



*American Model United Nations*  
**ICJ**

The consensus opinion was signed by and agreed to by Justice Chelsea Reinartz, Justice Zach Rolinski, Justice Lexie Henning, Justice Juli Baldrige, Justice Brandon Wood, Justice Melissa Cobb, Justice Keith Murphy, Justice Ryan Bird, Justice Kimberly Marek, Justice Sidney Larsen, and Justice Jacque Tio.

The issue of jurisdiction is three-fold. Under chapter sections one and four of the United Nations Charter, the interpretation of treaties issue in Article 36 section 2a of the statute of International Court of Justice rules. The court has jurisdiction to rule regarding A. the interpretation of treaties; B. any question of any international law; C. the existence of any fact which, if established, would constitute a breach of international obligation; D. the nature or extent of the reparation to be made for the breach of an international obligation as stated in the Statute of the International Court of Justice. Disputes arising out of the interpretation or application of the convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the court by any application made by any party to the dispute being a party to present protocol as stated in Article 1 of the Optional Protocol Concerning the Compulsory Settlement of Disputes of 1961. Furthermore confirmed by the Vienna Convention on Consular Relations of 1963 in article 36 1(c), establishing the right for states to have access to their nationals and legally represent them within a differing domestic court. The jurisdiction of this court lies in the aforementioned conventions and treaties as ratified by both the Federal Republic of Germany and the United States of America.

Regarding the second issue of jurisdiction of the individual rights of the LaGrand brothers, the court does not have jurisdiction pertaining to this matter. As such, the court will not rule on this particular aspect of the request made by the Federal Republic of Germany. For reparations in this matter, the court also does not have jurisdiction over the potential breach of individual rights.

Pertaining to the third issue of jurisdiction, the Federal Republic of Germany and the United States asked this court to utilize the court's jurisdiction under articles 27 and 46 clause 1 and 2 of the Vienna Convention on the Law of Treaties. Article 27 articulates that a state cannot use internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46. Clause 1 and 2 articulate that 1. A state is not bound to its obligations to treaties when there is a fundamental violation of the state's internal law; and 2. States must objectively operate in standard practice and good faith in violating international law with reference to a state's domestic law. The court recognizes that through the United States of America's constitutional ratification process, the United States' Senate approved, without reservation, the aforementioned treaties establishing them as domestic law. Thus voiding the United States' ability to deny jurisdiction of the court in their claims that the aforementioned treaties fundamentally violate domestic law, as through this process the aforementioned treaties are no longer considered only

international law but domestic law as well and in signing any treaty, signatories agree to fulfill the obligations set forth in the treaty to the best of their abilities. Thus, the United States has an obligation as signatory to implement domestic laws in accordance with its duty to international agreements.

The opinion and explanation of reasons of the court is as follows:

First, the court finds that the United States of America is, in fact, guilty of violating the Vienna Convention on Consular Relations of 1963. Under article 36 of said treaty, governments have the right to contact and represent the state's nationals in a foreign state's domestic judicial system, and it is the duty of the foreign government to notify the national of their right to inform their home state and seek counsel and representation from said state in representation of the foreign government's domestic judicial system.

Second, the court would like to recognize the disparities of the US original domestic law and the adoption of the Vienna Convention on Consular Relations of 1963 into US domestic law. Therefore, current US federal laws contradict each other.

Third, the court will not rule on the possibility of reparations due to the fact that this body does not have jurisdiction over individual's rights pertaining to a legal matter. Thus, the court cannot order the US to pay reparations to Germany.

Fourth, the court recognizes the previous binding decision of the International Court of Justice ordering a stay of execution of Mr. LaGrand.

Therefore, the court orders the following:

The court does not order reparations at this time. However, recognizing that this is not the first instance of the US violating the Vienna Convention on Consular Relations of 1963, and to prevent continued violations of said treaty, the court discourages the US against further violations as reparations may later be issued.