

RENMUN VI

Finding Solace in Solidarity



March 6 – 7, 2021

CHAIR REPORT

International Court of Justice

Chair Introduction

Hey guys! I'm Nicole Chan, a Grade 10 student from St. Paul's Co-educational College. My passion for MUN has only grown over the four years of my participation in it as a delegate, chair, and secretariat. Apart from MUN, I'm also active in promoting LGBT rights and gender equality, so do not hesitate to hit me up if you want to know more about these issues! In my free time, I dance, read, and chill with some music. As your head chair of ICJ, I wish you all a fruitful conference ahead!

Hi everyone, my name is Noor Rizvi and I'm a 16 year old first year studying at Li Po Chun United World College. I've been doing MUN for about 2 years now and I really look forward to participating as the deputy chair of ICJ. Aside from MUN, I enjoy listening to classical guitar and endlessly staring into nothingness. I really look forward to hearing productive debate throughout sessions and seeing delegates flourish throughout the conference. Best of luck and happy delegating!

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. The court's mission is to settle international disputes between states and NOT between individuals. Despite being a committee closely relevant to law, attending the ICJ in MUN does not require any prerequisite law knowledge, so don't worry if you've never joined any law-related activities in the past! However, delegates of the ICJ should be active, willing to speak, willing to cooperate with other delegates, and willing to lead the debate. Being an advanced council among other MUN committees, we hope that delegates can further excel in MUN through joining the ICJ by honing their public speaking and diplomatic skills. We hope everyone can gain great takeaways at the end of the day, whether it be enhanced critical and logical thinking skills or making friendships that last a lifetime. Most importantly, do not forget to enjoy yourselves! We would love to see delegates being fully immersed in the fun of MUN :) Looking forward to a fruitful and efficient debate!

Best wishes,

Head Chair Chan Ying Zi Nicole (sp20175251@spcc.edu.hk) and

Deputy Chair Noor Rizvi (noor.rizvi.bpbgy@gmail.com)

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)

Once the UAE announced that it will be breaking off diplomatic relations with Qatar, Qatari nationals residing in the UAE were given fourteen days to leave the UAE (timestamp: announcement of broken diplomatic relations), while the UAE also prohibited Emiratis from travelling to Qatar. In addition, UAE closed off airspace and territorial waters to Qatari vessels, as well as seaports to Qatar as means of transportation.

Qatar instituted proceedings on the basis that the UAE is discriminating against the Qataris based on the individual's "national origin", which is discriminatory as encompassed in CERD Article 1 (1). By collectively expelling Qatari nationals from the territory of the Emirates, the UAE would be in breach of the CERD articles 2 and 5. However, the UAE argued upon the definition of race. The UAE claimed that the Qataris and Emiratis are not of different races, but citizens of different countries, thus by exerting diplomatic influence over the Qataris in the UAE territory, the UAE committed no racial discrimination. Furthermore, the UAE argued that it did not impose any racial discriminatory policies that mass expel Qatari nationals or to separate UAE-Qatari families. Requesting Qatari nationals to leave the UAE is simply for "precautionary security reasons".

"Nationality" and "Race" can be similar but have vastly different meanings, such that whether the CERD applies or not will mostly be determinant on the issue and the basis of the argument. It is possible of the occurrence that some accusations are based on the discrimination on nationality, while at other times accusations based on race might be misinterpreted as nationality. Thus, it is crucial to recognize the difference between both. Moreover, it is possible that the nature of some evidence are open to discussion- as a quick example, evidence A suggested that discrimination is made on the person's cultural heritage, assuming there is in fact discrimination, then would the discrimination be based on the person's nationality or race? Another question to ponder upon is whether Qataris and Emiratis are truly of the same racial origin, and if they are, under what concrete circumstances does the CERD apply and when will the CERD not apply.

