers and civilians passed away in the field. Later, in 2018, multiple negotiations were held between each republic and their representatives, with the purpose of reaching a joint initiative to prepare their populations for peace, but ever since, no steps have been taken towards the implementation of said agreement. Finally, in late September of 2020, a heavy military conflict broke out in the shared border of these countries, where tensions quickly escalated to the point where both nations resorted to the use of heavy weaponry and long-range artillery. During October and November of the same year, Russia negotiated a cease-fire, which then failed and created other two cease-fires with the help of the French Republic and the United States of America; it collapsed shortly after with reported violations by both Armenia and Azerbaijan.

The Nagorno-Karabakh Conflict

Nagorno-Karabakh is a region in Southwestern Asia, with a majority of Armenian population, which has been disputed by Armenia and Azerbaijan for over 30 years. The

¹ **Truce:** an agreement between enemies or opponents to stop fighting or arguing for a certain time (Oxford Languages, n.d.).

conflict between both parties began in the late 1980's as an undeclared war resulting from the secession movement in the region. In 1988, Azerbaijan declared its independence from the Soviet Union, and shortly after, Nagorno-Karabakh voted in favor of being part of Armenia due to the majority of the race in its territory. This decision created tensions between the states which then led to serious racial clashes of Armenians and Azerbaijanis; tens of thousands were murdered and near to a million displaced due to "ethnic cleansing" and massacres committed by both sides. Prior to the 1994 ceasefire, the Armenian army gained force in the area and adjacent land after full-scale fighting in the previous years, and by 1992 they had full control of most of the enclave. The 1994 cease-fire was achieved because of the numerous deceased and the gravity that the armed conflict had reached. After the ceasefire, two decades of stability and more diplomatic encounters between the States up until 2008 when tensions increased after the Azerbaijani government accused Armenia of an attempt to take advantage of the unrest conflict; the United Nations General Assembly adopted a resolution on the withdrawal of the Armenian troops from Nagorno-Karabakh. This resolution was compiled for a few years until 2010 when gunfire erupted between the Azerbaijani Army and the Karabakh Armenian Military with continuous weaponed fighting from 2011 to 2013. A series of events involving minor violence during the following years then led to armed border clashes in 2016 that left 15 fatalities. The conflict re-erupted in 2020 with serious weapon-base encounters in July with 17 fatalities; in September from that year, the war was fully declared. The fight lasted for 44 days and was stopped as the peace-deal by Russia in November of the same year entered into force; it committed the Armenian forces to retire from the area and to maintain

peacekeepers that guaranteed safe passage. Despite the previous, in May 2021, Azerbaijani soldiers crossed the borders by 41 kilometers, then breaking the deal. This arose in later June with clashes on the Armenian border with Nakhchivan. All of the dispute has included clashes and frictions between the populations that include crimes regarding racial and ethnic differences.

The International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) was adopted in 1965 and came into operation in 1969. By joining the Convention, states declare that racial discrimination must be banned from their territories and commit to respect its terms. When deemed useful and appropriate, the Convention also issues general recommendations aimed at clarifying or clarifying the entirety and appropriate interpretation of the provisions of the Convention. The general recommendations are considered to be authoritative interpretations of the Convention. In addition, the CERD authorizes the establishment of an international committee of experts to monitor Member States' compliance with the Treaty, the Committee on the Elimination of Racial Discrimination. Due to its early warning and urgency procedure, the Committee also has the power to address any matter it knows are urgent to governments serious violations to it.

The Convention also authorizes the Committee to consider communications from persons who claim to have been breached by the State party for failure to comply with obligations of the State party. The competence to examine such communications depends on a prior and separate ratification of Article 14 of the Convention. Articles 11 to 13 give

the CERD the power to examine communications from one contracting state against another contracting state, a unique procedure that does not require separate ratification by the responding contracting state. As it is stated on its terms, all contracting parties are required to submit regular written reports on their country's progress towards the Convention's objectives. Based on the country report, the Committee publishes an analysis and a list of recommendations, known as final recommendations, that are specific to that State Party.

The International Court of Justice within the affair

On September 2021, the Republic of Armenia filed before the International Court of Justice (ICJ) an application to institute proceedings against the Azerbaijani Republic due to an alleged violation to the International Convention on the Elimination of All Forms of Racial Discrimination. Armenia claimed over the Azerbaijani subjection of individuals for an extensive period of time in Armenian territory, to racial discrimination due to their ethnic or national origin, regardless of their actual nationality. On 9 December 2021, the ICJ settled that Azerbaijan, under its obligations as a signatory to the CERD, should safeguard the lives of the captured and detained persons in relation to the 2020 conflict. Likewise, ordered to “*prevent the incitement and promotion of racial hatred and discrimination*” against Armenians; and to “*prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage*” (International Court of Justice, 2021).

