



American Model United Nations
International Court of Justice

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

IN THE
INTERNATIONAL COURT OF JUSTICE
OF THE
AMERICAN MODEL UNITED NATIONS CONFERENCE

DEMOCRATIC REPUBLIC OF THE CONGO V. REPUBLIC OF UGANDA

Argued: November 18, 2012
Decided: November 19, 2012

The Majority opinion was signed and agreed to by Justice Clark of Iceland, Justice Cooper of the Dominican Republic, Justice Do of Nepal, Justice Faler of the former Yugoslav Republic of Macedonia, Justice Hoeflein of Ukraine, Justice Kaylor of Singapore, Justice Krasic of Bolivia, Justice Osborn of Australia, Justice Perlin of Bulgaria, Justice Sarchett of Canada, Justice Selmanaj of Panama, Justice Shaw of India, Justice VanHoose of Israel, and Justice Wagner of Nicaragua.

The Court has jurisdiction to rule in this case based on Article 36, Section 2 of the Statute of the International Court of Justice. Furthermore, Article 80, Section 1 of the Special Rules of the Court lend jurisdiction to this body in the settlement of the dispute between the Democratic Republic of the Congo and the Republic of Uganda. As illustrated by both parties' recognition of these documents, this court finds full confidence to make a ruling in this matter.

The petitioner and the respondent have both submitted well-articulated arguments and conclusive evidence in the dispute over Ugandan aggression and militarized occupation in the Democratic Republic of the Congo. The court recognizes that this conflict involves multiple actors; we have limited our opinion to the specific actions of the Democratic Republic of the Congo and the Republic of Uganda. The complexity of this case requires the special attention to multiple principles of international law. The following principles provide the overarching foundation by which we form our opinion.

One of the most important issues in this case is the matter of state sovereignty. Article 2 of the United Nations Charter dictates that the "Organization is based on the principle of the sovereign equality of all its Members."¹ Furthermore, the Organization of African Unity also reflects on the sovereignty of nations and promotes the "sovereignty and

1 UN Charter Article 2.1

37 territorial integrity of Member States.”² Resolution AHG 16(1) of the OAU explicitly
38 states a principle of inviolability of national frontiers among its Member States.

39
40 The principle of non-intervention is also a significant issue of contention in this case. The
41 rule of non-intervention is embodied in Article 2(7) of the UN Charter which binds the
42 Organization and Member States from intervening “in matters which are essentially
43 within the domestic jurisdiction of any state.”¹ This court recognizes Security Council
44 Resolution 3314 and its definition of aggression as “the use of armed force by a state
45 against the sovereignty, territorial integrity, or political independence of another state”
46 found in Article 3, including relevant sub-clauses.

47
48 The International Court of Justice recognizes the pertinence of the Universal Declaration
49 of Human Rights (UDHR) in international and customary law and its widespread
50 applicability to this case.

51
52 In reference to the arguments put forth by the advocates, the court finds the following:
53

54 The claim that Uganda has engaged in military and paramilitary activities against the
55 DRC is valid. Article 38 of the Justice Porter Commission supports these findings based
56 on the evidence that not only are Ugandan forces in the DRC, but upon removal of these
57 government forces, a paramilitary group is being trained by Lt General Salim Saleh, in
58 preparation to continue the commercial activities of the Ugandan government forces.

59
60 The Human Rights Watch report concerning Ituri, “Covered in Blood”, illustrates various
61 examples of Ugandan military presence in the region and their manipulation of local
62 politics. There are currently ten armed political groups operating in the Ituri region, and
63 since 1998, most of these groups have at one point or another been armed, trained, or
64 politically supported by the Ugandan authorities². Furthermore the Ugandan government
65 troops encroached on the domestic politics of the DRC by establishing a new province in
66 1999, thereby destabilizing the government of the DRC.

