



*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, Justice Jacque Tio, and Justice Matthew Lillard.

The court has jurisdiction over the case stated in chapter sections one and four of the United Nations Charter, the interpretation of treaties issue in Article 36 section 2a of the International Court of Justice rules. In addition, both parties agreed to the jurisdiction of the court. As a result of the court being asked to interpret and/or analyze the case of the Plurinational State of Bolivia v. the Republic of Chile with specific regard to the Treaty of Commerce, The Treaty of Peace and Amity, and the Treaty between Chile and Bolivia for the transfer of Certain Territories of 1895 and 1896.

The court was asked to examine the Border Treaty of 1866, the Truce Pact of 1884, the American Treaty on Pacific Settlements, and the Pact of Bogota States of 1948. The court finds that these were not relevant to the arguments because the aforementioned treaties relied upon by the advocates were either not relevant, later treaties included all helpful information, or were not necessary to inform the opinion. Therefore they were not considered in regard to the issues of the case.

The petitioner and the respondent have demonstrated conclusive evidence that the issues surrounding the Litoral Territory are sufficiently complex and have not previously been resolved by numerous treaties, as both parties have not been able to come to a sufficient conclusion so far.

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

It is the opinion of the court that due to the ambiguity on the Treaty of Commerce and Trade of 1896, the court finds that Chile has met the terms of the treaty to the best of Chile's abilities. The court found that the Treaty of Commerce had two main parts that were relevant to the court's decision; the protection of nationals in the Litoral region which was clearly met, however at its face the treaty did not establish clear guidelines for the financial aspects of trade dealings. The Chilean government has established policies conducive and preferential to Bolivian commercial interests.

Furthermore, on the issue that Bolivia raised as to the ratification of the Treaty of Commerce, The Treaty of Peace and Amity, and the Treaty between Chile and Bolivia for the transfer of Certain Territories of 1895 and 1896, the court finds that all three treaties were, in fact, ratified on April 30, 1896 by both parties in Santiago, Chile. The Treaty of Peace and Amity has been fulfilled by both parties, as agreed upon in this court by both advocates. The Treaty between Chile and Bolivia for the transfer of Certain Territories has been implemented in full; the disputed region of the Litoral Territory remains in

control of the Chilean government. The act of Chile taking upon Bolivia's debt, as agreed upon by the Peace and Friendship Treaty of 1904, and the act of sustaining the region both socially, politically, and economically under Chilean military protection after the ratification of the aforementioned treaty, is sufficient evidence for the court to conclude that the Litoral Territory is to remain under the sovereign control of the Chilean government.

Therefore, the court orders the following:

First, negotiations are not needed for the control of the Litoral Territory, as it remains under the sovereign control of the Chilean government. The Republic of Chile has met its requirements under the Treaty of Commerce, the Treaty of Peace and Amity, and the Treaty between Chile and Bolivia for the transfer of Certain Territories of 1895 and 1896, thus eliminating the need for further negotiations on the rightful control of the Litoral Territory.

Second, to prevent future disputes over trade barriers between the two countries, the court recommends that the two parties revisit the Treaty of Commerce, specifically referring to its vague financial and municipal policies. The court suggests that in order to maintain current international standards and trade relations, the two parties work with trade organizations such as the Organization of American States, and the policies laid out in the General Agreements on Tariffs and Trade implemented by the World Trade Organization.