



# **GOMUN 2024 OFFICIAL DOCUMENT**

## **Study Guide**

**International Court of Justice**

Dominik Hinov and Emma Dolečková

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## First Case: OBLIGATION TO NEGOTIATE ACCESS

Dominik Hinov

*This is a fictitious case involving real countries. The case revolves around the 1975 statute of the River Uruguay and the closely related ICJ case “Pulp Mills on the River Uruguay (Argentina v. Uruguay)” The case was written and designed for GOMUN 2024, with any use being permitted only with proper credit given to its rightful author, Dominik Hinov.*

The Argentine Republic (Argentina) and the Oriental Republic of Uruguay (Uruguay) share a long border defined in part by the River Uruguay, which flows into the Atlantic Ocean. The management of this river is governed by the 1975 Statute of the River Uruguay, a bilateral treaty aimed at ensuring the equitable use, environmental protection, and mutual cooperation between both nations concerning the river. The Statute emphasizes the need for consultation and negotiation on any issues affecting the river’s use, particularly regarding navigation and access.

In mid-2023, a conflict arose when Uruguay imposed new restrictions on the use of the river’s estuary, limiting Argentina’s access to the Atlantic Ocean through the river. Uruguay claimed that these restrictions were necessary to protect the sensitive estuarine environment, which was at risk due to increased river traffic, pollution, and overfishing. Citing its sovereign rights to regulate environmental protection within its territorial waters, Uruguay introduced tighter controls, including limiting the size and number of Argentine vessels allowed to pass through the estuary. Uruguay argued that the growing volume of Argentine ships using the estuary for commercial purposes had reached unsustainable levels, threatening marine life and the ecological balance.

Argentina, in turn, accused Uruguay of violating the 1975 Statute by unilaterally imposing these restrictions without prior consultation. Argentina asserted that Uruguay’s actions not only disrupted trade and commerce but also infringed on Argentina’s historic right to access the Atlantic Ocean via the River Uruguay. Argentina argued that the estuary is a crucial international waterway for its economy and that the restrictions hindered the free movement of its goods and vessels. Furthermore, Argentina claimed that Uruguay’s environmental concerns were exaggerated and merely a pretext to assert greater control over the river’s access points.

In response, Uruguay accused Argentina of neglecting its obligations under the Statute by failing to address the environmental degradation caused by its industries along the river. Uruguay alleged that Argentina’s factories and agricultural runoff were major contributors to the pollution affecting the estuary, exacerbating the very environmental risks that Uruguay was attempting to

mitigate. Uruguay argued that Argentina's unchecked industrial activity posed a significant threat to the river's ecosystem and justified its restrictive measures.

Argentina submitted the dispute to the International Court of Justice (ICJ) on September 10, 2023.

### **Argentina claims:**

- Uruguay's restrictions severely hindered its ability to navigate the River Uruguay and access the Atlantic Ocean, which is vital for Argentina's commercial shipping and trade. These restrictions have disrupted Argentina's economy, particularly its export sector, which relies on the river as a key trade route.
- that Uruguay's unilateral decision to restrict access to the river's estuary, which is Argentina's primary route to the Atlantic Ocean, is a breach of Article 4 of the 1975 Statute. By imposing restrictions without prior consultation, Uruguay failed to meet this obligation.
- that Uruguay's actions are disproportionate to the actual environmental risks. Argentina claims that Uruguay has exaggerated the environmental impact of Argentine vessel traffic and that the restrictions are more about asserting control than protecting the river.

### **Uruguay claims:**

- that Argentina was polluting the river and causing harm to the environment
- that its actions were fully justified, as it was protecting its environmental and territorial rights
- that Argentina was neglecting its obligations under the Statute by failing to address the environmental degradation
- that it notified Argentina of the restrictions in advance, as required by the Statute, and that no explicit consent from Argentina was necessary for the implementation of these environmental protections. Uruguay insists it acted within its rights to safeguard its portion of the river and the estuary, which fall under its sovereign jurisdiction
- that the restrictions were necessary to ensure the sustainable use of the River Uruguay and its estuary.

**Helpful sources of law:**

[Statute of the River Uruguay \(1975\)](#)

[Pulp Mills on the River Uruguay \(Argentina v. Uruguay\)](#)

[Obligation to Negotiate Access to the Pacific Ocean \(Bolivia v. Chile\)](#)

[Vienna Convention on the law of treaties](#) - (Articles 26-29, 43, 44, 47, and others, recommend looking through) - **highly important**

[Convention on the Law of the Non-navigational Uses of International Watercourses](#) - **highly important**

[Convention on Environmental Impact Assessment in a Transboundary Context](#)

**Key terms:** 1975 Statute of the River Uruguay, Obligation to negotiate, Estuarine ecosystem, Provisional measures (ICJ), Equitable utilisation Pollution and runoff Access to international waters

The Court is thus faced with balancing Argentina's right to free access to international waters with Uruguay's duty to protect the river's fragile estuarine environment. The central issue is whether Uruguay's environmental restrictions are a legitimate exercise of its rights under the 1975 Statute or whether they constitute an unlawful infringement on Argentina's access to the ocean.

