



American Model United Nations

International Court of Justice

INTERNATIONAL COURT OF JUSTICE OF THE AMERICAN MODEL UNITED NATIONS

ARGUED: NOVEMBER 18, 2007

DECIDED: NOVEMBER 19, 2007

COSTA RICA v. NICARAGUA

Concurring Opinion:

This opinion writes in agreement with the majority and accepts all notions put forth by the majority regarding their opinion except to separately clarify the reasoning for establishing jurisdiction in the matter of Costa Rica v. Nicaragua. This opinion arrives in its conclusion based on the notions foundationally outlined in the *Treaty of Bogota*, which provides for a means to exercise jurisdiction in this matter. It shall be incumbent upon this court to interpret matters of international law. We shall in fact mandate that we have the duty to establish a ruling that holds true to international law while refraining from interjecting personal biases. Addressing the applicability of all treaties in this matter, it is important to recognize and decipher the intentions of the parties in reference to the timeline of subsequent events leading to the reservation issued on October 23, 2001. The reservation states the following:

Nicaragua will not accept the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made respectively, prior to 31 December 1901.

In assessing the language of the reservation, it is interpreted by this opinion, that no dispute or matter prior to 1901 will be acknowledged as under the jurisdictional boundaries of the International Court of Justice by Nicaragua. Nicaragua contests that this reservation prevents this body by being competent to adjudicate this manner in regards to the *Treaty of Limits* of 1858. Regardless if Nicaragua accepts our jurisdiction from the time period of the signatory of the *Treaty of Limits* in 1858 to the year of 1901, they still are agreeing to uphold the remaining aspects of said treaty. It is necessary to realize that at that point from 1858 to 1901, the current dispute was not yet brought up. Rather, it was after 1901 that the violations of the *Treaty of Limits* occurred. Therefore, any signatory to

conventions after that date which provide that the International Court of Justice does in fact have exercisable jurisdiction, are still relevant and enforceable. It only follows that the *Treaty of Bogota* which both Costa Rica and Nicaragua are signatory to, be highly indispensable and this case looks to the *Treaty of Bogota* as a foundational backbone in establishing this opinion to provide jurisdiction on the issues of violations of the *Treaty of Limits*.

The differentiation between the majority opinion and this concurring opinion stems from the line of reasoning to which we have drawn from. It is crucial to distinguish that the *Treaty of Bogota* is a means to which this body looks to in providing jurisdiction to address violations in the *Treaty of Limits* and not the other way around.

President Gender

Justice Campbell