

XXIX

TECMUN Jr.

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International Court of  
Justice

XXIX TECMUN Jr.  
Sessions Schedule

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**Miércoles 10 de noviembre**

Ceremonia de inauguración	9:00 – 10:00 h.
Receso	10:00 – 10:30 h.
Primera sesión	10:30 – 12:00 h.
Receso/comida	12:00 – 12:30 h.
Segunda sesión	12:30 – 14:00 h.
Receso	14:00 – 15:00 h.
Tercera sesión	15:00 – 16:00 h.

**Jueves 11 de noviembre**

Ceremonia magistral	8:30 – 9:30 h.
Receso	9:30 – 10:00 h.
Cuarta sesión	10:00 – 11:30 h.
Receso/comida	10:30 – 12:00 h.
Quinta sesión	12:00 – 13:30 h.
Receso	13:30 – 14:30 h.
Sexta sesión	14:30 – 16:00 h.

**Viernes 12 de noviembre**

Septima sesión	8:00 – 9:30 h.
Receso	9:30 – 10:00 h.
Octava sesión	10:00 – 11:30 h.
Receso/comida	11:30 – 12:00 h.
Novena sesión	12:00 – 14:00 h.
Receso	14:00 – 15:00 h.
Ceremonia de clausura	15:00 – 17:30 h.
TECMUN GLOOM	17:30 – 18:00 h.

XXIX TECMUN Jr.  
**General Agenda**

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*Secretary General: Vanessa Arroyo Jerez*

*Chief of General Coordination: Paola Ayelén Hernández Hernández*

**ASAMBLEA GENERAL**

*Subsecretary General: Andrea Michelle Martínez Lozano*

*Coordinating Supervisor: Ximena Serna Mendoza*

**Sesión Plenaria de la Asamblea General**

*President: Jade Artemis Gonzáles Díaz*

- A) Estrategias para contrarrestar la epidemia contra el VIH y el Sida, en América Latina y el Caribe, partiendo de las desigualdades existentes
- B) Acciones para erradicar la esclavitud sexual de mujeres y niñas en la región de China y Birmania

**Primera Comisión de Desarme y Seguridad Internacional**

*President: Sofía Victoria Solís Uribe*

- A) Contrarresto de la violencia cotidiana y la adulteración económica a causa del tráfico internacional de armas de fuego ilícitas entre grupos narcotraficantes de América Latina, con énfasis en la República de Colombia
- B) Fortalecimiento del desarme y desmovilización en el área del Estrecho de Ormuz, con énfasis en ataques nucleares y de fuego entre Estados Unidos de América y la República Islámica de Irán para prevenir un posible conflicto armado

**United Nations Conference on Trade and Development**

*President: Mariana Cortés Gallardo*

- A) Strategies to ensure safe, affordable, and reliable innovation on nanotechnology in the field of healthcare to developing countries in Latin America and The Caribbean
- B) Strategies for the implementation of renewable energies in sub-Saharan Africa with emphasis on efficiency and reliability for the needs and resources of the area

**United Nations Office on Drugs and Crime**

*President: Elena Ramírez Sandoval*

- A) Strategies to cope with the massive illicit opioids trafficking in the Islamic Republic of Afghanistan through the Balkan Route
- B) Measures to reduce the illegal production of injected drugs on Southeast Asia, focusing on HIV

**Office of the United Nations High Commissioner for Human Rights**

*President: Chiara Trejo Infante*

- A) Actions to diminish government censorship in Belarus, focusing on the restriction of information and attacks on human rights activists and opposition
- B) Strategies to prevent human rights violations in South-Central Somalia, focused on al-Shabab's attacks on civilians and blockage of humanitarian assistance

**Organización Internacional de Policía Criminal**

*President: Abraham Alejandro Carlos Mendoza*

- A) Acciones para combatir la piratería marítima en el Golfo de Guinea con énfasis en buques de carga y plataformas petroleras
- B) Medidas para combatir el fraude cibernético de suplantación de identidad con énfasis en Europa

**CONSEJO ECONÓMICO Y SOCIAL**

*Subsecretary General: Maria Fernanda Casillas Monrroy*  
*Coordinating Supervisor: Anahí Amairany Pérez Escobedo*

**Counter-Terrorism Committee**

*President: Diego Márquez Sánchez*

- A) Measures to mitigate the financing of the extremist group ISIL in the Middle East focusing on the illegal distribution of petroleum in the black market
- B) Actions to counter the interventions of the terrorist group Hamás in the Belic conflict between the State of Israel and the State of Palestine with a special emphasis on the consequences for the population residing in the Gaza Strip

**United Nations Entity for Gender Equality and the Empowerment of Women**

*President: Kenya Damaris Ruiz Arellano*

- A) Measures to mitigate sexual violence as a form of hatred towards women part of the LGBTQ+ community in the region of South Africa
- B) Measures to address police brutality concerning the feminist movement as a result of the past women's day protests in the region of Mexico and the Republic of Chile

**Comisión de Prevención del Delito y Justicia Penal**

*President: Emilio Díaz López*

- A) Medidas para prevenir los homicidios de civiles por el uso indiscriminado de armas debido a la Segunda Guerra del Alto Karabaj entre Armenia y Azerbaiyán, con enfoque en los Principios Básicos sobre el Empleo de la Fuerza y de Armas de Fuego
- B) Medidas para prevenir cualquier método de tortura y detención indefinida en la prisión de Guantánamo, bajo dirección del gobierno de Estados Unidos de America, con enfoque al respeto de las Reglas Mínimas para el tratamiento de los reclusos de las Naciones Unidas y el Derecho Internacional

