

# Background Guide

## 15th Annual AUSMUN



**International Court of Justice (ICJ)**

# Welcome Letter from the Director of Research



Greetings fellow delegates,

It's a pleasure to see you attending the American University of Sharjah's 2022 Model United Nations Convention (AUSMUN 2022). As the age-old adage goes, "with great power comes great responsibility," as delegates of nations at the world's largest international forum, you have a heightened degree of power and responsibility. Not only do you have a say in shaping solutions for the world, and bringing glory to your country, but also the pressure of ensuring that those solutions are pragmatic, feasible, and effective in solving the issues you have set to resolve. Not only do you have a space at the international platform, but also the responsibility to ensure that you set an apt example of your nation for the world to see.

With that being said, I wish you all the best for your preparations and I am really excited to see what your wonderful minds and enthusiastic selves come up with in the committee rooms. Finally, also remember that your responsibilities include having fun and making the best of your time at AUSMUN 2022!

Best Regards,  
Mohammad Amaan Siddiqui  
Director of Research - AUSMUN 2022



# Welcome Letter from the Dais

Dear ICJ Advocates and Judges,

Welcome to AUSMUN 2022! It is a delight to welcome you all to the International Court of Justice (ICJ). The ICJ works to settle disputes between member states in accordance with international law. The two topics selected for this committee are “the Nagorno-Karabakh conflict between Azerbaijan and Armenia” and “Iranian Assets and Disputes based on the Treaty of Amity, Economic Relations and Consular Rights (U.S. vs Iran)”.

We are very delighted to have the chance to hold this year’s conference in person and to go back to what we’re all used to. As chairs, we understand how difficult and challenging ICJ is, but we know that you will be outstanding, and we believe in you. We also understand that going back to having a conference face to face after two years of being online can be a bit nerve-wracking, but we are working on making it as simple and fun as it can be. Your role is going to be very important in this committee and we can’t wait to see your talents and skills!

This background guide should be your first step to preparing for the conference. You are highly encouraged to begin with this guide and your delegation. As your chairs, we promise to try and make this conference as lively, informative and exciting as possible. We are looking forward to meeting you all. We wish you all the best and look forward to a very successful conference! For any questions, you can contact us at: [icjausmun2022@gmail.com](mailto:icjausmun2022@gmail.com)

Best Regards

Jana Ihab Jaradat and Neima Elkarib, Chairs  
Muhammad Umar, Research Assistant

# MUN

## Overview of the Committee

### History

The International Court of Justice is the judicial organ of the United Nations, which was established in 1945 and began operating in 1946. The first ever case was presented by the United Kingdom against Albania in 1947. The court can entertain two types of cases: the first being disputes between states and the second being advisory opinions requested by other UN organs. Only states who are members of the UN and have accepted the court's jurisdiction can file cases in the ICJ. Although the court does not punish leaders, it can involve other UN bodies such as the security council as well as impose UN sanctions. Additionally, The court consists of 15 judges who must come from different countries, each elected by the UN and serving a 9 year term. These organs vote simultaneously but separately and their votes determine the final verdict, with the help of the presidents.

At AUSMUN'22, we will have 2 presidents, 4 counsels (advocates) - 2 of which are applicants and 2 are respondents, and several judges.

The procedure of the ICJ is as follows:

1. The motion to set the agenda is presented with voting procedures, in other words, the topic to begin discussing will be chosen.
2. After the agenda is set, each judge must take an oath.
3. The applicants, who have presented the case to the ICJ, must then make their opening statement.
  - Opening statements should include why they have brought this case to the ICJ as well as facts and evidence they are planning on presenting.
4. The respondents will then give their opening statements.
  - Opening statements must not provide detailed arguments as those will be addressed in the court session.
5. The judges may then question the advocates' opening speeches.
6. The advocates should then present their evidence with the applicants going first in the respondents from them.
  - Evidence may be witness testimonies, newspaper articles, multilateral or bilateral treaties, reports, resolutions, or anything that can help the counsels prove their arguments during trial.
7. The applicants and the respondents may yield their time to questions from judges or opposing counsels.
8. Finally, the judges will have a UN moderated caucus in which they can discuss the evidence and draft a verdict; they will then present this verdict to the counsels.