**Questions to consider:**

- Does the International Court of Justice have jurisdiction to consider the application submitted by Argentina to determine whether Uruguay is in violation of the 1975 Statute of the River Uruguay?
- To what obligation is each nation under the 1975 Statute?
- What precedent, if any, is there for interpretation of the 1975 Statute, and what precedent would be set for a decision?

## Second Case: CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Dominik Hinov

*This is a fictitious case. The case was written and designed for GOMUN 2024, with any use being permitted only with proper credit given to its rightful author, Dominik Hinov.*

The Republic of Gallenia and the State of Nymira have shared a turbulent history, marked by ethnic and political tensions between the Gallenian majority and the Nymiran minority, which resides mostly in Nymira's border regions. Despite several peace agreements over the past decade, hostilities have flared repeatedly. Both countries signed and ratified the **Convention on the Prevention and Punishment of the Crime of Genocide** in the early 1990s.

In early 2023, the situation escalated when Gallenia launched a military operation in its northern region, near the border with Nymira, in response to armed unrest occurring, attributing the situation to separatists trying to sow terror. Gallenia claimed that the Nymiran government had been arming and funding separatist militias within Gallenian territory, inciting rebellion against the Gallenian state. During the military operation, several villages with predominantly Nymiran populations were destroyed, resulting in the deaths of thousands of civilians.

As a result of the military operation, the separatist forces were effectively wiped out, with no foreseeable possibility of the particular secessionist group reorganising in the future. Various experts and sources supported Gallenian claims that the armed groups engaged in skirmishes and battles in a guerrilla-style manner, as well as hiding troops and equipment in populated civilian areas. Gallenian authorities claimed that these villages were strongholds of separatist fighters and that civilian casualties were an unfortunate consequence of legitimate military operations aiming to rapidly mitigate an imminent threat. Accusations and rumours that the separatists were using chemical weapons of Nymiran origin came out, however, no credible source could confirm this. Credible sources did provide the general public with evidence that found separatist equipment and weaponry had been manufactured in Nymira, with some rifles and body armour being non-export models, meaning that the secessionist forces could not have acquired the arms and equipment via a 3rd party reselling Nymiran export arms. Nymira, known for its expansive weapons production, is a country with an economy revolving around manufacturing and has already faced scandals involving the sale of arms to shady companies and organisations, and even the production of chemical weaponry, which its strong chemical industry can do.

Many international human rights organisations, however, documented testimonies from survivors who described the perpetration of systematic violence

by Gallenian Armed Forces targeting the Nymiran ethnic group, including mass killings, forced deportations, and destruction of cultural sites. These reports led to accusations that Gallenia's actions constituted acts of genocide, specifically against the Nymiran minority. Satellite imagery Bombs had been dropped within proximity of settlements and unguided artillery reportedly fired indiscriminately upon entire areas, in some cases based on months-old intelligence reports, without positive target confirmation.

Meanwhile, human rights groups began documenting cases of Nymiran authorities and police targeting Gallenian civilians living in Nymira as revenge for the casualties of the Gallenia military operation. Several instances of systemic harassment were recorded, with many encounters turning violent, and Gallenians had their living conditions worsen significantly. Some village populations along the border were also relocated further away from it, with the reasons given being the unstable and unsafe situation of the border areas. Nymira's government dismissed these reports as exaggerated or fabricated. Some experts suggested this was part of a broader strategy by Nymira to cleanse its border regions of any potential Gallenian sympathizers.

Nymira submitted a case to the International Court of Justice on July 15, 2023.

#### **Gallenia Claims:**

1. that its military actions were directed solely against armed separatist groups, not civilians, and were necessary to protect its territorial integrity.
2. that there was no intent to destroy, in whole or in part, the Nymiran ethnic group, which is a key requirement for the crime of genocide. Civilian casualties were an unintended consequence of combat operations, not deliberate targeting.
3. Nymira violated the Genocide Convention by sponsoring militias that committed atrocities against Gallenian civilians in border regions, amounting to ethnic cleansing.
4. that Nymira's support for separatist movements within Gallenia constitutes a violation of Gallenia's sovereignty and is an act of aggression under international law.

#### **Nymira Claims:**

1. that Gallenia's military actions, including mass killings, forced displacement, and destruction of villages, were deliberately aimed at the Nymiran ethnic group, with the intent to destroy them as such, constituting genocide under Article II of the Genocide Convention.
2. that Gallenia violated its obligations under the Genocide Convention to prevent genocide by not taking measures to avoid mass violence against the Nymiran population.

3. that Gallenia's military operations were not justified and that the destruction of civilian villages was disproportionate and unlawful, targeting innocent Nymiran communities rather than legitimate combatants.
4. that the Court issue provisional measures to halt Gallenia's ongoing military actions against Nymiran-majority areas and to allow for humanitarian aid access.