### **United Nations Educational, Scientific, and Cultural Organization**

*President: Paula Inclan Villamil*

- A) Actions to ensure education in areas of armed conflict generated by extremist groups of Islamic Origin with a focus on Western Asia
- B) Measures to counter the appropriation of African culture in the United States of America with a focus on capitalisation of the fashion industry

### **United Nations High Commissioner for Refugees**

*President: Regina Montserrat Villalpando Camberos*

- A) Strategies to face the humanitarian crisis in Bangladesh, as a consequence of the extreme migratory measures taken towards the Rohingya Muslim population in Myanmar
- B) Strategies to combat the migratory crisis of refugees in Southeastern Europe due to the civil conflict against the Bashar al-Ásad government in Syria

### **Conseil de l'Europe**

*President: Yunuen Blancas Cruz*

- A) Mesures pour sauvegarder la liberté d'expression et d'information, notamment la liberté de la presse en raison de la pandémie de covid-19 dans les pays d'Europe du sud-est
- B) Stratégies pour assurer une utilisation correcte du certificat COVID numérique de l'UE et éviter les répercussions sur les droits de l'homme de la population européenne

## **AGENCIAS ESPECIALIZADAS Y ORGANISMOS REGIONALES**

*Subsecretary General: Javier Márquez Saucedo*

### **Organización de los Estados Americanos**

*President: Andrea Burgos Mondragón*

- A) Medidas para hacer frente a la violencia en procesos electorales con énfasis en las recientes elecciones de los Estados Unidos Mexicanos
- B) Medidas para frenar las injusticias socioculturales hacia los pueblos indígenas en Canadá con énfasis en el sistema jurídico

## **Comisión Económica y Social para Asia y el Pacífico**

*President: Valeria Loera Gómez*

- A) Estrategias para abordar la crisis social tras el golpe de Estado en la República de la Unión de Myanmar, en el marco de la represión de manifestaciones pacíficas y la ley marcial
- B) Estrategias para contrarrestar las implicaciones económicas provocadas por fenómenos meteorológicos en el Océano Índico y el Sudeste Asiático

## **Comité Internacional de la Cruz Roja**

*President: Ana Lourdes García Nila*

- A) Estrategias para la localización de víctimas de la trata de personas en México con énfasis en el reencuentro de familias y la ayuda esencial
- B) Acciones para mejorar las condiciones de vida en las prisiones de El Salvador con énfasis en la dignidad de los presos

## **Organismo Internacional de Energía Atómica**

*President: Ixtli Zenit Ramírez García*

- A) Medidas para controlar la producción de uranio en la República Islámica de Irán con base en el Plan de Acción Integral Conjunto de 2015 con el objetivo de prevenir el desarrollo de armas nucleares
- B) Acciones para fomentar el uso de energía atómica de forma sostenible con el fin de combatir la contaminación atmosférica por carbonización con énfasis en Asia y el Medio Oriente

## **Security Council**

*President: Gerardo Calderón Huerta*

- A) Measures to stop the criminal cybernetic groups commanded by Darkside based in the Russian Federation and Eastern Europe regarding the recent attacks made to The United States of America
- B) Mechanisms to address the growing crisis regarding naval disputes located in the South China Sea region

## **International Court of Justice**

*President: Fernanda Valentina Martínez Reyes*

- A) Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)
- B) Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)

*“Yet, in the face of oppression, plunder and neglect, our response is life. Neither floods nor plagues, neither famines nor cataclysms, not even eternal wars through the ages and centuries, have succeeded in reducing the tenacious advantage of life over death”.*

• Gabriel García Márquez

For the present, the moment you read this,  
Wanting to change the world is a dreamer's idea.

The world is full of monotony, conformism and intolerance. Years of violence, corruption, discrimination, injustice and selfishness have ended up dehumanizing the individuals who make it up, turning us into nothing more than fragments clinging to a concept of life that is far removed from goodness and innocence. We turn what we condemn into our normality, to such a degree that living under the incessant sensation of fear has been the only constant over the years. Wars, crises, inequality, weapons and crimes are just some of the words that make up the topics that you will discuss over the next three days, but today, I would like to ask you that beyond clinging to your position, you become that agent of change that remembers that mistakes are human and that empathy is a concept that can only prevail if we understand that the reality of this world is not limited to a shade of gray, but to a myriad of shades.

Humanity was condemned to freedom, to the ability to have options and create a criteria about them, implying a responsibility that goes beyond our understanding, since it is not limited to the selfishness of our actions but to the repercussions of this. In a world so full of inequality, frustration and hopelessness, it is easy to forget that the capacity for change still lies in the minds and hearts of those willing to see the truth. Beyond our passion for debate, we work on this model because we are dreamers and we faithfully believe that the world can change if we all dare to rebuild ourselves under the concepts of respect, forgiveness and empathy. We seek to remind you that your voice has value, just as your actions can represent the struggle of thousands of people. After four years in this project, I would like to share with you that my true reason for fighting for a better world lies with you and the people who make up TECMUN. It is here where I have found genuine hope for a better present and future, where I learned the importance of not being indifferent to your context, where I found the strength in my voice and where I found my place in the world. I want to remind you that it is that small spark of inspiration that we find in unexpected places that usually unleashes the greatest revolutions in our hearts and minds, that pushes us to take hold of that capacity for change that we are so terrified to explore and that ends up making us raise our voices against what we believe is right.

Three days are not enough to change the world, but I hope they were enough to make you feel inspired. Don't be afraid to be a dreamer, to wish for a better tomorrow, and don't feel ashamed for being afraid to take the first step. At the end of the day, this is a path that we will walk together and never stop learning from. Today I just want to thank you for inspiring me once again and for being the reason TECMUN remains strong. *Hope*, that's what you and this model represent to me, so thank you for changing my life.