The Court's jurisdiction on the affair is exercised according to the Article 36, section 1 of the Statute of the Court, which states that “*the jurisdiction of the Court*

comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force” (International Court of Justice, 1945). In like manner, the Article 22 of the CERD, which provides that any dispute between State Parties in regards of application or interpretation of the Convention, not settled by terms of it, shall refer to the ICJ by request of any of the parties of the dispute, unless the disputants agree to a different settlement. Hence, sticking to the international law, the dispute between these States violates the principle of good-neighborliness and wellbeing of the rest of the world, established in article 55 of the Charter which states the following:

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;*
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and*
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”* (United Nations, 1945).

It is important to note that both Armenia and Azerbaijan are parties to the CERD and made no reservations to the previously mentioned Article 22; therefore, both sides seem to agree that they have a dispute about the interpretation and application of the CERD, the next contemplated steps would be the negotiation and/or complaint procedures expressly provided in the CERD.

Requests and submissions

In regards of the dispute, Armenia requests that Azerbaijan, in accordance with its obligations under the CERD, shall;

- Protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law;
- Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.
- Make reparations for the injury caused by any such internationally wrongful act.
- Acknowledge its violations of the CERD and provide an apology to Armenia and Armenian victims of Azerbaijan's racial discrimination.
- Offer assurances and guarantees of non-repetition of violations of its obligations under Articles 2, 3, 4, 5, 6 and 7 of the CERD.

In a brief overview of the articles mentioned of the CERD, they establish the condemnation to the racial discrimination, segregation and apartheid; to take upon the obligation to prevent, prohibit and eradicate practices of this type in territories under the jurisdiction of

the convention, denounce all types of propaganda and organizations based on the idea of racial or ethnical superiority or those with attempts of justifying racial hatred by declaring an offence punishable under their respective applicable laws. Additionally, the contracting parties must guarantee the accomplishment and enjoyment of the civil rights without distinction as well as protection through competent state tribunals and institutions and the adoption of immediate measures against discrimination. Finally, the convention states that throughout the means that the States consider appropriate and at their disposal, must attain to the articles of it.

Suggested Material

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Affair B

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

*By: Elías Dávila Martínez
Ana Daniela Espinosa Nolasco
Jeremías Pérez Caballero
María Camila Hernández Castillo*

Outline

Ever since 2016, there has been a dispute between the Republic of Chile and the Plurinational State of Bolivia in regard to the Silala River, an international watercourse² whose surface waters originate at approximately 4,400 m above sea level in Bolivian territory; within a few kilometers, the river flows overland and across the border into Chilean territory. Around the final year of the past century a conflict, concerning the nature of the Silala River and the regime of the utilization of its waters, arose. This controversy originally emerged when Bolivia denied the internationality of the river and claimed its exclusive right on the river. On the contrary, Chile firmly declares that this is an international river, therefore, they also have the legal right to use this body of water.

The river undisputedly originates in Bolivian territory and flows through Chile; however, Bolivia claims that the river in question would not run through Chilean territory if it were not for artificial man-made canals created in the early 1900's. Thus, according to Bolivia, Silala is not a transnational watercourse and Chile should pay compensation for the utilization of these waters. On the other hand, as stated by the Republic of Chile, the Silala has a natural flow towards this country because of the natural inclination of the ground. Hence, Chile argues the transnationality of the river and its right to use these waters in accordance with customary international water law, making the positions of both countries' irreconcilable. Since the dispute between the parties concerns the nature of the Silala River as a plurinational watercourse, then it involves their resulting rights and obligations under international law.

² **Watercourse:** a brook, stream, or artificially constructed water channel (Oxford Languages, n.d.).

Chile and Bolivia's historical background

Historically, Chile and Bolivia have had a tense relationship ever since both countries obtained independence from Spain in 1818 and 1825, respectively, each nation had set their own borders and disagreements over the owning of the Atacama Desert territory. The conflict remained long enough to result in the War of the Pacific, which lasted from 1879 to 1883. In this strife, Chile, Bolivia and the Republic of Peru fought because of Chilean allegations about the Bolivian area in the coast of the Atacama desert, the war ended with a Chilean advantage, who won a significant amount of territory with resources from Peru and Bolivia for the country. Bolivia accepted this loss when it signed a peace treaty with Chile in 1904 in exchange for the promise of "*fuller and freer*" commercial access to the port. After the long disputes aforementioned, in 1904, the Treaty of Peace and Friendship was signed between both nations to trace their borders through 96 points all the way from Cerro Zapaleri to Cerro Chiipe; this event marked the end of the War of the Pacific.