# Topic I: The Nagorno-Karabakh Conflict between Azerbaijan and Armenia

## Summary and History of the Issue

The conflict between Azerbaijan and Armenians goes back to the 18th century, where they fought over the region now referred to as Armenia and Azerbaijan-as it had incredible significance to both of them. However, the region was ruled by the Russian empire for most of the 19th century. After the empire fell, ethnic Armenians and Azerbaijanis formed the countries Armenia and Azerbaijan and they immediately fought over the Nagorno-Karabakh region. However, 3 years later, the USSR conquered the entire Caucasus, where they turned Armenia and Azerbaijan into republics called Armenian SSR and Azerbaijan SSR. Furthermore, as the Soviet Union saw increasing tensions in its constituent republics in the 1980s, Nagorno-Karabakh was voted to become part of Azerbaijan (A Summary of the Nagorno-Karabakh Conflict, 2021). To put it simply, Nagorno-Karabakh is part of Azerbaijan, but its population is majority Armenian. Until recently, negotiations mediated by international powers had failed to deliver a peace agreement that was effective.

Ethnic Armenians in the Nagorno-Karabakh frequently asked the Soviet Union to join the Armenian Republic but their requests were denied. There weren't signs of war until the Soviet Union began to loosen its grip. In the late 1980s, the Soviet Union announced a new policy, called glasnost, that gave its people more political freedoms. Consequently, Armenians in the Nagorno-Karabakh region started publicly demanding to go back to Armenia. That led to the ancient feuds between Azerbaijan and Armenia erupting.

In Armenia, people rallied for unification. While in Azerbaijan, people responded with counter-protests. Violence soon erupted in Nagorno-Karabakh. As the Soviet Union fell apart, Armenia and Azerbaijan declared independence, escalating the conflict into a war. About 20,000 people died. And over 1 million were forced to flee their homes in the region. The war continued for 3 more years until Armenia took the edge.

In 1994, both sides signed a ceasefire agreement which was brokered by Russia, freezing the conflict. Armenia occupied several pieces of Azerbaijan, as well as Nagorno-Karabakh, which was still legally recognized as part of Azerbaijan even though it had declared itself an autonomous region at the start of the war. This occupation displaced hundreds of thousands of Azerbaijanis from their homes. Meanwhile, Azerbaijan planned a comeback; from 2008 to 2019, it spent \$24 billion on its military which is six times more than Armenia did. All the while reiterating its claim to Nagorno-Karabakh. On the ground, both countries maintained a military presence along the front lines. In 2016, they fought a war that lasted 4 days. Although this conflict is referred to as a frozen conflict, its recent history shows otherwise. It was a smouldering conflict and it reignited when another country suddenly intervened.

# Topic I: The Nagorno-Karabakh Conflict between Azerbaijan and Armenia

In July 2020, when skirmishes broke out in Nagorno-Karabakh, Turkey saw an opportunity and directed its support behind Azerbaijan, whose majority Azeri population is a Turkic ethnic group. Turkey's supply of weapons to Azerbaijan dramatically surged. Which included advanced drones. With Turkish support, Azerbaijan launched the first of its most recent attacks and, in just over a week, soldiers managed to push their way into at least 20 kilometers of Armenian-held territory. A few weeks later, they advanced further into Nagorno-Karabakh and approached the Armenian border. Armenia fought back but was nearly defenceless against Azerbaijan's deadly drones. Then, on November 8, 2021, Azerbaijan secured its greatest victory; It captured the historic city of Shusha, just 15 kilometers from Stepanakert, the capital city. That's when Armenia agreed to surrender. Which led to the ceasefire agreement that dramatically ended the war. This event completely reshaped who controls Nagorno-Karabakh; Azerbaijan will keep what is captured from the Armenian land.