67
68 These activities are in direct violation of not only the principle of non-intervention, but
69 also of Chapter 12 of the Lusaka Agreement, signed by both parties July 1999.
70 Historically, the court recognizes that the acting government of the DRC invited Ugandan
71 Government Forces to ameliorate the inherent tension of transitioning to a new
72 government. However, the signing of the Lusaka Agreement in 1999 created a new
73 framework for the removal of Ugandan troops as described in Article 17 of Annex B of
74 the Lusaka Agreement which calls for the orderly withdrawal of all foreign forces within
75 180 days as a measure of re-stabilizing the internal politics of the DRC. Chapter 12 of
76 this agreement calls for the normalization of the security situation along the common

2 OAU Charter

1 UN Charter Article 2.7

2 UN Human Rights Watch on the DRC, “Ituri: ‘Covered in Blood’” Vol. 15, No. 11- July 2003

77 borders, however does not grant permission to either party to intervene in the territory or
78 domestic policies of the other. Uganda seeks to justify its activity in the region based on
79 normalization and self-defense. However based on Chapter 12 of the Lusaka Agreement,
80 Article 51 of the UN Charter, S/RES/3314, S/RES/1304, and the Safe Haven Document,
81 this court cannot find this justification to be valid.

82 These documents clearly state that self- defense must be “immediately reported to the
83 Security Council”¹ and that any normalization or stabilization must occur at the border or
84 within the party’s own territory.

85

86 In response to Uganda’s claim that this presence is based on the need to provide
87 humanitarian assistance, this court finds that to be in direct contradiction of the continued
88 acts of aggression committed by Ugandan forces. The Lusaka Agreement, Article 3.10
89 defines humanitarian assistance as “the opening up of humanitarian corridors and creation
90 of conditions conducive to the provision of urgent humanitarian assistance to displaced
91 persons, refugees, and other affected persons.”²

92

93 In contrast, Uganda has committed acts of aggression as defined in Article 3 of the
94 Security Council Resolution 3314. Furthermore Article 5 of the same resolution states
95 “no consideration of whatever nature, whether political, economic, military or otherwise,
96 may serve as a justification for aggression.”³ This court finds no validity in Uganda’s
97 argument for humanitarian intervention based on the blatant disrespect of the sovereign
98 government of the DRC, as demonstrated by the actions of the Ugandan forces, such as
99 acts of violence against nationals of the DRC, unlawful exploitation of natural resources,
100 and a series of human rights violations.

101

102 This body finds the argument presented by the DRC on the treatment of Congo nationals
103 is valid based on the findings in the White Papers submitted to this court. These findings
104 include:

105

- rape of women
- deprivation of liberty
- torture
- degrading treatment
- violation of the rights to health care; and
- murder of innocent civilians

106 These violations spelled out in Article 4.45 and Article 5.46 of the papers are valid in the
107 eyes of this court. Furthermore, the Security Council recognizes human rights violations
108 in the drafting of previously mentioned resolutions that were submitted to this body.

109

110 We recognize the claim of Uganda on actions carried out by paramilitary groups of the
111 DRC. Citing Annex A of the cease fire agreement, clause 17, stating that “parties shall
112 take all necessary measures aimed at securing the normalization of the situation along the

1 UN Charter Article 51

2 Lusaka Agreement, Article 3.10, 1999

3 S/RES/3314 Article 5

113 borders of the DRC.”¹ However, this does not justify the full-scale presence and actions
114 of Ugandan troops in the DRC.

115

116 We find the following for relief:

117

118 This court finds that the Ugandan troops in the DRC have exceeded the time frame of the
119 original agreement. Furthermore, the International Court of Justice holds that the
120 Republic of Uganda shall remove its military forces from the territory of the DRC. In
121 light of our opinion, this court recognizes the need for reparations to be awarded to the
122 DRC for any and all losses incurred during Ugandan occupation. This court awards
123 reparations to the DRC by Uganda and defers the administration of said reparations to the
124 office of the Secretary General.

125

126 Hereby Signed:

127

128

129 *Justice Clark*

Justice Cooper

130

131 _____

132

133 *Justice Do*

Justice Faler

134

135 _____

136

137 *Justice Hoeflein*

Justice Kaylor

138

139 _____

140

141 *Justice Krasic*

Justice Osborn

142

143 _____

144

145 *Justice Perlin*

Justice Sarchett

146

147 _____

148

149 *Justice Selmanaj*

Justice Shaw

150

151 _____

152

153 *Justice VanHoose*

Justice Wagner

154

1 Lusaka Agreement, Annex A, Article 17, 1999