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Vanessa Arroyo Jerez  
Secretary General for the  
XXIX TECMUN Jr

*"I am not throwing away my shot."*

- Lin-Manuel Miranda

Participant,

A couple of years ago I met someone who could talk all day about TECMUN. I didn't really get it, to be honest with you, the way she talked like it was the most inspiring and breathtaking thing ever. I didn't get it for a while, until the very first model I was a part of. Seeing rooms full of delegates, like you, taking on a posture for three days to try and solve a problematic that probably nobody else cares to solve at the moment. Their excited looks, concentrated faces, and their firmness raising their hands to speak out is something that will always stay with me. There is something truly special in the way that hundreds of young people that have never met each other in their lives share ideas and possible solutions, all for a common, incredible end: the one of helping people in need.

I may not know you personally, but you, by reading this, have already given me hope in a better world. A world that can't only change, but that can be changed by people like you. Because, believe it or not, you have one of the greatest powers to ever exist: *courage*. Don't stick to the version of the world that has been sold to all of us. Believe in the power of a single, courageous voice that dares to defy the ones filled with indifference or that are deeply corrupted. Believe in the power of being alive, of being free, despite and *because* of the ones who are not. Be what many others can't or won't be. Believe in your own capacity, desires and goals, because when you want to be a part of change, your post doesn't matter; what matters is what you can do, want to do and dedicate yourself to do, and who you can become with all of that. I fully believe that you can grow to be and do something extraordinary, because you have taken the very first step by joining this model.

I have learned that TECMUN is not only a United Nations model; TECMUN is whatever you take from it. It can be an eye-opening place, an experience of growth, a space of support, and much more. But I can go as far as saying that it is an elemental opportunity. Many of us have gotten to know the pieces that make us up right here, and we put them together a little bit more with every day we spend being a part of it. Maybe the same will happen to you, or maybe not, but there is definitely something that you will take with you from the model.

It's time to stop waiting for the better. It's time to push away all of the doubt, and take a chance. Every single one of us, at some point, has been completely oblivious to the topics debated in this model. But, for you, that ends here and now. I have faith that the next three days will only be the beginning of a journey for you, of becoming a person who is aware of the challenges that surround millions of people in this world every day, and of wanting to do something about it. Lastly, I want you to know that, by being here, you have already inspired me in many ways. Today, at this very moment, you have taken your shot. And I know you will continue to do so.

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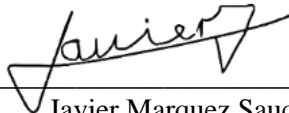
Paola Ayelén Hernández Hernández  
Chief of General Coordination for the  
XXIX TECMUN Jr.



Participant:

Why bother making the right thing? I know it's not the most common phrase to start a letter that's meant to be touching, intimate and innovative. But have you ever thought it seriously? I did, and I couldn't sleep for days because of the horrible idea that no benevolent act would matter in our timeline. Because, if we were to represent planet Earth history in a 24-hour clock, humans would have only been around for three seconds. Three seconds of existence are almost nothing. At this point you've had spent more time reading this letter. And if we consider those three seconds actually are hundreds and thousands of years, we will notice that you and I have existed for less than milliseconds, a blink of an eye is longer than our mere existence in comparison to Earth. Think about the Roman Empire, millions of people fought to acquire the fame and prestige of being considered one of the most important civilizations in history. However, I assure you we cannot name a hundred people from Ancient Rome. So, why bother on making the right thing if our impact is mostly null?

After sleepless nights, cups of coffee and an obscure reality hit, I realized my premise was wrong from the very beginning. There is no need to have an impact during thousands of years. Because noble acts are not measured in minutes, they're measured on lives saved. During this model you will discuss topics affecting millions of people's lives that you may never meet in person, but, with just an idea, a proposal, a resolution paper you could help them. So, when you wake up and start getting ready for the model, or just any other day, don't think that your impact will last less than a second, instead think that in less than a second, you could change millions of lives.



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Javier Marquez Saucedo  
Subsecretary General for the Specialized Agencies and Regional Organisms for the  
XXIX TECMUN Jr.

*“Go ahead and live with your head high. No matter how devastated you may be by your own weakness or uselessness. Set your heart ablaze. Grit your teeth and look straight ahead.”*

- *Kyojuro Rengoku*

Dear judge/agent,

Everyone has someplace in the world, or at least it is our job to ensure it. After almost two years of lockdown, we can't wait to get out and get back to "normal", but we know that throughout this pandemic everything has changed radically, including us. We have learned that it is important to take care of those in need, those who are the most vulnerable; and it does not only apply to family and friends, but to yourself, and others. People have lost their families, their jobs, their education, their homes; even after the covid vaccine people are still being infected with the virus, and keep infecting others, too. It is time to be responsible and conscious about our actions and inspire others to be a part of the change that is highly needed. There are many goals that humanity has yet to achieve, nonetheless, we are a lot of steps closer to do so.

You may not feel it, but you've grown stronger and wiser. Taking a regular math class has never been this strenuous, and online communication is not as effective as face-to-face, yet we have somehow held up. Everyone is capable of making a change, and even the tiniest one can improve the lives of thousands. And who knows? Maybe you will! So, never doubt yourself, for you and many others will transform the world.



Fernanda Valentina Martínez Reyes  
President of the International Court of Justice for the  
XXIX TECMUN Jr.

# Background

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The International Court of Justice, hereafter known as ICJ, is the prime judicial instrument of the United Nations which solves legal matters among States under international law and gives advisory opinions on legal affairs submitted to it by authorized United Nations main bodies and specialized agencies. It was established by the Charter of the United Nations in 1945 in The Hague, Kingdom of the Netherlands. The World Court, as it is also known, started work in 1946 as the successor of the Permanent Court of International Justice; it operates under the ICJ Statute, part of the UN Charter adopted by all 193 members of the United Nations. Through 15 judges and two agents from across the globe, the ICJ represents the main legal systems of the world by fairly and impartially settling global disputes and contributing to the advancement of the rule of law, sovereign equality, and peaceful societies.

