



## Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

ARGUED: 24 October 2020

DECIDED: 25 October 2020

1 This Majority Opinion was written by Justice Gadelmann of Norway and signed onto by President Maxwell  
2 of Greece, Vice President Peters, Justice Beginski of Germany, and Justice Galgano.

3 The International Court of Justice (“ICJ” or “Court”) has found that it has jurisdiction to decide this  
4 case according Article 36, Paragraph 2 of the Statue of the Court wherein the Court has jurisdiction in disputes of  
5 international law and as to the nature and extent of which reparations must be made when a breach of an international  
6 obligation occurs. Both countries, The Democratic Republic of the Congo (DRC) and Uganda, are signatories of the  
7 Charter of the Organization of African Unity, under which signatories recognize the principles of sovereign equality  
8 of all Member States and non-interference in the internal affairs of States. Additionally, Article 11, Paragraph 1 of  
9 the Geneva Convention provides the Court with jurisdiction as both Parties have entrusted the ICJ with impartial  
10 arbitration.

11 In 1997, The Democratic Republic of the Congo’s liberation army, the Alliance of Democratic Forces for  
12 the Liberation (ADFL), overthrew the government of Zaire. Laurent Kabila, the leader of the newly founded  
13 government, requested assistance from neighboring countries to maintain order. In July of 1998, the government of  
14 the DRC mandated the departure of any remaining extranational forces. The forces of Uganda did not vacate DRC  
15 territory until July 2003, five years after the DRC issued the mandate.

16 In light of these historical developments, this Court recognizes the following legislation in consideration of  
17 this case. Under Article 43 of the 1907 Hague Regulations, “The authority of the legitimate power having in fact  
18 passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far  
19 as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”  
20 A panel established by the United Nations investigated and confirmed illegal exploitation of natural resources by  
21 Ugandan military forces, contradicting their duty as an occupying power to promote peace and public safety. A  
22 Security Council press release (SC/7057) remarked that the exploitation had “devastating, perhaps irreversible,  
23 effects not only on the Congolese people, but also on the country’s flora, fauna and national parks.” Under Article  
24 53 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, “Any destruction by  
25 the Occupying Power of real or personal property belonging individually or collectively to private persons, or to  
26 the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such  
27 destruction is rendered absolutely necessary by military operations.” According to Article 3 of the 1963 Charter of  
28 the Organization of African Unity, both the DRC and Uganda agreed on the principles of “the sovereign equality of  
29 all Member States” and “the respect for the sovereignty and territorial integrity of each State and for its inalienable  
30 right to independent existence.” As demonstrated in the UN panel findings, the two articles which both Parties  
31 agreed upon have not been upheld.

32 After hearing oral arguments from the respective Parties, and after thorough deliberations, the Court rules  
33 the following:

34 Uganda disregarded its obligation under the 1907 Hague Regulations, as it did not ensure public order and  
35 safety. The occupation and exploitation of resources by Uganda in the territory of the DRC was conducted unlawfully,  
36 and no significant evidence was given to support Uganda’s claim of self-defense. There was no justification for the  
37 extensive exploitation of various natural resources as well as the damages inflicted on the people of the DRC.

38 Regarding reparations, the ICJ encourages the Parties to collaborate to establish what reparations to the  
39 DRC would entail. If the Parties cannot come to an agreement on reparations, the ICJ urges the Parties involved to

40 work through the United Nations or the ICJ.

*Signed By*

*ICJ President Kaitlin Maxwell, Greece*

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Justice Justice Kaitlin Maxwell



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Justice Justice Katie Galgano



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Justice Justice Jack Gadelmann

**Gillian E. Beginski**

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Justice Justice Gillian Beginski



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Justice Justice Nicholas Peters