### Key Terms:

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Ethnic cleansing
- Intent to destroy (genocide)
- Armed separatist groups
- Territorial integrity
- Sovereignty

### Relevant Sources of Law:

- [Convention on the Prevention and Punishment of the Crime of Genocide \(1948\)](#)
- [Rome Statute of the International Criminal Court](#) – Articles on Genocide (6, 7)
- [Armed Activities on the Territory of the Congo \(DRC v. Uganda\)](#) – ICJ Judgment
- [Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia v. Serbia and Montenegro\)](#) – ICJ Judgment, 2007
- [Draft Articles on Responsibility of States for Internationally Wrongful Acts](#)

### Questions to consider:

- What actions constitute a genocide?
- To what extent should the Gallenian government be held responsible for the killings of civilians?
- Can the attacks on predominantly Nymiran citizens be considered ethnic cleansing?
- Was Gallenia justified in launching their attacks on Nymiran territory?
- Can the discovered Nymiran army equipment be considered sufficient evidence that the government supported the separatists?
- Should Gallenia be required to pay reparations for the damage they caused?
- Can Nymira be held accountable for fueling the conflict through the trafficking of army equipment, especially considering the reselling to third parties?
- How do Nymira's past faults factor into the legal evaluation of its role in this conflict?

## Third Case: VIENNA CONVENTION ON CONSULAR RELATIONS

Dominik Hinov and Filip Choděra

Etruria and Abdelkader are two states that have diplomatic relations.

On July 21st, 2019, late at night, the emergency service in Abdelkader received a phone call from the embassy of Etruria. An employee of the embassy reported that a fire was spreading in the embassy and requested help. Abdelkader firemen arrived minutes later and evacuated the embassy. The ambassador was not present at the premises at the time. The firemen were then able to extinguish the fire and, as is required under Abdelkader law in such cases, restricted access to the building until the safety of the site was examined by a structural engineer. During a period of 14 days, no embassy employees or diplomats, despite the ambassador's protests, were allowed into the embassy building.

On July 29th, a prominent media outlet in Abdelkader released an article indicating that, based on confidential sources with access to the archives of Etruria's embassy, embassy staff were engaged in the sale of illegal drugs. These substances were reportedly smuggled into the country through diplomatic baggage to support the embassy's finances. The article claimed that this practice was commonplace within the embassy, attributing it to Etruria's struggling economy, significant public debt, and the elevated cost of living in Abdelkader.

Acting on this allegation, Abdelkader inspected the diplomatic bag of an employee of Etruria's embassy who was coming into Abdelkader by plane that day. The inspection found a large amount of fentanyl, methamphetamine, and other illegal substances.

Upon the employees' return to the embassy, they found that the door to the embassy archives had been broken open. The door was locked at the time of the evacuation. Abdelkader commented that entering the room was necessary to contain the fire.

On September 30th, Etruria's government published a report regarding their investigation of the causes of the fire. The investigation found remains of a fire accelerant and glass in a room facing a residential area. The report concluded that the window in that room was broken and that all evidence suggests a case of arson.

On October 10<sup>th</sup>, Abdelkader made an arrest in the case, confirming that it was arson. The arrested individual was a 32-year-old man who was employed in a government agency under the Etruria Ministry of Interior. He admitted to throwing a Molotov cocktail into the building window in an attempt to conceal evidence of his past involvement in the sale of narcotics, and in an attempt to get back at his ex-wife, the Ambassador of Etruria to Abdelkader. Abdelkader also



concluded that there was a sufficient police presence in the vicinity of the embassy on the night of the fire and that the arson attack was perpetrated from a private apartment in a nearby building. Under such conditions, the police could not have been expected to prevent such an attack.

Etruria submitted its dispute with Abdelkader to the International Court of Justice.

**Etruria claims:**

- that Abdelkader failed in its obligation to protect the premises of the mission
- that Abdelkadern firefighters illegally entered the premises of the mission
- that Abdelkader violated the archives of the mission
- that the inspection of the baggage was illegal, as it was based on illegally acquired, and thus inadmissible information

**Abdelkader claims:**

- that Abdelkader took appropriate steps to protect the embassy and thus cannot be held responsible for the fire
- that the actions of the firefighters were requested by an emergency call
- that the employees could not have been allowed to the embassy after the fire due to safety concerns, as it was yet unclear whether the building suffered structural damage
- that entering the archives was necessary to prevent the fire from spreading
- that if archives were violated, it was based on a suspicion of criminal activity, which proved true, and thus it was legitimate

**The advocates shall find helpful the following sources of law:**

1. Draft Articles on Responsibility of States for Internationally Wrongful Acts
2. Vienna Convention on Diplomatic Relations – Article 22, 24, 29, 36 (2), 41  
-Compare to Vienna Convention on Consular Relations – Article 31
3. Case concerning U.S. Diplomatic and Consular Staff in Tehran (U.S. v. Iran); I.C.J. Reports 1980, p. 3
4. Vienna Convention on the Law of Treaties - Article 27

This is the end of this document.