

• • • COSTA RICA INTERNATIONAL
MODEL UNITED NATIONS

SEPTEMBER 2019



INTERNATIONAL COURT OF
JUSTICE

Relocation of the United States
Embassy to Jerusalem
(Palestine vs. United States of

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 Leadership Network

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WELCOME LETTER FROM SECRETARY GENERALS

Dear delegates, facilitators and guests,

It is with the utmost pleasure that we welcome you to the fifth annual Costa Rica International Model United Nations conference at the Radisson hotel. This year, we have the pleasure of sharing this event with participants from around the world. CRIMUN 2019 has been a process that our staff has been working arduously on for 10 months, and we cannot wait to watch it culminate in a successful and educational conference.

From its inception, CRIMUN has strived to be a conference of high educational value and deep personal development, where young people like us can find ourselves in positions of leadership and power that allow us to incite global action. This all happens in an environment where cultural exchange and diplomacy is key to unlocking one's full potential in furthering one's knowledge. By attending this conference, you are inserting yourself into a platform of global leaders and exchanging ideas with some of the world's greatest young minds. With so many of us coming from different backgrounds and experiences, it is inevitable for this conference to become an opportunity for you to learn about global perspectives through first-hand experiences.

Your choice to participate in Model United Nations is not untelling of your character as a global citizen. Activities like these bring together those of us that, despite current conflicts and injustices, believe that we can forge a peaceful world through dialogue and empathy towards others. The personal passion that each and every one of you shows towards your respective topics is a testament to how much you truly care about making this world better for everyone. At the end of the day, the future of the globe is in our hands. It is up to us to find our voices and stand up for each other.

In the three days that you will be accompanying us at the Radisson, you will engage in productive, and at times difficult, debate with your peers. While this may prove to be challenging, you must remember that the committee's sole objective is to unify and not divide, to come together and reach a solution to the situation at hand. Your speaking, writing, negotiation and listening skills will prove to be the greatest tools in constructing plausible solutions that may, one day, become a reality. Embrace the responsibility that this entails, as we are building our future, one step at a time.

We hope that you enjoy this conference and gain life long lessons from it.

Kind regards,

The Costa Rica International Model United Nations 2019 Secretariat

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 Alba Cerna
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INTRODUCTION LETTER FROM DIRECTORS

Dear Judges:

Receive a warm welcome from my part to this International Court of Justice of Costa Rica International Model of United Nations (CRIMUN 2019). My name is Maïke Lara and I am very glad of having the honor to be your director in this ICJ. I am a student from the Dominican Republic involved in Models of United Nations since I was in fifth grade, as you may infer I have been in multiple conferences both nationally and internationally. In addition, I was the first International Court of Justice's judge president of my school MUN.

My co-director, Jorge Herdocia, and I will be working very hard to give you all the opportunity to growth on international law knowledge and debate capabilities. The truth is that Models of United Nations have provided a space of debate focused on the development of those skills that are necessary for this 21st century. You may observe, as capabilities such as oratory and persuasion, will stand out in you, although you have not worked on them previously.

On the debates that will take place on September; we really want you to have fruitful work sessions based on International Law, Customary Law and comparison with other cases already worked at the International Court of Justice in The Hague. All of you, as effective magistrates, should use those tools to have better positions on your work.

I know sincerely that with the right dedication and a hard work of each of us, we will have the honor to say that on CRIMUN's very first ICJ we all did an excellent job. I really want to have a close contact answering all your doubts, so don't be afraid of asking me or Jorge for whatever you may need, reason why we'll be giving you our emails so that we can really work as reliable educators at this process.

So may you all be welcomed to the Costa Rica International Model United Nations;

Maïke M. Lara Espinal

Dear Judges:

I am more than excited to welcome you the International Court of Justice for CRIMUN 2019! My name is Jorge Herdocia and I am from Costa Rica and attend school at the Country Day School. I will be the committee director for the ICJ committee, and it will be my second time directing an MUN committee. I have been attending MUNs since I was in the seventh grade, and began attending CRIMUN since I was in the eighth grade. Similar to my co-director, Maïke, I have been involved in MUN conferences, both internationally and nationally. This conference will mark by third time attending the CRIMUN conference, but my first time chairing an ICJ committee.

