



American Model United Nations International

THE INTERNATIONAL COURT OF JUSTICE

Dissents to the majority decision as follows:

Justice Jin of China
Justice Tague of Germany
Justice DeLay of Venezuela

Submit the following dissenting opinion in the case of Nicaragua v. Honduras.

We must respectfully dissent from the majority opinion. We base this dissent on our previous decision in regard to the North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands).

In our opinion we find that both Honduras and Nicaragua have equal legitimate claims to the disputed territorial waters. Because of this, we cannot rightfully award the entire disputed territory to one party. Therefore, under the guides of the law of equity found in the ICJ North Sea Continental Shelf Cases, Article 1, Section 88,

“Whatever the legal reasoning of the Court of Justice, its decision, must, by definition be just, and therefore in that sense equitable. Nevertheless, when mention is made of a court dispensing justice or if declaring the law, what is meant is that the decision finds its objective justification in considerations lying not outside but within the rules, and in this field it is precisely a rule of law that calls for the application of equitable principle.”

The claim put forth by Honduras involving Law of the Seas clearly defines a maritime boundary as “a delimitation line that runs straight easterly on the parallel of latitude from the point fixed on the mouth of the Coco River.”

However according to the claim put forth by Nicaragua a differing border is established through historical precedence.

Because of the equally weighty issues put forth by both sides, we find it would be unjust to find in-favor of either party. Therefore we feel that the disputed territory should be divided equally and each part receive an equal portion.

Therefore we dissent from the majority opinion

Justice Jin of CHINA

Justice Tague of GERMANY

Justice DeLay of VENEZUELA