In the following years, regardless of the signing of the Treaty, the relations continued to be strained due to the constant desire of Bolivia to have access to the sea. Until 1975, diplomatic relations were established with the agreement between the ex-President from Chile, Augusto Pinochet and the former President of Bolivia, Hugo Banzer; both agreed to give Bolivia a small extension of land. 1999 was the year when the tensions between the countries arose when Bolivia claimed rights over the Silala river; prior to that, the country had never stated on it, both Chile and Bolivia shared rights to the watercourse. In early 2002, the Former Bolivian President Jorge Quiroga's government proposed the construction of a gas pipeline through neighboring Chile to the port of Mejillones, the most

direct route to the Pacific Ocean, to export Bolivia's newly discovered gas reserves.; However, the antagonism towards Chile was profound in Bolivia due to the loss of the Pacific coast of Bolivia to Chile in the Pacific War. The relations between both countries remained calm until the conflict over the Silala River arose. Despite the fact that a possible resolution was reached in 2009, the dispute increased in 2016 due to several statements of the Bolivian President Evo Morales in which he declared that Chile was illegally taking advantage of the river without paying anything to the nation. In that same year, Bolivia announced that it intended to sue Chile over the use of the waters of the Silala River, nonetheless, Chile went ahead and sued Bolivia before the International Court of Justice.

The Silala River

The Silala River is a water body in the region of the Andean highlands between Bolivia and Chile that has its origin in the Bolivarian area of Potosí; it arises due to the wetland caused by the deep waters discharged in the Bolivian side near the Bolivian-Chilean border. The river has a length of 8,5 km, flowing through both nations: 3,8 km belonging to Bolivia and 4,7 km to Chile. Bolivia has alleged that the Silala is a spring originating in a series of wetlands, which together form a body of water, springs that come together to give it a greater flow, which would have been artificially channeled by Chile, in order to divert its waters to that territory for its use, mainly industrial. The area near the Silala was first inhabited by the native Andeans centuries ago; this helped the growth of the new civilizations that would then expand in the region.

It has always had a usage for the human consumption of the water, fishing and other agricultural activities. In 1908, the first industrial use of the river was registered when a

Chilean railway company requested permission to use its water to maintain their trains; in 1961 the Company stopped using it but the water continued to be used by other companies, which led to conflicts because these uses were not authorized. Later, in 1962 the Chilean Government channeled the river in order to supply mines and cities due to its control and maintenance of the river, even though a concession with the Bolivarian State was only granted. Bolivia revoked the concession in 1997 and tried to retroactively prosecute Chile for this conversion of the waters of Silala. In 1999 the nation of Bolivia began to speak of an alleged monetary debt on the part of Chile regarding the uses of the river. This situation was temporarily resolved in 2009 with an agreement between the governments of both parties, however, it was never signed due to its rejection by the Bolivian community of Potosí to the sharing of waters

The Standard of Equitable and Reasonable Utilization

The Standard of Equitable and Reasonable Utilization is a precept that guides sharing waters for international watercourses. It entitles the belonging nations to an equitable and reasonable share of the uses and benefits of a particular aqueduct; it also obligates the parties not to deprive any of their respective rights. The previous is also considered as a principle, which is stated in Article 5 of the United Nations Watercourses Convention (UNWC), and it enacts the following:

“Watercourse States shall in their respective territories utilize an international watercourse in an equitable and reasonable manner. In particular, an international watercourse shall be used and developed by watercourse States with a view to attaining optimal and sustainable utilization thereof and benefits therefrom, taking

into account the interests of the watercourse States concerned, consistent with adequate protection of the watercourse” (United Nations, 1997).

In the Convention, with equitable it states that there will not be prohibition of usage that causes damage unless it exceeds the limits of the using State’s equitable share of the watercourse, nevertheless it does not imply that the rights over the waters have to be equally divided. Reasonability is intended to be interpreted to what is considered as reasonable by one nation, can be unbalanced when looked at in a large view of the whole watercourse and the interests and needs of the co-riparian parties, therefore, reasonable uses are subject to equitable allocations.

A “*sustainable use*” can also be applied with several terms on the UNWC that refer to it. This reflects the need to balance social, economic and environmental values in the use of the natural resources and also the accounting of the watercourse’s capacity. Additionally, the High Contracting parties must not act unilaterally in manners that result in unequitable uses and managements of the water bodies. Although it is framed within international law, the standard is thus of universal, national, provincial, and local application in such areas of jurisdiction.