As stated previously by Maïke, we will both put in our maximum efforts to make this conference an enriching experience and an enjoyable one as well. This committee will hopefully be a challenging but enlightening committee, which you will learn a lot from and hopefully become a better delegate. In this specific committee, a controversial case will be discussed, were the defendants and accusers of this case will both present strong arguments to defend their position on the case. Through these components we truly wish that you can learn as a delegate and grow as a leader of next generation's diplomacy and politics.

If you have any questions regarding the topic or the committee feel free to ask us via email; we are more than happy to clear all doubts regarding the ICJ committee for CRIMUN. We hope that the following study guide will guide you through the research for this topic, and will perspicuously inform you on the United States vs. Palestine case. Once again, we hope that you enjoy and learn from this committee, and that we, as directors, can guide you through your research of the topic.

Jorge E. Herdocia

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INTRODUCTION TO THE COMMITTEE

The International Court of Justice with its seat in The Hague, is the principal judicial organ of the United Nations. It was established in June 1945 by the Charter of the United Nations and began to work in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, the International Court of Justice is the only one not located in New York (United States of America).

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies (specifically the Security Council and the General Assembly).

History of the International Court of Justice

The creation of the Court represented the culmination of a long process of developing methods for the pacific settlement of international disputes, the origins of which can be traced back to classical times.

In April 1946, the Permanent Court of International Justice (PCIJ) was formally dissolved, and the International Court of Justice, meeting for the first time. The Court

appointed the members of its Registry and held an inaugural public sitting on the 18th of that month. The first case was submitted in May 1947. It concerned incidents in the Corfu Channel and was brought by the United Kingdom against Albania.

Composition of the International Court of Justice

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. A Registry, its administrative organ, assists it. Its official languages are English and French.

Election of the Judges

Judges must be elected from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juris consults of recognized competence in international law. The Court may not include more than one national of the same State. Moreover, the Court as a whole must represent the main forms of civilization and the principal legal systems of the world.

Once elected, a Member of the Court is a delegate neither of the government of his own country nor of that of any other State. Unlike most other organs of

of representatives of governments. Members of the Court are independent judges whose first task, before taking up their duties, is to make a solemn declaration in open court that they will exercise their powers impartially and conscientiously.

Under Article 31, paragraphs 2 and 3, of the Statute of the Court, a State party to a case before the International Court of Justice which does not have a judge of its nationality on the Bench may choose a person to sit as judge ad hoc in that specific case under the conditions laid down in Articles 35 to 37 of the Rules of Court. Before taking up their duties, a judges ad hoc are required to make the same solemn declaration as an elected Member of the Court.

Recent Elections on the International Court of Justice

On 6 February 2018, the Court elected Judge Abdulqawi Ahmed Yusuf (Somalia) as President and Judge Xue Hanqin (China) as Vice-President.

The Information Displayed above was extracted of the Official Page of The International Court of Justice (International Court of Justice of The United Nations).

How an International Court of Justice works on a Model of United Nations

In almost all simulations, the International

Court of Justice is the most important committee. It's composed, as in real life, by 15 magistrates and, if wanted by the directors, some Ad hoc Judges (the official amount of Ad Hoc Judges is limited on the Statue of the Court). These magistrates are called by "His /Her Excellency" and their last names. For example, the directors or the committee will be called: "His Excellency Lara and his Excellency Herdocia". At this CRIMUN edition we are going to have the particularity that in our committee they are also going to be some lawyers representing each state part of the case.

Those lawyers should work with anticipation producing their memorials and counter memorial so the judges can take into account their legal arguments for acting. In addition, during the working sessions, lawyers have to explain the reply and counter reply made in response to the memorials.

Due to the requirements of the Committee, judges instead of turning in a Position Paper, they work on the elaboration of an argumentation script, document that will be explained below. Also, instead of writing a resolution at the end of the working sessions you should work on a judgment for the case, during the elaboration of the document, International law bases that you used in your debate, petitions mentioned on the memorial sent

by the states to the court and other relevant information, must be mentioned and as an ICJ you will explain what you order to do. If you don't agree with the arguments and decisions presented on the judgement by the magistrates, you have the right to express your opinion on a dissident vote.

TOPIC INTRODUCTION

As declared by United States president, Donald Trump, on December 6th, 2017, "It is officially time to recognize Jerusalem as the capital of Israel", marked the official origin of the conflict between Israel and the United States versus the State of Palestine. These two sides had been in conflict over the claim of Jerusalem being the legitimate capital of Israel for decades. Jerusalem is publicly considered to be the true capital of both Palestine and Israel, due to its cultural and religious significance to both nations.

