

# International Court of Justice

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CHMUN XIX  
*Specialized Agency*

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**Delegate Guide:**

The International Court of Justice is the backbone of due process for the United Nations. It was established in June 1945 by the Charter of the United Nations and began work in April 1946. The seat of the Court is at the Peace Palace in The Hague, Netherlands. The ICJ is composed of 15 judges elected to nine-year terms by the UN General Assembly and the UN Security Council. It settles legal disputes submitted by states and gives advisory opinions on legal issues referred to it by authorized UN organs and specialized agencies. The ICJ has jurisdiction over disputes between states that recognize its jurisdiction. It may also issue an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the UN Charter to make such a request. The Court is based on the Permanent Court of International Justice which existed from 1922 to 1946. The Statute of the International Court of Justice is the main constitutional document constituting and regulating the Court. All members of the United Nations are automatically parties to the Statute. Non-member states may also become parties to the Statute.

Additionally, some of the cases dealt with by the ICJ include maritime and territorial disputes. In the Corfu Channel case (UK v. Albania) in 1949, the Court found Albania responsible for the 1946 mining of the Corfu Strait which damaged British ships. The North Sea Continental Shelf cases (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands) in 1969 established principles for delimiting maritime boundaries. In the Nicaragua v. United States case in 1986, the Court ruled in favor of Nicaragua, finding that the U.S. had violated international law by supporting the Contras in their rebellion against the Nicaraguan government.

The ICJ has also given advisory opinions on legal questions referred by authorized UN organizations. Notable advisory opinions include Interpretation of Peace Treaties with Bulgaria, Hungary and Romania in 1950, regarding steps for the UN General Assembly to take towards the three countries; the Legality of the Threat or Use of Nuclear Weapons case in 1996 on the legality of the use of nuclear weapons in extreme circumstances of self-defense; and the Legal Consequences of



the Construction of a Wall in the Occupied Palestinian Territory in 2004, holding the construction of the separation barrier in the West Bank by Israel contrary to international law.

What are the Cases:

1. Asylum (Colombia v. Peru)
2. Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)

Throughout the committee each justice has to be unbiased in their decisions and the countries that each justice represents can be influential in a decision.

Setting the Docket:

The Justices should expect to spend a portion of the first session setting the [docket](#), determining the final procedures of the Court and reviewing the substantive issues in each case before the Court. The rest of the Conference will be spent hearing cases, deliberating and rendering opinions on those cases.



## **Committee Background:**

The International Court of Justice (ICJ) serves as the judicial body within the United Nations. Situated in The Hague, Netherlands, the ICJ consists of fifteen Justices from various parts of the world. Each Justice is unbiased in their decisions and contributes various perspectives due to their different homelands. The ICJ, with its expansive and almost universal jurisdiction, permits nations to submit cases to it, provided that both parties consent to its authority. Before the ICJ can accept any of these cases, the Court must determine whether it has jurisdiction over the case. This assessment of jurisdiction is a crucial step in the Court's process, ensuring that it only proceeds with cases for which it has the authority to examine. The Court has the authority to address any matter concerning international law, within the limits of its foundational statutes. The foundational statutes, which serve as a framework of the ICJ, are important in shaping the Court's authority and its approach to resolving cases involving international law. The statutes establish boundaries within which the ICJ can operate and the legal principles it must adhere to. Therefore, when deciding a case, the ICJ relies on its foundational statutes as a guide for its actions. Also, the ICJ involves the examination of international legal principles and the resolution of legal disputes presented by nations as another guide.



## **Case 1: Asylum (Colombia v. Peru)**

The International Court of Justice (ICJ) case concerning asylum, commonly referred to as Colombia v. Peru, represents a landmark legal dispute that encapsulates the intricate interplay between international humanitarian principles and sovereign rights of states. Emerging against the backdrop of the early 21st century, this case encapsulates the complexities of asylum-seeking in an era marked by transnational challenges and human mobility. The dispute arises from the divergent interpretations of the obligations enshrined in the 1951 Refugee Convention and its 1967 Protocol, which sets the stage for a comprehensive examination of the delicate balance between protecting vulnerable individuals and upholding national interests.

Colombia, a country grappling with internal strife and political turmoil, contends that Peru is bound by the principle of non-refoulement, a cornerstone of refugee law, to offer asylum to Colombian citizens fleeing persecution and violence. Colombia argues that the principle's essence is rooted in preventing the return of individuals to situations where they might face grave harm. On the other side of the legal spectrum, Peru invokes its sovereign right to control its borders and regulate entry, asserting that granting asylum requires a careful assessment of potential security threats and domestic stability. Peru's stance reflects concerns shared by numerous nations facing an influx of refugees, where humanitarian obligations intertwine with considerations of national security and socio-political equilibrium.

The legal proceedings in the ICJ showcase a rigorous examination of historical precedents, diplomatic negotiations, and evolving customary international law. The case can bring to light the evolving nature of asylum law and refugee protection in a rapidly changing global context. The ICJ's deliberations shed light on intricate questions regarding the scope of state obligations, the nexus between asylum and state sovereignty, and the fine-tuning of criteria for granting refuge. Ultimately, the court's decision in the Colombia v. Peru case leaves a profound impact on shaping the contours of international asylum law, reinforcing the principle of non-refoulement while acknowledging the legitimate concerns of states in managing migration flows. This landmark case serves as a testament to



the dynamic interaction between humanitarian imperatives and state prerogatives in the realm of international law.

