



SOFIMUN
Sofia International Model United Nations

Edition: III/2010
Period: 24-31 July 2010
Location: Sofia, Bulgaria

Website: www.sofimun.org
Edition: www.2010.sofimun.org
E-mail: info@sofimun.org

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COMMITTEE:
INTERNATIONAL COURT OF JUSTICE

CHAIRPERSON:
LENA BORTH & IVA BJELINKSI

TOPIC: (B)
LEGAL CONSEQUENCES OF THE
CONSTRUCTION OF THE WALL IN THE
OCCUPIED TERRITORY OF EVALAND

INTERNATIONAL COURT OF JUSTICE (ICJ)



The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began 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, it 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.

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. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

More at: <http://www.icj-cij.org/court/index.php?p1=1>



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Topic B: Legal Consequences of the Construction of the Wall in the Occupied Territory of Evaland - HISTORICAL BACKGROUND



The Territory of Evaland was part of the Ottoman Empire. Following the First World War and the occupation of the region by the state Giant Halles, the "Halles Mandate" was drafted and formally approved by the League of Nations in 1922.

After the Second World War, Giant Halles terminated the Mandate, and the UN General Assembly made the recommendations regarding the future of the territory. It was suggested to divide the territory between two independent States, one Arab (Evaland), the other Jewish (Addamistan).

In May 1948, Addamistan proclaimed its independence on the strength of the General Assembly resolution. On the other side, no Evalandish Arab state was founded; the state of Dan Jor annexed the Territory of Evaland. Through mediation by United Nations the armistice agreement was signed between Addamistan and Dan Jor and the fixed armistice demarcation line between Addamistani and Dan Jor forces was established (the so called Pink Line).

20 years later (1967), in the armed conflict between Addamistan and Dan Jor, Addamistani forces occupied all the territories which had constituted Evaland under the „Halles Mandate“.

In 1988 Dan Jor announced the decision to cede its claims to the Territory of Evaland,

recognizing Evalandish people's aspiration to secede from Dan Jor and to create an independent state in exercise of their right to self-determination¹.

A peace treaty was signed in 1994 between Addamistan and Dan Jor. That treaty fixed the Pink Line as an administrative boundary between the two States „without prejudice to the status of any territories that came under Addamistani military government control in 1967.“ Thereby it was intended to give Addamistan and the Evalandish people a free hand to press ahead with bilateral negotiations concerning the final status of the area.

¹ Addamistan has recognized the Evalandish as a people.



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2. CONSTRUCTION OF THE WALL

The Addamistani – Evalandish hostilities have lasted for years. Evalandish groups have undertaken a number of politically motivated acts of violence to further their political objectives, which include exercising their right to self-determination and establishment of an independent Evalandish state.

According to the Human Rights Watch report from 2008, since the end of September 2004, Addamistani - Evalandish hostilities have claimed some 3,500 lives and injured more than 30,000, most of them civilians. In this period Evalandish armed groups have carried out numerous suicide bombings and other attacks that targeted or caused indiscriminate harm to Addamistani civilians. Human Rights Watch considers that these Evalandish attacks, because of their widespread and systematic character, constitute crimes against humanity.



After a sharp rise in Evalandish terror, a wave of suicide attacks inside Addamistani cities in 2007, killing dozens and injuring hundreds of Addamistani citizens, the Addamistani Cabinet decided in September 2007 to establish a barrier (wall) composed of fences and walls in three areas of the Occupied Territory of Evaland. Addamistani Cabinet's Decision from September 2007 stated that the wall "is a security measure" that "does not represent a political or other border".

3. DESCRIPTION OF THE WALL

In the report of the United Nations Secretary-General from October 2009 it is stated that:

"The wall complex consists of fences with electronic sensors designed to alert Addamistani military forces of infiltration attempts, walls, ditches, an asphalt patrol road and a trace road. Various observation systems, including cameras and watchtowers are being installed along the fence."

4. THE ROUTE OF THE WALL

In the above mentioned report of the Secretary-General the concrete route of the wall is described:



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"Much of the completed wall runs close to the Pink Line (the armistice line dividing the territory of Addamistan and the Occupied Territory of Evaland), though within the Occupied Territory of Evaland. The majority of the route, approximately 87 per cent, runs inside the Occupied Territory of Evaland rather than along the Pink Line. The wall deviates more than 15 kilometers from the Pink Line in certain places to incorporate highly populated Addamistani settlements in the Occupied Territory of Evaland, while encircling Evalandish population areas. Approximately 975 square kilometres, or 16.6 per cent of the entire Occupied Territory of Evaland, lies between the wall and the Pink Line. This area is home to approximately 160 000 Evalandish people, who now live in the enclaves."