It was no surprise that under a pro-Israel leader, the United States would officially move its embassy from Tel Aviv to Jerusalem; a move cherished by the Israelites and Zionists, but strongly disapproved by the Arab League and the Palestinians. Since 1949, Israel has controlled West Jerusalem, while the Palestinians have controlled East Jerusalem. This division of the city was

established by the United Nations after the Six-Day War. Years after the Six-Day War, Israel illegally seized East Jerusalem and considered it part of Israeli territory.

Under the Resolution 478 of the Security Council, the international community determined that all nations could not establish diplomatic relations through and with the Holy City. Thus, the United States technically did not consider the resolution made by the security council. However, under the American legislation, there are significant loopholes regarding if a president has the power to move the embassy to Jerusalem, this is the Jerusalem Embassy Relocation Act. Under this act, the president of the United States must sign a waiver every six months to prevent the move to Jerusalem. Evidently, President Trump did not sign this waiver, and began the move for the embassy.

The most controversial part of the relocation, is that 37 Palestinians were killed by the Israeli army after protesting the embassy relocation. Hence, this topic is more conflictive than just a simple embassy relocation. In fact, if this change is successful, peace-talks between Palestine and Israel might be delayed or disrupted. On the contrary, it is commonly considered by the Zionists that Jerusalem rightfully belongs to Israel. In addition, by moving the embassy to Jerusalem, the United States and Israel can combat the Hamas terrorist

group more efficiently.

All in all, the relocation of the American Embassy to Jerusalem has two sides of the argument, which is why the Palestinians have taken this issue to the International Court of Justice. Palestine proclaims that the United States has violated the Vienna Conventions on Diplomatic Relations, demanding that Palestine should be considered a nation/state whose sovereignty must be respected by the United States. However, according to multiple international lawyers and the United States, it is considered that Palestine does not have the right to demand for sovereignty, given that they are not considered a nation or a state by many. In the International Court of Justice, the Palestinian Unity Government, formed in 2014, and led by Riyad al-Maliki as foreign minister and Mahmoud Abbas as president, will be defending the Palestinian side.

KEY TERMS

Case: any action or special proceeding.

International Law: a body of rules that control or affect the rights of nations in their relations with each other.

Customary Law: commonly practiced, used, or observed. /* Also refers to the base of those proceedings that tend to be used at International Courts.

Jurisprudence: the course of court decisions as distinguished from legislation and doctrine /* Also refer to those judgements made by a court.

Competence: the ability to function or develop in a particular way /* Also refers to a recognition made by states depending on their interpretation of international law to concede an international court the right to judge any case.

Magistrate: an official entrusted with administration of the laws.

Six-Day War: The six-day war, also called June War, took place from June 5th to June 10th of 1967 between Israel and the Arab states of Egypt, Syria and Jordan. Israel won the very short war and gained control over the West Bank, the Gaza Strip, the Sinai Peninsula and the Golan Heights. In response, the United Nations passed resolution 242, which outlined a basic framework for achieving peace including Israel withdrawing from the territory acquired in the war and all participants recognizing the rights of both a Palestinian and an Israeli state to exist.

Palestine Unity Government: The unofficial political authority of Palestine, which was created in 2015 by president Mahmoud Abbas and minister Riyad al-Maliki. The

government has more control of West Bank rather than the Gaza Strip. The Gaza Strip is mainly controlled by the terrorist group of Hamas.

Zionism: According to the Oxford Dictionaries, Zionism is a movement which was originally concerned with the establishment of a political and religious state for Jewish people and is now concerned with the development of Israel.

Hamas: Hamas is a Palestinian Islamist political organisation. It was founded in 1987 and originally had a dual purpose of carrying out an armed struggle against Israel and delivering social welfare programmes such as building schools or mosques. It wages war on Israel through suicide bombings and rocket attacks. Their charter states that Palestine is an Islamic Homeland that can never be surrendered to non-Muslims and that waging holy war to gain control of Palestine from Israel is a religious duty for Palestinian Muslims.

Tel-Aviv: Considered to be the economic capital of Israel and the internationally accepted political capital of Israel. It is located near the East Mediterranean Sea. Tel-Aviv is the center for the vast majority of the embassies from nations around the world excluding Guatemala, Paraguay, Czechia, Romania, and Honduras, which all

have embassies in Jerusalem.

