

**PAPMUN2025**



# **INTERNATIONAL COURT OF JUSTICE**

## **DEAR DELEGATES,**

The Chair warmly welcomes you to the World Health Organization officially. We are honored to lead the delegations participating in this committee at the first edition of PAPMUN. As members of the Chair, our main role is to guide the development of proposals and ideas, so that a meaningful discussion of the topic can be achieved.

We are pleased to welcome delegates to the WHO committee who are aware of global challenges. Providing a critical perspective, forming an objective point of view, and engaging in learning, investigation, and understanding will collectively enrich our experience. The mission of WHO is to collaborate internationally to ensure public health, respond to health crises, promote access to medical care, and recognize health as a human right.

Finally, the Chair would like to thank you for your participation. The presence, sharing, and cooperation is fundamental for the development of the WHO committee. Do not hesitate to share your ideas, remember that each contribution can help diversify the debate. Once more, the Chair is pleased to form part of this meaningful experience for your academic, professional, and personal development. We will meet you at PAPMUN 2025.

Sincerely,



**ALEXA TABE MORALES**

President of the committee

## INTRODUCTION

The International Court of Justice is the principal judicial organ of the United Nations, it was established in 1945 by the Charter of the United Nations, by the end of the Second World War, the Court began work in 1946 at the Peace Palace in The Hague, Netherlands. The purpose of the ICJ is to help states settle disputes in a peaceful manner and to offer legal advice on complicated international problems. This represents international peace and stability by the International Court of Justice, which has proved that countries can sit together and resolve issues on a legal basis rather than based on force.

The mere fact that it is the ICJ places it in a privileged position in international life. It reports directly to both the UN General Assembly and the Security Council. While its decisions are binding, international jurisprudence depends upon states' goodwill and backup from the UN. While the ICJ is an authority on international law, the force it wields emanates from the trust and cooperation among nations.

Conceived from a body called Permanent Court of International Justice, established in 1920 under the League of Nations, following the outbreak of WWII, the League had to give place to the United Nations and the ICJ then came into existence as a new court of justice dedicated to peace and cooperation.

The world, in creating this ICJ, committed itself to the structures that could address conflicts devoid of violence, having in mind that there was indeed a need for a World Court able to move with the times.

From border disputes to environmental concerns, since its inception, the ICJ has taken on cases that affect not just individual countries but also humanity as a whole. The ICJ has changed with the decades, its ways of interpretation of international law in more relevant ways, hence it remains a trusted place for resolving even the most complicated issues.

It is the Statute that flagships the ICJ through its working process, much like its "constitution." All members of the United Nations automatically fall within its framework by virtue of their membership in the UN. Thus, any member state of the UN may bring or intervene in a case before the Court. The Statute of the Court guarantees that the latter acts and functions based on principles of equity and publicity and enforces the principle that, even in those most

troubled moments of international friction, there is always a place for law, dialogue, and peaceful outcomes.

## **NICARAGUA V. GERMANY**

The core of this case before the ICJ is one of responsibility and accountability, with respect to international obligations in the occupied Palestinian Territory. Nicaragua instituted these proceedings against Germany, regarding the latter as indirectly supporting through its acts or omission alleged human rights violations committed within the Israeli-occupied areas of Palestine. Nicaragua also adds that, because of the extensive economic and political relations Germany enjoys with the State of Israel, it is also, in part, responsible for the current and protracted suffering of the Palestinians in those territories. In bringing its Application,

Nicaragua seeks to ascertain whether, as a third-state party, Germany bears any legal responsibility in relation to these alleged violations.

Nicaragua has traditionally been vocal on the rights of Palestinians, frequently taking international forums to express outrage over the populations that suffer at the hands of occupation. By taking Germany to court and not directly Israel, Nicaragua underlines another important perspective: that of responsibility by countries which, while indirectly involved, share political or economic connections. The gist of this legal approach is that Nicaragua considers Germany's actions-indirect as they are-as amounting to adding to the problems of the Palestinians. In other words, what Nicaragua is requesting the Court to do is to consider whether support for a state with such a disputed presence on occupied territories can render a third party partially responsible. For its part, Germany has strongly opposed the claim of Nicaragua on the ground that it has no direct control over and or responsibility for what is happening in the Palestinian territories. To this effect, Germany asserts that it keeps its relations with Israel through its mutual interests in diplomacy and economics and not as an influence on conditions in occupied territories. Of

course, this is the major defense by Germany: to what extent can a country be responsible for the repercussions of its relationships with other nations in places where it does not have any direct involvement? This is a defense based on sovereignty and state independence, which could easily bring into question any assumption of responsibility by Germany for conditions in the Palestinian territories.