Russia didn't intervene in the war but brokered the ceasefire which called for 2,000 of its troops to serve there as peacekeepers. Turkey also gained a foothold by this time. The deal calls for the construction of a road on the borders of Armenia, which would give Turkey access to Azerbaijan. Furthermore, in agreement with Russia, Turkey decided to send its own peacekeeping troops to the region. So, while Azerbaijan was celebrating and Turkey and Russia won strategic rewards, Armenia was in turmoil. After the deal was announced, mobs stormed government buildings in the capital of Armenia and called for the removal of the Prime Minister. In Nagorno-Karabakh, ethnic Armenians in newly captured areas were forced out. So, Azeris who fled during the previous war could make their way back. Ultimately, the ceasefire agreement that was brokered by Russia does nothing to end the hostility between the two countries.

# Topic I: The Nagorno-Karabakh Conflict between Azerbaijan and Armenia

## Presenting the Case to the ICJ (2021)

In September 2021, after the ceasefire agreements, Armenia filed a case against Azerbaijan in the ICJ regarding Azerbaijan's violations of the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD" or "Convention"), where it claimed that Azerbaijan is discriminating against ethnic Armenians. Therefore, this case is an ongoing case.

## Questions and Suggestions for Further Research

1. What effect did Turkey and Russia's involvement have on this case?
2. Which parts of the International Convention on the Elimination of All Forms of Racial Discrimination would Armenia claim that Azerbaijan violated?
3. What possible motives could Azerbaijan have for taking over Nagorno-Karabakh?
4. What effect will a verdict by the ICJ have on this case?
5. Look into other countries' involvement in this case.

## Topic II: Iranian Assets and Disputes based on the Treaty of Amity, Economic Relations and Consular Rights (U.S. vs Iran)

### Summary and History of the Issue

The feud between the United States and Iran has a long history that dates to the beginning of the 1900s when oil wealth in Iran was monitored by foreign countries. In 1901, the British government encouraged William D'Arcy, a known British businessman, to invest in Iran's oil sector. Britain made a deal between William D'Arcy and the Shah (title of the kings of Iran) of Iran at the time Mozzafar Al-din. This deal allowed Darcy a 60-year concession to transport, prospect and sell petroleum, natural gas, and natural minerals in more than half of Iran. In this deal, the Shah was given \$20,000 in cash and \$20,000 in shares while the Iranian people only received 16% of the profits. This deal setback Iran in its ability to benefit from its own natural resources.

After a large oil reserve was discovered in Southwest Iran, Britain immediately took over and founded the British Petroleum Company (BP) in 1909. Iranian oil remained under British control for the next 50 years to come. However, this was challenged with the rise to power of Mohammed Mossadegh, Iranian politician and later prime minister, who believed that Iranian oil should be nationalized and was against British control. In 1951, Iranian Prime Minister Haj Ali Razmara was assassinated by a supporter of oil nationalization, which led to the passing of the law to nationalize oil in Iran. Approved by the Majlis (the national legislative body of Iran) as well as the parliament on 30 April 1951, this law was known as the 'Nine Point Law' as it included nine articles. This led to the weakening of the Shah Mohammed Reza's power after WW2 as the voices of nationalists in parliament rose. Shortly after, nationalists nominated Mohammed Mossadegh as their new prime minister.

Nationalizing the oil in Iran would impact Britain greatly. They decided to bring forth the case to the International Court of Justice in July 1952 by demanding the placement of embargoes on Iran's oil industry, in an attempt to defeat Mossadegh's power. However, Mossadegh was not willing to give up the nationalization of Iranian oil. The issue between Iran and the US stems from the built-up tension between Iran and Britain and has resulted in a dispute over Iran's natural resources.

## Topic II: Iranian Assets and Disputes based on the Treaty of Amity, Economic Relations and Consular Rights (U.S. vs Iran)

### U.S. Involvement

After a failed attempt by Britain to defeat Mossadegh, they reached out to the U.S for assistance in arranging a coup. This was initially rejected by the president then, Harry Truman however, Britain was able to convince Dwight Eisenhower who was the president at the time, claiming that Mossadegh had communist intentions. Britain and the US then relied on the pro-Shah supporters who took to the streets to protest against Mossadegh's regime. Through this orchestrated coup, Mossadegh surrendered and General Fazollah Zahedi became the prime minister, restoring the pro-western ways of Shah Mohammed Reza. This led to the downfall of the first democratically elected government in Iran, transforming them from a constitutional monarchy to a democracy into a dictatorship and causing present-day issues between the US and Iran.