Green-Line: The green line, officially known as the 1949 Armistice line, is a term which refers to the demarcation line set out in the 1949 Armistice agreements after the Arab-Israeli war, between Israel and its neighbouring countries.

East-Jerusalem: Territory declared by the United Nations to be part of the state of Palestine.

West-Jerusalem: Territory declared by the United Nations to be part of the Israeli state. West-Jerusalem is the home to Muslims, Jews, and Christians, where it is socially and unofficially divided into districts depending on the respective religion.

STRUCTURE OF AN ARGUMENTATION SCRIPT

Instead of presenting a position paper, judges of the International Court of Justice should present an argumentation script which is similar to judges votes in real ICJ.

Presentation Page:

It should contain the name of the case, the parties involved, the appellatives of the directors of the committee and last but not least, the appellative of the author, meaning the judge that is writing the arguments and the date due.

Index:

The table contents of the argumentation script should specify the topic that is going to be treated in it next to the number of the page it's located in.

Recapitulation of the Acts:

The judge has to summarize in brief words what made the applicant party to take the case to the International Court of Justice.

History of the Conflict:

Every magistrate should explain the historical background of the acts made by both parties.

Competence of the International Court of Justice to know this litigation:

Every judge should explain having a good base on sources of International Law (watching the Reglament of the Court and the Charter of United Nations) why or why not the Court is competent to treat the case and pronounce a verdict on it.

Legal Arguments:

This part contains an essential part of the work. Magistrates should explain based on the jurisprudence of the court, customary law, International Law and also the agreements made by the states parties in the litigation, and finally, why you have adopted that position.

Petitions of the applicant state to the International Court of Justice:

Magistrates should explain literally, what the applicant party asked the International Court of Justice. This information appears in the Memorials submitted to the court by the states part of the conflict. You can check this up on the Official page of the International Court of Justice.

Conclusions:

The judge summarizes in a few words his/her legal position on the case considering all the information presented on the argumentation script.

Bibliography:

It is necessary to put the sources of the work. That way, directors will be able to confirm the source of the information. You must quote every single word that is not of your property and should add at then a List of Jurisprudences, Books and any other material consulted for the elaboration of the document.

STRUCTURE OF A JUDGEMENT

Presentation:

The judgment should start with the name and the representative logo of the committee, continued with the date of the judgment and the name of the case that is being evaluated. Below, it should have the

last names of the directors of the committee preceded by "His/Her Excellence" and so the appellative described before of all the judges that were deliberating.

Procedural facts:

Magistrates have to explain clearly, what happened and what made the applicant take the case to the International Court of Justice. In other words, judges present a summary of the facts, evidence and the history of the conflict.

Petitions of the applicant state to the International Court of Justice:

Magistrates should explain literally, what the applicant party asked the International Court of Justice. This information appears in the Memorials submitted to the court by the states part of the conflict.

Petitions of the defendant state to the International Court of Justice

Magistrates should explain as well if it exists, what the defendant party asked the International Court of Justice. This information appears in the Memorials submitted to the court by the states part of the conflict.

Competence of the International Court of Justice to know this litigation:

The court has to explain based on sources

of International Law (considering the Statute of the Court and the Charter of United Nations) why is the Court competent to treat the case and pronounce a verdict on it.

The position of the applicant state:

It has to contain a summary of what bases of sources of International Law had the applicant party presented to the Court and a type of summary on the memorial made by this part.

The position of the defendant state:

It has to contain a summary of the sources of International Law that the defendant party had presented to the Court. Especially, it's necessary to have what the defendant state alleges about the causes of its acts and a type of summary on the memorial made by this part.

Regards Made

The Court have to mention all the sources of International Law, Customary Law or Jurisprudence that were taken into account for taking the decision and explain the arguments they sustain with.

Verdict

Magistrates have to write down their decisions for the case and to clearly mention they are failing in favor of the petitions of any part.

Dissident Vote:

If any judge doesn't agree with the decision took by a simple majority, he or she has the right to express a dissident vote, which means that the magistrate should explain as an annex why he or she doesn't agree with the final decision and give his own verdict.

HISTORICAL BACKGROUND

The Ottoman Empire (Indirect Factor)

The Ottoman Empire was one of the longest-lasting dynasties in world history and included a large number of different populations and cultures. Palestine came under the Ottoman rule in the 16th century and stayed under it for 400 years. The population there according to Ottoman records from 1878 was 87% Muslim, 10% Christian, 3% Jewish. It was a place in which people with different faiths lived peacefully together. This led to the large amounts of Palestinian/Muslim residents in the former Jewish lands; this established Muslim and Palestinian communities within modern Palestine and Israel, which would later (currently) lead to immeasurable tensions between the Israeli and Palestinian states.

