



American Model United Nations

International Court of Justice

INTERNATIONAL COURT OF JUSTICE OF THE AMERICAN MODEL UNITED NATIONS

ARGUED: November 19, 2007

DECIDED: November 19, 2007

THE REPUBLIC OF COSTA RICA v THE REPUBLIC OF NICARAGUA

Dissenting Opinion:

This opinion finds in agreement with The Republic of Nicaragua and does not accept jurisdiction in this case.

We do not accept jurisdiction on the case of the Republic of Costa Rica v. Republic of Nicaragua based on the Statue of the International Court of Justice, Article 36. The Republic of Nicaragua reserves their sovereign right to not fall under the jurisdiction of the International Court of Justice.

o This Court finds that in accordance with the American Treaty on Pacific settlement “Pact of Bogotá” where it is clearly stated: “*Consequently, in the event that a controversy arises between two or more signatory states which, in the opinion of the parties, cannot be settled by direct negotiations through the usual diplomatic channels, the parties bind themselves to use the procedures established in the present Treaty...*” The Republic of Nicaragua is currently still interested in direct negotiations through the usual diplomatic channels. Therefore, the Republic of Nicaragua is not bound by the procedures of this treaty.

o We believe that the Republic of Nicaragua is not forced to come before the International Court of Justice on the grounds of the *Treaty of Limits of 1858* and the *Cleveland Award of 1888*. Therefore, they are not relevant to the jurisdiction of Republic of Costa Rica v. Republic of Nicaragua..

o On the consideration of the reservation of the Republic of Nicaragua of 2001, we find that it does not invalidate the *American Treaty on Pacific* settlement “Pact of Bogota” because both parties would have to agree that the diplomatic channels are exhausted and would therefore be bound to use a third party for mediation, in this case, the International Court of Justice.

We find that the Republic of Costa Rica’s concerns in regards to the violations of the *Treaty of Limits of 1858* and the *Cleveland Award of 1888* have merit, however for the aforementioned reasons we believe that, at this time, the International Court of Justice

does not have jurisdiction. We find that previous rulings of the Central American Court of Justice are irrelevant in that the International Court of Justice does not believe in the jurisprudence of stare decisis. We do not find sufficient evidence and clarification of The Republic of Costa Rica's accusations that the Republic of Nicaragua has failed in all attempts at diplomatic solutions.

Justice Fritz

Justice Stinyard

Justice Champagne

Justice Meyer

Justice Vatan :