The Treaty of Amity, Economic Relations, and Consular Rights was signed two years after the coup, in 1955. The treaty consists of articles that emphasize important aspects of maintaining a friendship between the US and Iran, some of which involve diplomatic affairs, and protection of property and imports and exports between the two countries. During this time Iran wanted to attract foreign investors, and the treaty is still valid under international law. In June of 1957, the treaty came into action and has served as the legal framework for bilateral relations between Iran and the US (Kashani, 2018). By 1968, the Nuclear Non-Proliferation Treaty was signed by Iran, permitting a civil nuclear program in exchange for a commitment against obtaining nuclear warfare (Staff, 2020). One year later, the revolution in Iran forced the US-backed Shah, Mohammed Reza Pahlavi, to flee and by April of 1980, the U.S cut diplomatic ties with Iran due to the hostage crisis that took place at the American Embassy in Tehran when students held the staff hostage. By 1984, the U.S listed Iran as a state sponsor of terrorism.

The US-Iran relationship deteriorated further when the U.S. first sanctioned Iran and all Iranian assets in the U.S were frozen. Afterward, in 1988 the US shot down an Iranian passenger plane, which they claimed to be an accident. Under George Bush's administration, Iran was accused of developing an extensive nuclear program and was described to be part of an "axis of evil" by President Bush. As a result, intensified sanctions were imposed on Iran by both the US and the UN. After the first round of sanctions against Iran resumed, it reignited an era of hostility between the two countries and the actions carried out by both countries were counted as violations of the treaty of amity. The Treaty of Amity continued to exist despite these tensions and conflicts over the last four decades.

## Topic II: Iranian Assets and Disputes based on the Treaty of Amity, Economic Relations and Consular Rights (U.S. vs Iran)

### Presenting the Case to the ICJ

The U.S was the first to go to the International Court of Justice while Iran was hesitant to do so after the 1979 revolution in order to avoid indications of their wanting to renew relations with the U.S. After the hostage situation at the US embassy, the U.S went to the ICJ and accused Iran of violating Article II, Clause 4 of the Treaty of Amity, which states that “Nationals of either High Contracting Party shall receive the most constant protection and security within the territories of the other High Contracting Party.” Since then, there have been many hostile actions by both countries which violate the Treaty.

The Treaty allows both countries to legally challenge one another based on the Treaty’s foundation of “friendly relations.” It is an unusual situation in the history of international law because two countries that have cut political ties and taken action against each other for over four decades still have a living Treaty of Amity in place. Under the Trump administration, the US unilaterally withdrew from the Iran nuclear deal, and reimposed nuclear sanctions on Iran.

The basis of Iran’s current case is that the reimposition of nuclear sanctions is in violation of the treaty. Therefore, justifying any potential aggression from their side. The US claims that the re-imposition of nuclear sanctions is outside the jurisdiction of the ICJ and is valid due to “Iran’s failure to adhere to its nuclear non-proliferation obligations.” Which is also a violation of the treaty’s Non-Proliferation of Nuclear Weapons agreement (United Nations Office of Disarmament Affairs, 1970). In 2018, Secretary of State at the time, Mike Pompeo stated that the U.S plans to terminate the treaty of amity and said it should have been terminated 39 years ago considering the constant aggression and tension between Iran and the U.S that has existed since it was signed. An article by Morello (2018) states that the United States tearing up the treaty was a decision made earlier Wednesday in the International Court of Justice, which ordered the Trump administration to lift some sanctions on Iran.

After the treaty’s termination, and despite the ICJ ruling, recent developments have further exacerbated tensions between the two nations. . The most notable examples are the assassination of Qasem Soleimani and the missile attacks against the US embassy in Iraq by Iran-backed militias.

### Questions and Suggestions for Further Research

1. Should the U.S have gotten involved in this case?
2. What is the effect of the 1953 coup on Iran today?
3. What kind of evidence should be considered in this case?
4. The 2019 Luxembourg ruling in regard to frozen Iranian Assets



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