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## Faculties

The first principal function of the Court is to settle contentious cases in accordance with its statute and rules of nations; in these intercontinental legal disputes, the ICJ produces binding rulings between the States that have agreed to submit to its judgment and jurisdiction. The second is to give advisory opinions on properly submitted questions of international law, at the request of the General Assembly, the Security Council, or other United Nations main bodies and specialized agencies. Furthermore, the Court may also clarify and redefine the rules of nations, apply economic prohibitions, request the withdrawal of troops, or even decline requests submitted by States, as deemed appropriate, in order to reach an agreement between nations. Therewith, the ICJ settles judgment upon global disputes of legal nature concerning matters provided in the UN Charter or current conventions, in particular territorial or maritime sovereignty, right of asylum, nationality or economic rights and violation of the international humanitarian right.

# **Affair A**

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Alleged Violations of the 1955 Treaty  
of Amity, Economic Relations, and  
Consular Rights (Islamic Republic of  
Iran v. United States of America)

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*By: Fernanda Valentina Martínez Reyes  
Elías Dávila Martínez  
María Camila Hernández Castillo*

## *Outline*

On 8 May 2018, the former President of the United States of America (the United States or the U.S.), Donald John Trump, issued a National Security Presidential Memorandum announcing the country's withdrawal from the Joint Comprehensive Plan of Action (JCPOA), directing the two-step reimposition of sanctions and restrictive measures targeting, directly or indirectly, Iran and Iranian companies and nationals. The Plan was adopted on 14 July 2015 by the People's Republic of China, the French Republic, the Federal Republic of Germany, the Russian Federation, the United Kingdom, the United States, the European Union, and the Islamic Republic of Iran to ensure the peaceful nature of Iran's nuclear program and lift all JCPOA and United Nations Security Council (SC) sanctions imposed by the country's noncompliance with its obligations under the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). United States' underlying reasons for re-imposing sanctions are misconceived considering that, since 2015, the International Atomic Energy Agency (IAEA) has consistently verified that Iran has been in full compliance with its voluntary nuclear-related commitments under the Plan of Action. Thus, Iran considered the United States' withdrawal from the Plan of Action and the reimposition of sanctions against the country to constitute breaches <sup>1</sup>of international law, in particular of the Treaty of Amity, Economic Relations, and Consular Rights, since these restrictive measures concern the weakening of the oil industry, civil aviation, and the banking and financial system, as well as Iranian nationals and companies, mainly through the extraterritorial sanctions imposed on

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<sup>1</sup> **Breach:** infraction or violation of tie, obligation, law, or standard (Merriam-Webster, n.d.).

U.S. and non-U.S. persons to end their commercial relations with their Iranian counterparts, preventing any possible future commerce between them.

### ***Background on Iran and United States' economic, diplomatic, and political relations***

Historically, the United States and Iran have had a complicated relationship. During the Iranian *coup d'état*<sup>2</sup> in 1953, the Central Intelligence Agency (CIA) helped the military overthrow the elected Prime Minister Mohammed Mossadeq, who had nationalized the Iranian oil industry to the loss of Anglo-American companies. In 1954, the *shah*<sup>3</sup> signed a Consortium Agreement<sup>4</sup> under the pressure of the U.S. and the United Kingdom, which gave the U.S., British and French companies 40% ownership of the oil industry for over 25 years. In 1960, the Organization of Petroleum Exporting Countries was founded by Iran, the Republic of Iraq, the Kingdom of Saudi Arabia, the State of Kuwait, and the Bolivarian Republic of Venezuela, in order to rival the Western Companies that dominated the global oil supplies market and to reestablish control over their domestic reserves; by 1970, the profits of the members soared, which made the United States a crucial ally of Iran. Months after strikes started in January 1979 as a result of the *shah* of Iran being forced to leave the country, a group of Iranian college students took 66 U.S. citizens as hostages in the U.S. embassy in Tehran, the capital of Iran, and held 52 for more than a year demanding to have the *shah* extradited; the hostages were freed under the 1981 Algiers Accords.

The economic tensions between the parties remained until 1992. Under the administrations of former Presidents Bill Clinton (1993-2001) and George H. W. Bush

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<sup>2</sup> ***Coup d'état***: overthrow, uprising (Cambridge Dictionary, n.d.).

<sup>3</sup> ***Shah***: a title of the former monarch of Iran (Oxford Learner's Dictionaries, n.d.).

<sup>4</sup> **Consortium Agreement**: a private agreement between the beneficiaries to set out the rights and obligations amongst themselves (European Commission, n.d.).

(2001-2009), the United States ramped up sanctions against Iran; several years later, Iran's ex-President Mahmoud Ahmadinejad (2005-2013) wrote a letter to Bush seeking to ease the U.S. nuclear tensions in 2006. In the course of former President Barack Hussein Obama's mandate (2009-2017), political tensions and economic sanctions between the parties decreased. With the arrival of Trump as the President of the United States in 2016, the parallel between the countries worsened, which resulted in a recession<sup>5</sup> point in Iran's economy. The diplomatic and political relations of both states became tense in April 2019, when Trump designated the Islamic Revolutionary Guard Corps (IRGC) as a Foreign Terrorist Organization and labeled Iran as a nation of terror. Subsequently, on January 3, 2020, the U.S. attacked a convoy and assassinated the IGRC's commander Qasem Soleimani, which vented a series of attacks between Iraq, Iran, and the United States.