### Questions to Consider

1. What potential implications will our decision in the Colombia v. Peru case have on international asylum law and the broader international community's approach to refugee protection? How can we ensure that our decision maintains a balance between humanitarian imperatives and state prerogatives?
2. How can we consider regional dynamics and the potential consequences of granting asylum in one state on the broader region's stability and security?
3. What are the practical and resource-related burdens that come with hosting refugees, and how should these factors be weighed when deciding on asylum cases?
4. To what extent should we consider the impact of granting asylum on a host nation's domestic stability? How can we strike a balance between offering protection to refugees and safeguarding the stability of the host state?
5. How should we interpret the obligations outlined in the 1951 Refugee Convention and its 1967 Protocol? What is the historical context and intent behind these international agreements, and how do they apply to the current situation between Colombia and Peru?

### Helpful Links

1. International Court of Justice: "Asylum (Colombia/Peru)"
  - a. <https://www.icj-cij.org/case/7>
2. Refworld: "Asylum Case (Colombia v. Peru)"
  - a. <https://www.refworld.org/cases,ICJ,3ae6b6f8c.html>
3. International Court of Justice: "Asylum Case: Colombia v. Peru"
  - a. [https://www.tjsl.edu/slomansonb/2.7\\_ColvPeru.pdf](https://www.tjsl.edu/slomansonb/2.7_ColvPeru.pdf)



## **Case 2: Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)**

The ICJ case concerning "Certain Activities Carried Out by Nicaragua in the Border Area" (Costa Rica v. Nicaragua) stands as a significant legal dispute unfolding within the realm of international law, bringing to the forefront complex issues of territorial sovereignty, environmental concerns, and diplomatic relations. Emerging as a contentious matter between two neighboring Central American nations, the case sheds light on the multifaceted challenges faced by states when addressing border disputes and their potential impact on the environment and regional stability. The proceedings provide a compelling narrative of how the principles of international law are employed to address a range of interconnected disputes involving land, river navigation, and environmental protection.

The dispute centers on a border region situated between Costa Rica and Nicaragua, which becomes the focal point of disagreements related to river dredging, construction activities, and ecological damage. The case originates from Costa Rica's allegations that Nicaragua is conducting unauthorized dredging operations in the San Juan River and has established a military presence on Isla Portillos, an area claimed by both countries. Costa Rica contends that these activities violate its territorial sovereignty and cause environmental harm to the surrounding ecosystem, raising concerns about potential ecological consequences. Nicaragua, in turn, responds by asserting its rights to carry out activities within its own territory and disputes Costa Rica's claims regarding the extent of environmental damage.

Throughout the legal proceedings at the ICJ, both Costa Rica and Nicaragua present their arguments, relying on diplomatic correspondence, and expert testimonies to support their respective positions. The case provides an opportunity for the ICJ to interpret and apply principles of customary international law, including those related to territorial sovereignty, the use of international rivers, and the protection of shared ecosystems. The deliberations within the court thus offer insights into the



careful analysis required to balance state sovereignty with the broader principles of environmental conservation and regional stability.

The complexities of the case extend beyond the legal aspects, delving into diplomatic efforts and negotiations undertaken by the parties to manage the border disputes. The legal battle encapsulates the broader challenges faced by countries when addressing territorial and environmental disputes, requiring them to find avenues for cooperation and peaceful resolution while safeguarding their national interests. The case also underscores the vital role of international courts as neutral arbiters, providing a forum for nations to resolve disputes within a framework of established international norms and legal principles.

### **Questions to Consider**

1. How does the case highlight the role of international courts as neutral arbiters in resolving complex disputes involving territorial claims, environmental concerns, and diplomatic relations?
2. To what extent does the case consider the potential impact of the disputes on regional stability and cooperation in Central America?
3. How does the ICJ interpret and apply customary international law principles related to territorial sovereignty and shared ecosystems in this case?
4. What diplomatic measures have both Costa Rica and Nicaragua taken to resolve the border disputes outside of legal proceedings? How effective have these efforts been in managing the conflicts?
5. How can we strike a balance between respecting a nation's territorial sovereignty and addressing concerns about environmental damage in border regions?

### **Helpful Links**

1. International Court of Justice: “Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)”





- a. <https://www.icj-cij.org/case/150>
2. Climate Case Chart: “Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)”
  - a. <http://climatecasechart.com/non-us-case/certain-activities-carried-out-by-nicaragua-in-the-border-area-costa-rica-v-nicaragua/>
3. Cincinnati College of Law: “Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua); Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica) International Decisions”
  - a. [https://scholarship.law.uc.edu/fac\\_pubs/450/](https://scholarship.law.uc.edu/fac_pubs/450/)



## Works Cited

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- International Court of Justice. *Asylum Case: Colombia v. Peru - Thomas Jefferson School of Law*, 1950, [www.tjssl.edu/slomansonb/2.7\\_ColvPeru.pdf](http://www.tjssl.edu/slomansonb/2.7_ColvPeru.pdf).
- Cogan, Jacob Katz. “Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua); Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica) International Decisions.” *University of Cincinnati College of Law Scholarship and Publications*, 2016, [scholarship.law.uc.edu/fac\\_pubs/450/](http://scholarship.law.uc.edu/fac_pubs/450/).
- “Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua).” *Climate Change Litigation*, 5 Aug. 2019, [climatecasechart.com/non-us-case/certain-activities-carried-out-by-nicaragua-in-the-border-area-costa-rica-v-nicaragua/](http://climatecasechart.com/non-us-case/certain-activities-carried-out-by-nicaragua-in-the-border-area-costa-rica-v-nicaragua/).
- “Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua).” *Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, 2010, [www.icj-cij.org/case/150](http://www.icj-cij.org/case/150).