Zionism (Indirect Factor)

In the late 19th century a Jewish journalist and playwright named Theodor Herzl who

lived in the Austro-Hungarian Empire had hopes that Jews could assimilate into European nations. But soon he became convinced that the Jewish people needed to leave Europe and settle in their own state and thus he created the concept of Jewish nationalism which came to be known as "Zionism". He was the founder and president of the World Zionist organization, the modern political movement to establish an independent Jewish state. Zionism is commonly misinterpreted by the Israeli population as the mission to eliminate non-Jews from the Holy Land, and make it an only-Jew territory. This extremist approach to Zionism has often led to violence between the two citizens and many Israelis have taken it as their mission to "colonize" Palestinian lands. This colonization has allowed for rules to be bent by the Israelis, as they have often sent military operations deep into the Palestinian lands to "check" on the colonizers.

The Balfour Declaration and British Mandate of Palestine (Indirect Factor)

In 1917, Foreign Secretary Arthur James Balfour wrote a letter to Lionel Walter Rothschild, in which he expressed the British government's support for a Jewish homeland in Palestine. This letter would eventually be known as the Balfour

declaration. The influence of the Balfour declaration was immediate. On July 24, 1922, the Council of the League of Nations (the predecessor of the United Nations Security Council) gave its blessing to "The British Mandate for Palestine", taking one of the first legal steps toward the eventual establishment of the State of Israel. The British Mandate for Palestine entrusted Britain with the temporary administration of Palestine, with the understanding that it would work of both its Jewish and Arab inhabitants. The Balfour declarations promised to "facilitate Jewish immigration under suitable conditions". Therefore, between 1920 and 1939, the Jewish population of Palestine increased by over 320 000 people. In fact, by 1938, the Jews were just under 30% of the population of Palestine. The increasing population of Jews started to establish a secure community within Palestine creating tensions between Jewish and Arab Palestinians. Along the way, Palestinian Arabs began to think of themselves as the Palestinian Nation. And that growing sense of nationalism erupted in 1936 when the Palestinians revolted against the British. With the help of Jewish militia, the British brutally suppressed the Palestinian revolt. But Britain realized that colonies like Palestine were far more trouble than they were worth. So, they handed the issue of Palestine over to the newly created United

Nations.

Arab-Israeli War (Indirect Factor)

In November 1947, the United Nations adopted resolution 181, also known as the Partition Plan, to divide the British Mandate of Palestine into a Jewish state and an Arab state. The partition plan was supposed to clarify the border issue but as can be seen on the map down below, the border only created more complications. Almost immediately after the plan was announced, the state of Israel declared its independence on May 14 1948, and the Arab-Israeli war broke out the next day on May 15, 1948. The newly created state of Israel won the war in March of 1948 and claimed a third more land than what the partition plan voted by the United Nations authorized. Meanwhile, Jordan controlled and later annexed the West Bank and the old city of Jerusalem and Egypt controlled the Gaza strip. This war forced over 700 000 Palestinians to flee their homes and become refugees in the neighboring Arab countries. This event to the Israelis meant the beginning of their nation and to the Palestinians, it became to be known as the Nakba, the catastrophe, as they became stateless.

Six-Day War (Direct Factor)

The six-day war, also called June War, took place from June 5th to June 10th of 1967

between Israel and the Arab states of Egypt, Syria, and Jordan. Israel won the very short war and gained control over the West Bank, the Gaza Strip, the Sinai Peninsula, and the Golan Heights. In response, the United Nations passed Resolution 242 through the Security Council, which outlined a basic framework for achieving peace including Israel withdrawing from the territory acquired in the war and all participants recognizing the rights of both a Palestinian and an Israeli state to exist. This event is considered a direct factor since this war was what led to the adoption of the Resolution 242 of the Security Council. This event is the main factor as to why the Palestinian groups like Hamas often consider it their mission to get revenge on the Israelis.

American Embassy to Israel (Direct Factor and Important)

Ever since the establishment of the state of Israel, the United States has formally recognized Israel as the legitimate authority in the region. The United States, knowing the controversiality of the city of Jerusalem, only maintained a consulate in the city. However, in 1995, under the Jerusalem Embassy Act, the United States has created a system where the president in office has to sign a waiver which allows for the American Embassy to remain in the city of Tel-Aviv. This act has remained intact

through the Clinton, Bush, and Obama Administrations.