The International Court of Justice within the Affair

In June 2016, Chile submitted an application before the ICJ to impose legal procedures against Bolivia concerning the status and use of the Silala River. In its application, the State of Chile argues that the Silala originates from groundwaters in Bolivia and then flows through Chilean territory where it also receives additional water from other springs. Chile stated that the waters of the Silala have historically been used in Chile for different

purposes, including the provision of water supply to the city of Antofagasta and the towns of Sierra Gorda and Baquedano. Additionally, it further explained that Bolivia had never declared exclusivity over the river until 1999, and that Bolivia insisted on denying the Silala as an international watercourse and its contention to the 100 % of the rights over its use. To date, Bolivia has not made any further declarations on the affair.

The Court's Jurisdiction on the affair is exercised in regard to the articles 36, section 1 and 38 of the Statute of the Court, which state "*the jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force*" and that

"The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- 1. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;*
- 2. international custom, as evidence of a general practice accepted as law;*
- 3. the general principles of law recognized by civilized nations;*
- 4. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."* (International Court of Justice, 1945).

Likewise, in articles II, section 3 and XXXIII of the United Nations Charter which respectively establish that "*all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not*

endangered” and “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice” (United Nations, 1945).

In accordance with the provisions of article 36 of its Statute of the Court, by virtue of the operation of Article XXXI of the American Treaty on Pacific Settlement, the Pact of Bogota of 30 April 1948, which states:

“In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory ipso facto³, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:

- a) The interpretation of a treaty;*
- b) Any question of international law;*
- c) The existence of any fact which, if established, would constitute the breach of an international obligation;*
- d) The nature or extent of the reparation to be made for the breach of an international obligation”* (Organization of the American States, 1948).

³ **Ipsa Facto:** Latin expression for immediately (Oxford Languages).

It is important to note that both nations, Chile, and Bolivia, are parties to the Treaties and Conventions mentioned above and made no reservations on any of their respective articles; therefore, the dispute must be solved by legal means of the ICJ according to the steps contemplated in the previous.

Requests and Submissions

Concerning the facts presented and claimed by Chile, it requests the following:

- The Silala River system, together with the subterranean portions of its system, is an international watercourse, the use of which is governed by customary international law;
- Chile is entitled to the equitable and reasonable use of the waters of the Silala River system in accordance with customary international law;
- Under the standard of equitable and reasonable utilization, Chile is entitled to its current use of the waters of the Silala River;
- Bolivia has an obligation to take all appropriate measures to prevent and control pollution and other forms of harm to Chile resulting from its activities in the vicinity of the Silala River;
- Bolivia has an obligation to cooperate and to provide Chile with timely notification of planned measures which may have an adverse effect on shared water resources, to exchange data and information and to conduct where appropriate an environmental impact assessment, in order to enable Chile to evaluate the possible effects of such planned measures, obligations that Bolivia has breached.

Suggested Material

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XXXV TECMUN
Glossary for Resolution Papers

Preambulatory Phrases

Preambulatory Phrases are used at the beginning of every Resolution Paper in order to give context about the resolutions made for the topic. Preambulatory Phrases must be written in italics followed by a sentence that gives said context. For each Resolution Paper there must be five sentences beginning with a Preambulatory Phrase.

Affirming	Desiring	Noting with deep concern
Alarmed by	Emphasizing	Noting with satisfaction
Approving	Expecting	Noting further
Bearing in mind	Expressing its appreciation	Observing
Believing	Fulfilling	Reaffirming
Confident	Fully aware	Realizing
Contemplating	Further deploring	Recalling
Convinced	Further recalling	Recognizing
Declaring	Guided by	Referring
Deeply concerned	Having adopted	Seeking
Deeply conscious	Having considered	Taking into consideration
Deeply convinced	Having examined	Taking note
Deeply disturbed	Having received	Viewing with appreciation
Deeply regretting	Keeping in mind	Welcoming

XXXV TECMUN
Glossary for Resolution Papers

Operative Clauses

Operative Clauses are used at the beginning of every resolution within the Resolution Paper on the debated topic. It must be written in italics and bold.

Accepts	Endorses	Notes
Affirms	Draws the attentions	Proclaims
Approves	Emphasizes	Reaffirms
Authorizes	Encourages	Recommends
Calls	Expresses its appreciation	Regrets
Calls upon	Expresses its hope	Reminds
Condemns	Further invites	Requests
Confirms	Further proclaims	Solemnly
Congratulates	Further reminds	affirms
Considers	Further recommends	Strongly
Declares accordingly	Further requests	condemns
Deplores	Further resolves	Supports
Designates	Has resolved	Takes note of
		Transmits
		Trusts