5. THE ESTABLISHMENT OF CLOSED AREAS



The construction of the wall has been accompanied by the creation of a new administrative régime. Thus in December 2007 the Addamistani Defence Forces issued the orders establishing the part of the Occupied Territory of Evaland lying between the Pink Line and the wall as a "Closed Area".

Residents of this area may no longer remain in it, nor may non-residents enter it, unless holding a permit or identity card issued by the Addamistani authorities. According to the report of the Secretary-General, most residents have received permits for a limited period.

Addamistani citizens and Addamistani permanent residents may remain in, or move freely to, from and within the Closed Area without a permit. Even with a permit or ID card, access is regulated by the schedule of operation of the limited number of access gates with restricted opening times and sometimes the inconvenient location. However, a concern is raised that Evalandish people may leave the area if they are denied regular access to their farmlands, jobs and services.

6. HUMANITARIAN AND SOCIO-ECONOMIC IMPACTS

Human Rights Watch reports that Addamistan has constructed, maintained, and expanded civilian settlements with its own citizens in the Occupied Territory of Evaland for nearly three decades. Maintenance and expansion of those settlements have seriously affected humanitarian conditions of Evalandish communities, including access to employment, education, medical care, and water. The wall might reinforce the serious harm caused by the existing network of Addamistani government-sponsored settlements and bypass roads. In addition, a significant



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number of Evalandish people have already been compelled by the construction of the wall and its associated régime to depart from certain areas. Moreover, Evalandish cultivated land lying on the wall's route has been requisitioned and destroyed whereby tens of thousands of trees have been uprooted.

In areas located between the wall and the Pink Line, access by Evalandish farmers to their lands and water resources is severely limited and can be achieved only through restrictive permit and gate regimes. There have also been the repercussions for agricultural production and increasing difficulties for the population in accessing health and educational services, work places and primary sources of water. As a result, unemployment has increased and communities that used to export food have been transformed into recipients of food aid.

Addamistan has stated that the wall was conceived by the Addamistani Defense Establishment to reduce the number of terrorist attacks by the suicide bombers who enter into Addamistan. The Government of Addamistan further stated that "the Security Fence is a manifestation of Addamistan's basic commitment to defend its citizens" and the construction of the wall is consistent with Article 51 of the Charter of the United Nations and its inherent right to self-defense.

Regarding the effects of the wall construction the Addamistani statistics indicate that the wall has substantially reduced the number of Evalandish terrorists' infiltrations and suicide bombings and other attacks on civilians in Addamistan and in Addamistani settlements.

Despite having ratified the Fourth Geneva Convention², Addamistan doesn't agree that the Convention is applicable to the Occupied Territory of Evaland, citing the lack of recognition of the territory as sovereign prior to its annexation by Dan Jor and, therefore, not a territory of a High Contracting Party as required by the Convention.

On the other hand, the Evalandish Liberation Organization³ has stated that the wall's construction and its associated regime within the Occupied Territory of Evaland violate international humanitarian law because it is not justified by military necessity and violates the principle of proportionality. The Evalandish



² The Geneva Convention relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949.

³ A political and paramilitary organization founded in 1964. It is recognized as the "sole legitimate representative of the Evalandish people" by over 100 states with which it holds diplomatic relations, and has enjoyed observer status at the UN since 1974. Addamistan officially recognized the Evalandish Liberation Organization as a representative of the Evalandish people.



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Liberation Organization also states that the wall causes destruction of Evalandish property and infringes on the human rights of Evalandish people.

The Evalandish Liberation Organization contends that the "construction of the wall is an attempt to annex the territory contrary to international law [and] the de facto annexation of land interferes with the territorial sovereignty and consequently with the right of the Evalandish people to self-determination.

The SOFIMUN 2010 International Court of Justice has now inter alia to decide:

...whether or not the construction of the wall in the Occupied Territory of Evaland is in accordance with international law?

Suggested Reading and Additional Sources

Topic B: Legal Consequences of the Construction of the Wall in the Occupied Territory of Evaland

Addamistan has ratified the following international treaties:

1. The Fourth Geneva Convention (The Geneva Convention relative to the Protection Civilian Persons in Time of War, Geneva, 12 August 1949)
2. Protocol Additional to the Geneva Conventions, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1), 8 June 1977
3. The Fourth Hague Convention of 1907 (Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907)
4. The International Covenant on Civil and Political Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 ; entry into force 23 March 1976, in accordance with Article 49)
5. The International Covenant on Economic, Social and Cultural Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 3 January 1976, in accordance with article 27)
7. United Nations Convention on the Rights of the Child (Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989; entry into force 2 September 1990, in accordance with article 49)