The incidents that led to the Nicaraguan claim are rooted in long-standing tensions between Palestinian rights and the treatment of the people in those selfsame territories. Indeed, over the years, Nicaragua has seldom missed any opportunity to raise its voice regarding what it sees as injustice and suffering in Palestine in calling for the international community's attention to the matter. The commitment to the cause of Palestinian rights became more pointed as Nicaragua began to question Germany's role, viewing its relations with Israel as a potential contributor to ongoing problems in the region. These building concerns led Nicaragua to formal legal action in pursuit of a definitive answer from the ICJ on Germany's responsibility in this context.

The actual filing came from Nicaragua on behalf of the Palestinian people for Germany's support of Israel, "indirectly helping the continuance of the occupation," as Nicaragua sees it, in violation of international laws meant to protect human rights. Nicaragua thus attempts to establish whether, through its actions, Germany is in breach of its duty in the prevention of harm to people in a conflict and occupation zone. This is representative of the Nicaraguan belief that even in cases when there is only a tenuous link, countries have an obligation not to act in such a manner as to exacerbate and increase the misery and exploitation of the weakest participants in international relations. Nicaragua's interest in this case itself is linked to the broader concern of human rights and protection under the principles of international law. It considers that Germany, with its history and position in Europe, cannot afford to be indifferent to acts that aggravate the conditions in occupied territories, even if it is not a direct party in a conflict. Based on this

view, the argument of Nicaragua is underpinned by the responsibility to protect binding the international community in preventing harm in areas of prolonged occupation. This goes beyond the immediate situation to indicate that all nations have a responsibility to consider how their policies will affect the most vulnerable populations of other countries.

Therefore, in this case, Nicaragua hopes to push the ICJ to establish a precedent regarding the responsibilities of countries which, even indirectly, support parties involved in contentious conflicts or occupations. A ruling for Nicaragua may change the way nations think about their foreign relations, as they would have to take greater care in thinking through how their relationships impact third-party nations. If the court finds for Germany, however, it could reinforce that nations can come and go within their diplomatic relations without fear that the law will penalize them based on how those relations might have indirect consequences on other parts of the world. Either way, the consequence could be a definition of accountability as defined for a long time by the international community.

## **HISTORY OF THE CONFLICT**

**1871-1918** – The German empire expanded its commercial footprint across Central America, including Guatemala, this was the first formal interaction between these two countries.

1914-1918 – In the First World War, Germany's involvement affected its relationship with countries in Central America because United States had interests.

**1949** – Germany failed to comply with his obligations under the Genocide Convention and the Geneva convention signed by Germany.

**1967** – Six-Day war: after escalated tensions with Arab states, Israel launched a preemptive strike and within six days, Israel defeated the combined forces of Egypt, Syria, and Jordan and captured significant territories:

- The West Bank and East Jerusalem from Jordan
- The Gaza Strip and the Sinai Peninsula from Egypt

- The Golan Heights from Syria

**1979** - The Sandinistas government, led by Daniel Ortega, closed ties between socialists' countries and the Soviet Union.

**1990** - The Sandinistas were voted out of power and Violeta Chamorro became president. Nicaragua re-established closer ties with the United States and Western Europe, including Germany.

**2007** - Daniel Ortega had returned to power and the violent crackdowns led to whispered international condemnation, including Germany.

**2008** - European Council Common Position defines common rules that govern the control of exports of military technology and equipment in Germany.

**2012** - Nicaragua made a claim to expand its maritime territory and the ICJ ruled in favor. This was contested by neighboring countries and tension with overfishing rights and access to marine resources was created.

**2013** - Nicaragua submitted a claim to the United Nations for an expanded exclusive economic zone in the Caribbean Sea which led to protests from neighboring countries, and affected countries like Costa Rica, Honduras, and Germany.