### *Treaty of Amity, Economic Relations and Consular Rights between the Parties*

The Treaty of Amity or the 1955 Treaty, is an accord that heightens the friendly relations between both State Parties, encouraging mutually beneficial trade, investments, and closer economic intercourse between their peoples, regulating diplomatic relations based on reciprocal equality of treatment. It was signed by the counterparts at Tehran on August 15, 1955 and entered into force in June 1957. Substantially, the 1955 Treaty is a historical remnant<sup>6</sup> of a former era of friendship, but even after the parties severed<sup>7</sup> formal diplomatic ties following the 1979 Iranian Revolution, it remained valid, providing the legal framework

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<sup>5</sup> **Recession:** a period of temporary economic decline during which trade and industrial activity are reduced (Oxford Languages, n.d.).

<sup>6</sup> **Remnant:** small parts that are left over when the main part has disappeared or been destroyed (Collins Dictionary, n.d.).

<sup>7</sup> **Severed:** to end a connection with someone or something (Cambridge Dictionary, n.d.).

for nearly four decades of complicated relations between them. Moreover, 22 years after the treaty came into effect the hostage crisis took place, making Washington cut political ties with Tehran in April 1980.

It was then that the first round of U.S. sanctions against Iran was applied and all Iranian assets in the United States were frozen, following a time of hostile actions that violated the Treaty's allegiance. The case of the Iran hostage crisis was presented to the International Court of Justice (hereinafter the ICJ or the Court) by the United States of America asserting that Iran had gone against Article 2 (4) of the 1955 Treaty, which states "nationals of either High Contracting Party shall receive the most constant protection and security within the territories of the other High Contracting Party" (U.S. Treaties and Other International Agreements, 1955, p. 4), for the reason that Iran had supported actions against the U.S. embassy and its personnel, and failed to give support during and after the issue. Later on, by a diplomatic Note dated 3 October 2018, the United States government, under Article 23 (3) of the treaty, announced the termination of such; but given the U.S. willingness to participate in the present case, outdated treaties can remain relevant in settling and framing international disputes. Despite this, there appear to be even fewer non-lethal means by which the U.S. and Iran can resolve disputes, meaning that, without the 1955 Treaty of Amity, the United States and Iran will step outside the Court's bounds on international law.

### ***The Joint Comprehensive Plan of Action***

The JCPOA, or the Iran nuclear deal, is an international agreement established on 14 July 2015 in Vienna, Austria between the Islamic Republic of Iran and the P5+1 (five permanent



member countries of the SC and Germany). It was endorsed by UNSCR 2231<sup>8</sup>, together with the IAEA exercising compliance with verification and monitoring. In view of the JCPOA, Iran agreed to dismantle a large part of its nuclear program and allowed extensive international inspections of its facilities in exchange for millions of dollars' worth of sanctions relief. Additionally, on 16 January 2016, The IAEA attested that Iran had abided with the agreement, resulting in U.S., European Union, and United Nations removal of sanctions, permission to resume selling oil on international markets and using the global financial system for trade. Even so, since the United States' withdrawal from the plan by former President Trump, Iran once again resumed some of its nuclear activities in 2019.

The latest assents imposed on Iran led to a downturn in Iran's economy, striking its coin value to record lows, driving away foreign investors, quadrupling its annual inflation rate, and triggering protests. The first deadline of the 2018 sanctions affected the purchase of U.S. dollars, trade in gold and certain other metals, as well as aviation and the car industry; the second period damaged financial and oil institutions. Before the announcement, crude petroleum made up more than two-thirds of Iran's exports, since 2006 it exported 2.6 million barrels per day, but fell to 1.9 million in 2018 and began 2021 with just 400 000. From 2008 to 2018, the high oil prices allowed it to collect \$121 billion in foreign exchange reserves, but in 2019 it crashed to \$13 million. Even though Iran's oil output and its GDP<sup>9</sup> have collapsed under international bans, foreign companies and other countries that continue to deal with Iran might face U.S. sanctions if they fail to reduce or end their trade.

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<sup>8</sup> **UNSCR 2231:** information regarding United Nations Security Council Resolution 2231 can be found in Recommended Materials.

<sup>9</sup> **GDP:** the gross domestic product is the total value of goods and services produced by an economy during a period of time (Bondarenko, n.d.).

## *Iran's Nuclear issue*

The Islamic Republic of Iran has been developing a nuclear program since the 1950s, and Iranian officials have repeatedly stated that the country's project is exclusively for peaceful purposes. Nevertheless, Tehran's construction of uranium enrichment facilities has been the primary source of proliferation concern between the U.S. and other governments, arguing that Iran may be pursuing the capability to produce nuclear weapons on the prospect of a nuclear arms race. To demonstrate otherwise, Iran signed the NPT in 1968 and endorsed it in 1970; four years later, it concluded a Comprehensive Safeguards Agreement with the IAEA to detect the diversion of fissile material to nuclear weapons uses and undeclared fissile activities and material. Despite this, the IAEA reported that Iran had conducted experiments during the 1980s and early 1990s related to heavy-water production, uranium conversion, and nuclear reactor fuel fabrication. More recently, the Iranian government has said it plans to expand its dependency on nuclear power to generate electricity, but pursuant to<sup>10</sup> the JCPOA the program is currently constrained<sup>11</sup>.

It wasn't until 2002 when the agency, the Security Council, the U.S., and several countries began imposing sanctions to prevent it from developing military nuclear capability. That year, the agency began investigating allegations that Iran had conducted clandestine nuclear activities. The IAEA further announced that some of these activities had violated the Safeguards Agreement and reported the matter to the SC in 2006, causing the adoption of six resolutions requiring Iran to take steps to ease international concerns about its nuclear

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<sup>10</sup> **Pursuant to:** in conformity with (Merriam-Webster Dictionary, n.d.).

