



*American Model United Nations*

## **International Court of Justice**

*IN THE INTERNATIONAL COURT OF JUSTICE*

COSTA RICA, )  
APPLICANT )  
V. )  
NICARAGUA, )  
RESPONDENT )

### MEMORIAL OF THE REPUBLIC OF NICARAGUA

COMES NOW the Republic of Nicaragua and for their Memorial to the Court states the following:

### STATEMENT OF THE FACTS

The Government of the Republic of Costa Rica has sought judgment from this International Court of Justice (ICJ) on matters pertaining to navigational rights on the San Juan River. Costa Rica has asked the court to determine whether or not the Republic of Nicaragua has disregarded its obligations to Costa Rica on this issue, as defined in the 1858 Treaty of Limits, and as awarded by American President Mr. Grover Cleveland in 1888. By requesting a ruling on this matter, the Government of the Republic of Costa Rica has n

aturally implied that the ICJ maintains jurisdiction over these issues.

## STATEMENT OF LAW

1. The sovereignty of independent states is a fundamental principle of international law. It is this concept which ensures that every state has the undeniable right to determine its own destiny, and which guarantees that no one state, neither independently nor through the guise of an intergovernmental organization, will be granted dominion over any other state.
2. Article 36 of the Statute of the Court of the International Court of Justice addresses this issue of sovereignty in defining the jurisdiction of this Court. It is put forth in Section 2 that states “may at any time declare that they recognize ... the jurisdiction of the Court”; and in the following Section 3 that those “declarations ... may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.”

## STATEMENT OF JURISDICTION

3. The ICJ does not have jurisdiction in this case due to the reservation claimed by the Government of the Republic of Nicaragua, signed and submitted on 23 October 2001, in accordance with the aforementioned Article 36 of the Statute of the Court. The text of this reservation reads as follows: “Nicaragua will not accept the jurisdiction or competence of the International Court of Justice in re

lation 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.” Because the Government of the Republic of Costa Rica has built its case primarily around two rulings, both issued before the stated above, the case is outside of this Court’s jurisdiction.

## ARGUMENTS

4. The Government of the Republic of Nicaragua posits that this Court is without the competence and jurisdiction to hear this case, and thus considers the suit to be without grounds, and so unable to be moved forward.

## SUMMARY AND PRAYER FOR RELIEF

The Government of the Republic of Nicaragua understands this case to be outside of the jurisdiction of this Court, and thus does not consider it to be within this Court’s authority to rule on it. Further, Nicaragua fully expects that this Court, seeking to uphold international law and to retain its own integrity and credibility, and not wishing to invade the sovereignty of any independent state, shall reject this case on the stated grounds.