**2022** - The German Government authorized exports of "military equipment and war weapons".

**26 JANUARY 2024** - A military operation conducted by Israel after the attack of the 7 October 2023 resulted in many deaths and injuries, as well as massive destruction of homes. March 2024 - Nicaragua filed in the Registry of the Court an application against Germany involving alleged breaches of international obligations in respect of the Occupied Palestinian Territory.

## UN ACTIONS

The case involves accusations against both Nicaragua and Germany by the occupied Palestinian territories. Nicaragua therefore accused Germany of 'being complicit in and responsible for Israel's breaches of international law through the support, inclusive of diplomatic, military, and economic support given to Israel'.

In 2024, Nicaragua filed a case against Germany due to the continuous enabling, by Germany, of Israel's conduct in occupied Palestinian territory in breach of international law, including the Fourth Geneva Convention and the International Covenant on Civil and Political Rights, among other human rights treaties.

The statement underlined military assistance from Germany to Israel, referring to arms sales and the use of vetoes in the United Nations Security Council for the proposal of resolutions critical of Israeli policies. Nicaragua also accused Germany of promoting the expansion of Israeli settlements in the West Bank and East Jerusalem, which many UN resolutions have declared illegal under international law.

To that, Germany said it stood in solidarity with Israel because of the historical responsibility after the Holocaust, adding that a moral obligation rested on the guarantee of safety within its borders, while threats continued to emanate from groups like Hamas and Hezbollah. The German diplomatic and military aid is meant to shore up Israel's right to self-defense, not to guarantee violations of Palestinian rights. Furthermore, Germany claims that it has always expressed support for a two-state solution and supports peace talks between Israel and the Palestinian territories. The application raises significant legal issues of third-state responsibility under international law given the long-term occupation of Palestinian territory, expansion of Israeli settlements, and human rights violations against Palestinian citizens.

The Court should determine whether Germany's conduct, significantly its support for the policies and practices pursued by Israel in the Occupied Palestinian Territory, has amounted to a violation of its obligations under international law and whether Germany bears responsibility for having facilitated or contributed to the prolongation of the occupation by Israel. The ICJ will have to ascertain the extent of Germany's complicity in the Israeli Palestinian conflict and whether through its support of Israel, it has violated international law.

Among the questions the court is to answer are whether diplomatic, economic, and military support given to Israel contributes to or aids the settlement activities of Israel and its military operations in OPT. Nicaragua insisted that, through blocking UN Security Council resolutions against Israel, especially those criticizing Israeli settlement expansion and military operations in Gaza,

Germany has played a direct role in impunity for the State of Israel. Furthermore, Nicaragua referred to large German weapons sales as evidence of indirect German assistance to the Israeli occupation.

These weapons have been used in military operations within the occupied Palestinian territories and are considered an integral part of maintaining Israel's control over the Palestinian territories, where the humanitarian crisis is growing. Nicaragua further maintained that the conduct of the German state was in direct breach of UN Security Council resolution 2334 (2016), and subsequent resolutions confirming that the Israeli settlements within the West Bank and East Jerusalem "have no legal effect" and are a grave breach of international norms of law. It is hereby contended that Germany is complicit in the breach of such resolutions by continuing to support Israel.

It also points out the responsibility of international law in the behavior of third countries when it comes to areas of conflict. The Hague and Geneva Conventions provide that states shall not endorse actions that lead to international humanitarian law violations, especially in cases of occupation. It is the submission of Nicaragua that by the provision of diplomatic cover and military aid to Israel, Germany is supporting by implication the criminal acts of Israel in the occupied Palestinian territory, in the development of its settlement policy, and in its military operations and blockade.

It may well be that the decision reached within the ICJ will have repercussions extending far beyond the simple determination of whether a third party is held liable for involvement in such a conflict and set a legal precedent for comparable cases in other conflicts throughout the world. And finally, the case is expected to fuel an already robust international debate regarding the balance of power within the United Nations, particularly with respect to the use of vetoes within the UN Security Council. Germany's frequent vetoes of resolutions critical of Israel, particularly those related to settlement building and human rights abuses, will be reviewed as part of the effort to shield Israel from international scrutiny. Nicaragua can well argue that such consistent vetoes on the part of Germany only serve to insulate Israel's actions from accountability and retard international efforts towards a resolution of the situation in the occupied Palestinian territory.

If the ICJ were to rule against Germany, the diplomatic landscape might turn a new leaf vis-a-vis the possibility of increased international cooperation to implement international law in such a conflict.