<sup>11</sup> **Constrain:** to limit the way something develops or grows (Cambridge Dictionary, n.d).

program; every sanction was lifted in 2016. At present, the UNSC 2231 and the NPT compose the current legal framework ruling Iran's nuclear program. Until July 2019, all official reports and statements from the United Nations, European Union, the IAEA, and the non-U.S. participating governments indicated that Iran had fulfilled with JCPOA and related Resolution 2231 requirements, though, in that same month, the agency proved that the government has since increased the number of its nuclear activities, exceeding JCPOA limits.

### *The International Court of Justice within the Affair*

On 16 July 2018, the Islamic Republic of Iran filed an Application instituting proceeding against the United States of America to the International Court of Justice about a dispute concerning alleged violations of the Treaty of Amity. In it, Iran found the Court's jurisdiction on Article 36, paragraph 1, of the Statute of the ICJ and on Article XXI, paragraph 2, of the 1955 Treaty. By an order of 3 October 2018, the Court indicated provisional measures<sup>12</sup> regarding some of 8 May 2018 sanctions, such as the revocation of importation licenses of products from Iran and the limitation of financial transaction and the prohibition of commercial activities, stating that the present case entails a nature of economic warfare<sup>13</sup>. In them, the U.S., under its obligations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights, was inquired to free exportation of humanitarian goods, including medicines and medical devices to the territory of Iran, and elaboration of further goods necessary for the safety of civil aviation.

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<sup>12</sup> **Provisional measures:** measures indicated by the Court under Article 41 of its statute designed to protect the rights of the parties pending the final decision in a dispute (Rosenne, 2012).

<sup>13</sup> **Economic warfare:** the use of economic means to weaken a country's economy and/or to redefine its policies or behavior to regulate relations with other states (Shambaugh, n.d.).

Nevertheless, the general license for the prior excludes certain medicines and medical devices, it also does not authorize transactions with persons or entities sanctioned under legal authorities, including government organizations that control broad attachments of the Iranian economy, like the IRGC. Generally, sanctions affect access to humanitarian goods because they have a negative impact on the macroeconomic indexes of the target's economy, they can cause significant disarray in the distribution of food, sanitation supplies and pharmaceuticals, severely interfering with basic health and education systems. Furthermore, it is important to know that general principles of international law, such as the juridical equality of States encompassing equality and the due process of law cannot be undermined by claims of national security, as expressed in Article II, paragraph one of the UN Charter. The legal question remaining in the Court's judgment is whether the 1955 Treaty of Amity provides Iran, its nationals and companies with a right not to have its commercial, trade, or financial relations with third States interfered with by the United States measures. Withal, the Trump administration threatened in 2020 to re-impose UN sanctions and penalize any individuals or states that failed to enforce them. However, with the newly inaugurated Biden administration, both countries have a decision to make, to use the decades-old script of U.S.-Iran relations or forge a new path forward.

### ***Requests and submissions***

Iran respectfully requests the Court to adjudge, order and declare that the United States of America:

- through the measures that were implemented pursuant to or in connection with the U.S. Presidential Memorandum of 8 May 2018 and announced further measures, for Iran, Iranian nationals and companies, has breached its obligations to Iran under

Articles IV (1), IV (2), V (1), VII (1), VIII (1), VIII (2), IX (2), IX (3) and X (1) of the Treaty of Amity;

- by means of its own choosing, terminate the measures that were implemented pursuant to or in connection with the U.S. Presidential Memorandum of 8 May 2018 and announced further measures without delay;
- shall immediately terminate its threats concerning announced further sanctions;
- shall ensure that no steps shall be taken to circumvent the decision to be given by the Court in the present case and will give a guarantee of non-repetition of its violations of the Treaty of Amity;
- shall fully compensate Iran for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. Iran reserves the right to submit and present to the Court in due course a precise evaluation of the compensation owed by the United States.

In a brief overview of the previously mentioned articles of the Treaty of Amity, they establish that the Contracting Parties shall not apply unreasonable or discriminatory measures that would alter their legally acquired rights and interests and that their contractual rights should stick to the applicable law. The articles also refer to the ability of a contracting party to lease, purchase or acquire properties, and dispose of them by testament, sale, or otherwise. Also, neither of the signatories shall apply restrictions to payments, remittances<sup>14</sup> nor transfers of funds, and if they do, they must make a reasonable provision of the withdrawal. Besides, not to impose restrictions on imports unless they're forbidden or restricted on the

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<sup>14</sup> **Remittance:** money that is sent by a foreign worker back to their own country (Cambridge Dictionary, n.d.).

territory. Finally, it states that there ought to be freedom of commerce and navigation between the territories of two contracting parties, always in accordance with international and domestic laws.

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# Affair B

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## Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)

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*By: Fernanda Valentina Martínez Reyes  
Elías Dávila Martínez  
María Camila Hernández Castillo*

## *Outline*

On 6 December 2001, the Republic of Nicaragua sued the Republic of Colombia before the International Court of Justice (hereinafter referred to as ICJ or the Court) due to a dispute over the sovereignty over the islands at Alburquerque, Quitasueño, Roncador, East-Southeast Cays<sup>15</sup>, Bajo Nuevo, Serrana and Serranilla, and sea limitation of both countries. According to Colombia, the territories in dispute had historically belonged to it, as stated in the 1928 Esguerra-Bárcenas Treaty; nevertheless, maritime borders between the Parties weren't established in it. Subsequently, on 19 November 2012, the Court unanimously determined the course of the maritime boundary delimiting the continental shelf<sup>16</sup> and the exclusive economic zones of Nicaragua and Colombia, but the last did not comply with its judgment. Withal, the 2012 ruling recognized the Republic of Colombia sovereignty over the seven islands in dispute and granted Nicaragua 75,000 square kilometers of sea so it could exploit them as an economic zone.