CURRENT SITUATION

On December 6th, 2017, when the current US President, Donald J. Trump, was elected for office, one of his first presidential decisions was to not sign the waiver. It is believed that he did not sign the waiver for his personal Zionist ideas, or for the idea to legitimize Jerusalem as the true capital of Israel and reduce the territorial control of the East Jerusalem by the Palestinians. However, part of the laws regarding American Embassies around the world requires the ambassador to move to the respective city where the embassy is located, which has not been done yet.

On September 28th, 2018, the state of Palestine created a case against the United States of America on the base that the United States of America had completely violated the Vienna Convention on Diplomatic Relations in 1961. The United States violated the Vienna Conventions due to their establishment of an embassy in a city which is deemed to be uneligible for international diplomatic missions. The City of Jerusalem or the Holy City is considered uneligible for embassies due to the claims by Palestine and Israel as to who controls which regions of the city (Western Jerusalem and Eastern Jerusalem). This was

approximately four months after the official inauguration of the embassy of the US to Israel in the city of Jerusalem. It is considered that the city of Jerusalem is a "special case" (since it is considered to be part of Israel and Palestine), Palestine argued that because of the city's "special case" it is considered illegal, by the Vienna Convention, to place an embassy in the city. In this same application, Palestine concluded its statement by saying, "to order the United States of America to withdraw the diplomatic mission from the Holy City of Jerusalem and to conform to the international obligations flowing from the Vienna Convention"

Later, in 30th of November, 2018, it was established by both parties that on the 15th of May, 2019, Palestine had to issue a Memorial, and six months later, the United States has to issue a Counter-Memorial. In this same declaration, the state of Palestine quoted the 1st Article of the Vienna Conventions. On the other hand, the United States also declared that it had not been in a treaty relationship in the Vienna Conventions, and quoting the Conventions is unviable. Prior to the November 30th meeting declaration, the United States had fully confirmed that it would no longer participate in conversations between the presidents of both parties.

Ever since 22nd of May, 2017, Donald Trump had been visiting the Holy City.

These were indirect signs that he was acknowledging that Jerusalem or the Holy City belonged to Israel. Although he avoided discussing the topic, many Palestinians considered this visit to be the first of many aggressive moves by the Americans to push for the annexation of Jerusalem. In January of 2018, Mike Pence, the American Vice-President, followed Trump and visited the city and holy attractions. This visit was a secret-visit, where limited media recorded the VP's visit. Later, Trump stated the following, "[W]e cannot envision any situation under which the Western Wall would not be part of Israel". However, after Pence returned to the United States, he stated that, "We're not taking a position on any final status issues, including the specific boundaries of the Israeli sovereignty in Jerusalem or the resolution of contested borders".

After hearing the news, a nation who held an embassy in Jerusalem, Paraguay, determined that it was the best idea to move the embassy to Tel-Aviv. However, during the inauguration of the American Embassy, the following nations showed up: Austria, Albania, Angola, Cameroon, Côte D'Ivoire, Republic of Congo, Democratic Republic of Congo, Czechia, Dominican Republic, El Salvador, Ethiopia, Georgia, Honduras, Hungary, Kenya, Macedonia, Myanmar, Nigeria, The Philippines, Panama, Peru, Paraguay, Romania, Rwanda, South

Sudan, Serbia, Thailand, Ukraine, Vietnam, and Zambia attended the opening. These nations indirectly showed support for the American translation of embassy. The European Union (EU) claimed that Trump's move was not smart and the Dutch and Irish claimed that the US was increasing tensions and preventing negotiations. Meanwhile, Czechia, Hungary, and Romania blocked a public statement by the EU regarding the move from Tel-Aviv to Jerusalem. The Germans believed that the Americans and Israelites led to the death of many Palestinians who protested the move.

On the other hand, the Arab League (AL), or the union of states near Arabia who speak Arabic, considered that the move was completely unjustified and radical. In addition, it claimed that the United States was insulting Arabs and Muslims and breaking the international law at the same time. Palestine called for a meeting with the Arab League right after the Embassy Relocation. The AL concluded their statements by saying that they would peacefully dismiss international support to the Zionist move. Iran, which is considered the strongest opposition to Zionism, stated that the Israelites were abusing Palestinian rights and, "Meanwhile, Trump celebrates move of US illegal embassy and his Arab collaborators move to divert attention". The US replied to Iran by pulling out of the Iran Nuclear Deal. Lebanon, Turkey, Kuwait, and

Pakistan, all claimed that this move was unjustifiable. In addition, Turkey wanted to return its ambassadors from Washington and Tel-Aviv.

