



American Model United Nations
International Court of Justice

IN THE INTERNATIONAL COURT OF JUSTICE

**DEMOCRATIC REPUBLIC OF THE CONGO,
APPLICANT**

V.

**REPUBLIC OF UGANDA,
RESPONDENT**

MEMORIAL OF THE REPUBLIC OF UGANDA

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

STATEMENT OF LAW

1. Article 51 of the United Nations Charter states: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”
2. The Lusaka Ceasefire Agreement, Article 3 states in section 10: “The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons.”
3. The Lusaka Ceasefire Agreement, Article 3 states in section 17: “The Parties to the Agreement shall take all necessary measures aimed at securing the normalization of the situation along the international borders of the Democratic Republic of Congo, including the control of illicit trafficking of arms and the infiltration of armed groups.”
4. The Lusaka Ceasefire Agreement, Annex A, Chapter 12 states: “12.1 Normalization of the security situation along the common borders between the Democratic Republic of Congo and its neighbors requires each country not to arm, train, harbor on its territory, or render any form of support to subversive elements or armed opposition movements for the purpose of destabilizing the others.”
5. It is commonly understood in international principle and law that all states hold a duty of vigilance in regards to the prevention of violations of International Human Rights, International Humanitarian Law, or any aspect of the United Nations Charter; including (but not limited to) acquiescence to the actions of rebellious factions, permittance of acts of aggression towards neighboring states, and the harboring of those who have committed such acts of aggression in the past.
6. The 1961 Vienna Convention on Diplomatic Relations, Article 45 states: “If

diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

1. The receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives.”

STATEMENT OF FACT

After President Mobutu’s army left, Eastern Congo was left in a state of lawlessness and Ugandan forces were called in to regain and maintain order. This arrangement had been formalized with President Kabila "by written agreement dated 27 April 1998." The Republic of Uganda holds that actions in the Democratic Republic of the Congo were not acts of aggression, but rather acts of international and humanitarian necessity. The presence of Ugandan troops was needed and supported by the Congolese government. The normalization of the relationship has been impeded by lack of effort on the part of the Democratic Republic of the Congo to control paramilitary and rebel groups in the Eastern Congo, whose attacks have interfered with withdrawal of Ugandan troops.

STATEMENT OF JURISDICTION

The Republic of Uganda acknowledges the jurisdiction of the International Court of Justice as granted by Article 36, Section 2, Subsection D of the Statute of the Court; which states that, “The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning the existence of any fact which, if established, would constitute a breach of an international obligation.”

The Republic of Uganda recognizes Article 80, Section 1 of the Rules of the Court; which states that, “A counter-claim may be presented provided that it is directly connected with the subject-matter of the claim of the other party and that it comes within the jurisdiction of the Court.”

ARGUMENTS

The actions undertaken by the Republic of Uganda in the Democratic Republic of the Congo were under the auspices of humanitarian intervention after the dissolution of President Mobutu’s regime. The Republic of Uganda was reacting to the ensuing lawlessness in the Eastern Congo.

Additionally, the Republic of Uganda was exercising its sovereign right and responsibility to defend its borders and its citizens from any threats, including paramilitary organizations. Any military actions taken during the period in question were done in justifiable self-defense against violent forces within the Democratic Republic of the Congo. Therefore, the terms of the normalization of the security situation between the Democratic Republic of the Congo and the Republic of the Uganda in Chapter 12 of the Lusaka Ceasefire Agreement were not met. Because the Democratic Republic of the Congo did not take sufficient action to address the problem of insurgency, normalization

is not a possibility.

Furthermore, by virtue of the Lusaka Ceasefire Agreement, the Ugandan troops that remained in the Democratic Republic of the Congo were there with the expressed consent of the Congolese government. Withdrawing troops is always subject to various conditionalities, and ultimately the timeline must be dictated by the withdrawing troops, in this case, the Republic of Uganda.

Proper protocol was not followed in regard to the treatment of Ugandan diplomatic agents and premises to the Democratic Republic of the Congo, per the 1961 Vienna Convention on Diplomatic Relations. Congolese troops attacked Ugandan diplomatic agents, documents and premises, which, per the Convention, must be protected even in cases of armed conflict or dispute.

SUMMARY AND PRAYER FOR RELIEF

The Republic of Uganda implores the Court to dismiss the case before it based on the grounds that the Democratic Republic of the Congo has no legitimate justification for bringing this case before the International Court of Justice. Uganda prays that the Court and its esteemed justices will dismiss all charges brought against Uganda by the Democratic Republic of the Congo.