Even though the latter appealed with the verdict, the former President of Colombia, Juan Manuel Santos Calderón (2010-2018), criticized the contents and attacked the ICJ itself, claiming it had made a major mistake when drawing the maritime delimitation line since it affected them negatively, and it did not comply with the geographical definition of an archipelago. On November 26, 2013, Nicaragua instituted proceedings against Colombia for its non-compliance with the ruling, demanding an extension of its continental shelf to reach

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<sup>15</sup> **Cay:** a low island or reef of sand or coral (Mirriam-Webster Dictionary, n.d.).

<sup>16</sup> **Continental shelf:** a submarine plain of a continent that lies under the ocean and slopes down to the ocean floor; it forms a border to a continent (Mirriam-Webster Dictionary, n.d.).

up to 450 nautical miles, a territory beyond the 200 nautical mile zone already recognized by the Court. Despite the second's denunciation of the Pact of Bogotá after the 2012 verdict neglecting the Hague's jurisdiction in boundary delimitation, the ICJ found that it has jurisdiction over the present case. Needless to say, Nicaragua's decision not to comply with the sentence constitutes an infringement of the State's obligations under international law and Nicaragua's rights, which entails its responsibility.

### ***Nicaragua and Colombia's historical background***

The roots of the conflict date back to the early 1800s, when both States belonged to the Spanish Empire. During the colony, Nicaragua was part of the General Captaincy of Guatemala, an entity that embodied every Central American country in one government. Conjointly, Colombia was under the jurisdiction of the Viceroyalty of Peru until 1776, when the Viceroyalty of Nueva Granada was created; Spain's Viceroyalty of New Granada, at present time Colombia, claimed Panama, Venezuela, Ecuador, Colombia, the eastern coast of Nicaragua, and the disputed islands. Nonetheless, in 1928, Nicaragua signed the Esguerra-Bárcenas Treaty, solving a long-standing conflict dispute between the former states of New Granada and the United Provinces of Central America (UPCA), briefly composed of what is now known as Honduras, Guatemala, Nicaragua, and other Central American nations. Although the UPCA did not recognize the island's occupation by Nueva Granada in the 1800s, by the early 1900s, the new Republic of Colombia established a local administration on the islands called *intendencia*, based on the inhabitants' decision to join Colombia after the viceroyalty adjourn. The Treaty cemented the understanding, and for almost a hundred years, the islands were under Colombian control.

Western Caribbean Sea insular territories of Colombia, the disputed territory, enjoy the wealth of the region's pristine natural resources, it is rich in fishing resources and for oil exploration; for that, the islands were declared a biosphere reserve by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2000. The indigenous population of the islands, known as the Raizal, are descendants of the original settlers, enslaved Amerindians, Africans, and British emigrants. Mass migration to the archipelago has led to over-population, resulting in disastrous consequences for the environment and the Raizal population. As a result of the destruction of the natural landscape and damage to some of the islands' shorelines due to tourism-related development projects, the Raizales believe that their traditional ways of life as farmers, fishermen, and seafarers are currently being threatened and that as a people they are on their way to extinction. The Colombian State is responsible for the preservation of the Archipelago's ecosystems, which are fundamental to the ecological equilibrium of the area, to preserve its inhabitants' ancestral, environmental, historic, traditional, and cultural rights, including their right to survival and self-determination, since they have chosen for over a century to be part of the Republic of Colombia.

### ***The Esguerra-Bárcenas Treaty***

The Bárcenas Meneses-Esguerra Treaty is a public and official bilateral act between the Republic of Nicaragua and the Republic of Colombia on territorial disputes between both countries. The interests between both state parties have been confronting each other for dozens of years; Nicaragua wanted to verify the sovereignty over the Mosquito coast which



the Royal Decree of 1803<sup>17</sup> had granted to the Viceroyalty of New Granada. The treaty was signed on 5 May 1928, which defined in two articles Colombian sovereignty over the San Andrés, Providencia, and Santa Catalina Archipelago, which is a bank of Islands up north Costa Rica, and all the other islands, islets, and cays part of it; excluding the Quitasueño, Roncador, and Serrana keys, given that at the time they were in the dispute between Colombia and the United States of America. Simultaneously, Nicaragua's rule over the Mosquitos Coast between the Gracias a Dios Cape<sup>18</sup> and the San Juan River, as well as on the Mangle Grande and Mangle Chico Islands, located in the Atlantic Ocean.

As the agreement expresses, approval had to be reached between both congresses for it to enter into legal force. Immediately afterward, a ratifying protocol act was held on May 5, 1930, in Managua, Nicaragua, historically known as the 1930 Protocol. The endorsement of the Esguerra-Bárceñas Treaty represented a significant advancement in Colombia's consolidation of rights over San Andrés and Providencia Archipelago. Nevertheless, not having expressed the maritime borders between both states would generate unwanted consequences for Colombia, who considered that the clarification made in the exchange notes of the treaty in 1930 had specified that the 82nd meridian was the maritime border that separated the sovereignty of both countries.

### ***Territorial and Sea delimitation in dispute***

Since the Constitution of Cúcuta of 1822, also known as the Constitution of Gran Colombia, the country had always owned the Archipelago of Santa Catalina, San Andres, and

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<sup>17</sup> **Royal Decree of 1803:** a document issued by King Charles IV ordering that the territory from the Mosquita Coast to Gracias a Dios Cape and San Andres and Providencia Islands would cease to belong to Guatemala and pass to the domain of Nueva Granada (Alvarado, 2014).