The United Nations mainly focussed on the killings of the Palestinians, which was the worst thing that happened with the Palestine-Israel situation. The UN did not officially condemn the embassy move, but it did condemn the murder of the Palestinians.

TIMELINE OF EVENTS

December 6th, 2017* -

The White House confirms that the United States will move its capital from Tel-Aviv to Jerusalem.

December 7th, 2017 -

Iran fully condemns the statements made by Washington and warns against the upcoming bloodshed.

December 21st, 2017 -

128 countries in the UN vote in favor of condemning the relocation of the American Embassy.

December 27th, 2017 -

Iran declared Jerusalem to be the legitimate capital of Palestine as a counter to the American relocation of the embassy.

January 22nd, 2018* -
Mike Pence announces that the move of the embassy will be finalized by the end of 2019.

February 5th, 2018* -
Hamass supports the terrorism against the Jews and the Israelites, and calls them patriotic.

February 23rd, 2018* -
US to move the embassy by May 14th, 2018, in memory of the 70th Anniversary of the establishment of Israel.

May 14th, 2018* -
The US officially opens up their embassy to the State of Israel in the city of Jerusalem.

May 16th, 2018* -
Guatemala joins the US and moves its embassy to Jerusalem in a Zionist-led move.

May 21st, 2018 -
Paraguay opens up their embassy to Israel in Jerusalem.

September 5th, 2018 -
Paraguay moves their embassy back to Tel-Aviv.

September 28th, 2018* -
Palestine files an application for the

International Court of Justice regarding the Relocation of the United States Embassy to Jerusalem.

November 5th, 2018* -
The ICJ invites both sides of the parties to converse with the President of the Court. In this meeting, the United States representative would not show up.

December 15th, 2018 -
Australia recognizes West Jerusalem as the capital of the State of Israel.

May 15th, 2019* -
The Palestinian Memorial is due for the ICJ

November 15th, 2019* -
The United States of America Counter-Memorial is due.

* Refers to all dates in the timeline that should be considered for the debate in the International Court of Justice. All other non-marked dates are only for orientation of the topic, but not relevant to the actual debate or ICJ.

OVERVIEW OF THE CASE

Palestine

Palestine submitted the case to the International Court of Justice; their petitions can be regarded in the memorial made by their government and submitted to the

court.

"By the present Application, the State of Palestine therefore requests the Court to declare that the relocation, to the Holy City of Jerusalem, of the United States embassy in Israel is in breach of the Vienna Convention on Diplomatic Relations.

The State of Palestine further requests the Court to order the United States of America to withdraw the diplomatic mission from the Holy City of Jerusalem following the established by the Vienna Convention on Diplomatic Relations.

In addition, the State of Palestine asks the Court to order the United States of America to take all necessary steps to comply with its obligations, to refrain from taking any future measures that would violate its obligations and to provide assurances and guarantees of non-repetition of its unlawful conduct" (Palestine Government, 2018).

Palestine argued that the relocation of the United States embassy in Israel to the Holy City clearly is a breach of the Vienna Convention on Diplomatic Relations of 18 April 1961.

Derived Conclusion

Palestine requests the Court to declare that the relocation, to the Holy City of Jerusalem, of the United States embassy in Israel is in breach of the Vienna Convention. It also requests the Court to order the

United States of America to withdraw the diplomatic mission from the Holy City of Jerusalem and to conform to the international obligations agreed on the firm of the Vienna Convention on Diplomatic Relations¹ of 1961. Finally, the Applicant "asks the Court to order the United States of America to take all necessary steps to comply with its obligations, to refrain from.

¹Obligatory Reading for the Delegates in order to enhance their understanding of the topic. http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf.

United States

The Embassy of the United States of America in Jerusalem is the diplomatic mission of the US to the State of Israel, located in the Talpiot neighborhood of Jerusalem. In October 2018, the United States Secretary of State announced that the Embassy in Jerusalem would be merging with the US Consulate-General in Jerusalem into a single mission. Relations with the Palestinians would still be conducted through a special Palestinian Affairs Unit inside the Embassy.

The United States of America does not recognize Palestine as a State therefore, officially it maintains no diplomatic exchanges nor consular services with Palestine.

The Government of the US recognizes Palestine Liberation Organization (PLO) as representative of the Palestinian people. However, relations between the

government of the United States and the PLO have existed since 1970s. The Palestine Liberal Organization was represented in Washington by a General Delegation until October 2018.

The U.S. government does not have any official representative office within Palestinian National Authority areas but has a Palestinian Affairs Unit within the US Embassy in Jerusalem which handles relations with the Palestinian Authority. It's important to say that the United States of America hasn't submitted their memorial of the case to the court, datelines to the memorial can be regard on the International Court of Justice official page.

CONSIDERATIONS OF THE COURT

The Court considers there are a couple of approaches to solve this case, but in every solution one party will be benefited more than the other. It is evident that any solution must be lenient towards a two-state solution, since the Security Council Resolution 242 legally divided the Israeli and Palestinian lands into two separate states. And, considering the Vienna Conventions, states can't establish an embassy on a conflicted city or a divided city such as Jerusalem or Berlin (during the Cold War). Therefore, there are three clear approaches to solving this issue.

The first would be to follow all UN

guidelines and regulations and resolve that Jerusalem can't host any embassies whether it be to Israel or to Palestine, only be able host consulates. This solution completely follows the Vienna Accords and all other resolutions regarding this matter. This would mean that the United States would be forced to relocate their embassy back to the Israeli city of Tel-Aviv, and sanctions for their move would be in order. If and only if this solution is accepted by the International Court of Justice, the United States would have a period of relocation and in the case that they fail to relocate in the granted period, they would also be facing some sort of sanction or fine.

The second solution would be that of leaving everything as is and allowing for the United States to continue to have their embassy to the State of Israel in the city of Jerusalem. Under this proposed solution, the United States would have to remain in the western-side of the city, given that West Jerusalem is the corresponding region of Jerusalem to Israel. In addition, to this nations who support the State of Palestine are encouraged to relocate or establish their embassy to Palestine in the East Jerusalem. This would further solidify East Jerusalem as Palestinian territory, while it would increase the international pressure for Israel to stop entering Eastern Jerusalem and violating the SC242 (Security Council Resolution 242). Additionally,

through the adoption of this solution, both states would increase their negotiations toward a clear and defined border defining the boundaries of the Holy City. As stated by Donald Trump, United States of America President, “[...]despite US recognition, the boundaries of Israeli sovereignty will only be determined in negotiations[...]”. Trump has advocated for this sort of resolution to increase and speed-up the negotiations of the Israeli-Palestinian conflict. Thus, the ICJ would declared as illegal the resolutions of the UNSC which prohibit the establishment of embassies on the disputed territory.

The third and least productive solution would be to suspend the US Embassy in Jerusalem and to force negotiations between the two parties. However, as previously seen, the two-states often reach agreements that none of them truly enforce or accept. In addition, the adoption of this resolution would decrease the tensions between the Arab League and the United States, which would greatly benefit the peace negotiations between Israel and Palestine.

The three solutions previously mentioned are all amicable and productive solutions that will aide in the peace-process between the Israelis and the Palestinians. However, amendments and additions need to be made in order for these solutions to work realistically and efficiently. Delegates, it is up to you to

choose and adjust any of the three proposed solutions, but the Directors of the Committee strongly suggest that the delegates find new and more innovative solutions, seeing as there are plenty of amicable and useful solutions to this issue.

Finally, it is fundamental to state that these considerations made by the Court are not the only pathway that can be taken in for this case, but rather an a priori analysis of the case. In this sense, the arguments and petitions of the parts could open new possibilities for alternative solutions.

FURTHER READINGS

Charter of the United Nations: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

Vienna Convention on diplomatic Relations, 1961: http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

Statute of the International Court of Justice: http://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf

Rules of the International Court of Justice, 1978: https://docentes.fd.unl.pt/docentes_docs/ma/sis_MA_31678.pdf

Application instituting proceedings in the International Court of Justice, 2018: <https://www.icj-cij.org/files/case-related/176/176-20180928-APP-01-00-EN.pdf>

Resolution 181 of the General Assembly of United Nations: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7FoAF2BD897689B785256C330061D253>

Great Description of the Actions Taken by the UN to resolve and define the state of Palestine and Israel: <https://www.un.org/Depts/dpi/palestine/ch3.pdf>



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