<sup>18</sup> **Cape:** a high point of land that narrowly extends into the sea (Cambridge Dictionary, n.d.).

Providencia. As aforementioned, in 1928 Colombia and Nicaragua signed the Esguerra-Bárcenas Treaty, establishing that the Mosquito Coast was recognized under Nicaraguan sovereignty, in addition to the acquisition of the Santa Catalina, San Andres and Providence Islands. Before this, the United States of America and Colombia claimed, subsequent to 1894, the Albuquerque, Bajo Nuevo, East-Southeast Cays, Quitasueño, Roncador, Serrana, and Serranilla Islands; later, in 1972, the United States gave up its claims on the land and Colombia ruled over them. As a result, during the same year, Nicaragua issued the first protest against the mentioned negotiation, arguing that it was a disadvantageous interpretation of the Treaty.

In accordance with the disagreement on the territories, Nicaragua sued Colombia before the ICJ, declaring that the meridian 82 was not a maritime border, and claiming sovereignty over the western territories of it, including the Archipelago of San Andres and the Quintasueño Cay. Eleven years later, the ICJ decided on the case that the Islands in dispute would be under the sovereignty of Colombia and agreed with the counterpart that the 82 meridians wasn't a maritime border. The decision of the Court on the matter also included an expansion of the maritime property of Nicaragua which surrounded the Island banks of Serrana and Quitasueño. According to *Sovereign Limits* (n.d.):

the Court employed several boundary delimitation methodologies in constructing this line, the main section that divided the western reach of Colombia's islands from the maritime entitlements of Nicaragua's mainland was a modified and then simplified equidistance line, [...] Both full and semi-enclaving segments, along with lines of latitude, were also used to complete the boundary. The 200 nautical mile reach of

Nicaragua was used to frame out the eastern limit for their ruling, but it was not incorporated into the 2012 Judgment.

Notwithstanding, Colombia lost 43 percent of its maritime territory with this conclusion. A year later, Nicaragua submitted charges once more against Colombia. The proceedings concerned the delimitation of the continental shelf and alleged violations of Colombia to the maritime spaces of Nicaragua regarding the 2012 judgment<sup>19</sup>.

### *United Nations Convention on the Law of the Sea*

The United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty adopted and signed on November 16, 1982. Over time, the Convention has become the legal framework for marine and maritime activities. It replaced the four Geneva Conventions of 1958, which concerned the territorial sea and the contiguous zone, the continental shelf, the high seas, fishing, and conservation of living resources on the high seas. This treaty provides a regulatory framework for the use of the world's seas and oceans to ensure the conservation and equitable usage of resources and the marine environment and to ensure the protection and preservation of the living resources of the sea. It also provides for full money rights to nations for a 200-mile zone by their shoreline.

As for Nicaragua's requests, Colombia is in breach of its obligations, and violates Nicaragua's rights, under customary international law, as reflected in Parts V and VI of the convention. Part V states that the exclusive economic zone (EEZ) is an area beyond and adjacent to the territorial sea, which shall not extend beyond 200 nautical miles from the

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<sup>19</sup> to view the latest Colombia-Nicaragua map regarding the 2012 judgment consult Recommended Materials.

baselines from which the breadth of the territorial sea is measured and can be exercised for its economic utilization. Part VI further explains that a continental shelf:

Comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance (UNCLOS, 1982, art.76).

***The International Court of Justice within the affair***

The Court recalls that the Republic of Nicaragua once more sought to find the Court's jurisdiction on Article XXXI of the Pact of Bogotá on November 26, 2013. For that reason, the Republic of Colombia raised five preliminary objections arguing that the ICJ lacked jurisdiction on the case, but the Court rejected said complaints. The aforementioned breaches perpetrated by the Republic of Colombia, accompanied by clear threats to use force, represent the violation of Article 2 (4) of the UN Charter stating, "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 any other manner inconsistent with the purposes of the United Nations" (United Nations, 1945). Although Colombia has denounced the Pact of Bogotá, in 2016 the Court declared competent to judge Nicaragua's demands.

The American Treaty on Pacific Settlement, or the 1948 Bogota Pact, has the purpose to solve conflicts by peaceful means. Being recognized by the United Nations, it was signed by both parties, but no reservation in force at the present date has been made by either Nicaragua or Colombia under it. The Bogota Pact binds countries to exhaust their internal

resources before proceeding with the UN Security Council. Moreover, the situation remains complex for international jurisdiction; Colombia is a party to the 1958 Geneva Convention on the Continental Shelf, but Nicaragua is not. And the last is a signatory to the United Nations Convention on the Law of the Sea, but Colombia is not. Additionally, the new maritime boundary represents a challenge for the Quitasueño and Serrana Cays, which belong to Colombia but are surrounded by Nicaraguan sea. Legal uncertainty leaves the International Court of Justice the possibility of assuming jurisdiction to rule based on customary International Law. A clear ruling would not only settle the difference between these two countries but also help encourage development and security in Latin American countries.

### ***Requests and submissions***

Consequently, the Republic of Nicaragua requests the Court to adjudge and declare that Colombia is in breach of:

- its obligation not to use or threaten to use force under Article 2 (4) of the UN Charter and international customary law;
- its obligation not to violate Nicaragua's maritime zones as delimited in paragraph 251 of the ICJ Judgment of 19 November 2012 as well as Nicaragua's sovereign rights and jurisdiction in these zones;
- its obligation not to violate Nicaragua's rights under customary international law as reflected in Parts V and VI of UNCLOS;
- Colombia is bound to comply with the Judgment of 19 November 2012, wipe out the legal and material consequences of its internationally wrongful acts, and make full reparation for the harm caused by those acts.

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***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

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***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