Key Terms

Term	Definition
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	According to preambulatory clause 1 of the CERD, its purpose is to “promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion...”
Residents of the UAE	<p>Apart from permanent residents, foreigners can live in the UAE as residents if they are</p> <ul style="list-style-type: none">a. Employed by a company in the UAEb. Are investors of a business in the UAEc. Own a property in the UAEd. Dependents that are sponsored by persons fulfilling (a), or/and (b), or/and (c) criteriase. University students sponsored by their universityf. Retired residents (over age 55) that fulfill the requirements of the “5-year renewable retirement visa” <p>Note that visas are only issued to foreigners after the person has entered the UAE via an entry permit, short or long term tourist or visit visa</p>
Nationality	Nationality refers to the country of citizenship which one belongs in.
Race	Common physical, behavioural, and cultural attributes.
<i>Lis pendens</i>	A pending legal action. The subject matter of a suit should not be transferred to a third party during the pendency of the suit. In case of transfer of such immovable property, the transferee becomes bound by the result of the suit.

Background Information

2017–2019 Qatar diplomatic crisis

The UAE–Qatar diplomatic crisis first gained widespread international attention on the 5th of June, 2017. The UAE, along with Saudi Arabia, Egypt, and Bahrain, accused Qatar of having supporting terrorism, thus the diplomatic ties between Qatar and the aforementioned four countries were severed. The accusation was made on the basis of messages being inserted into a broadcast by the Qatar News Agency in May 2017, which criticised Saudi Arabia while casting Al-Qaeda, the Al-Nusra Front, ISIS, and the Muslim Brotherhood in a positive light. While Qatar denied responsibility for the messages and claimed that the news agency was hacked, the four countries censored all Qatari news outlets.

Incidents part of the crisis

1. Two other separate incidents happened on the 21st of December 2017 and the 3rd of January 2018, where Qatar accused the UAE of infringing Qatar's airspace with fighter jets, then filed two complaints to the UN.
2. Qatari Sheikh Abdulla bin Ali Al-Thani, released a video claiming detained in the UAE by Emirati authorities after being invited to the country by Mohammed bin Zayed Al Nahyan.
3. The UAE accused Qatar of obstructing two civilian airliners en route Bahrain with fighter jets
4. In a match between Qatar and tournament host UAE in the 2019 Asian Cup, UAE supporters threw miscellaneous items into the pitch and boo-ed the Qatari national anthem

Delegates should note that the above examples (incidents) may not be part of Qatar's accusation towards the UAE regarding the CERD, and simply act as examples and historical backgrounds to consolidate delegates' understanding towards the tense relationship between Qatar and the UAE in recent years. Arguments and speeches are best to be made relevant towards the topic discussed.

Potential Clashes

1. The aforementioned issue on the definition of issues relating to “nationality” and “ethnicity” (under topic introduction)
2. Disputes over evidence submitted as accusations by Qatar against the UAE. While arguments of the violation of CERD by the UAE is mostly based on the mass expulsion of Qataris within the UAE borders, UAE itself does not admit to have committed mass expulsion of Qataris. The legitimacy of the evidence provides a very controversial topic that will largely dominate the debate.
3. Whether accusations fall under the scope of the CERD: Qatar claimed Qataris witnessed acts of harassment and violence against Qataris, namely “a constant barrage of anti-Qatari statements in public places” and car plates belonging to Qataris being vandalized or confiscated by the Emirati police. If such acts are only carried out by individuals independent of the government, or such individuals work under the government but did not carry such acts under the order of the UAE government, delegates need to consider whether this is a violation of the CERD.
4. One of the requests made by the UAE, is that: ‘(i) Qatar immediately withdrew its Communication submitted to the CERD Committee pursuant to Article 11 of the CERD on 8 March 2018 against the UAE’. The request raises the question of whether international law has developed a principle of *lis pendens* such that parallel proceedings before different international bodies should be disallowed. The UAE argued that Qatar is issuing three parallel proceedings– communication under CERD Article 11, request to establish a Conciliation Commission under CERD Article 12, and the ICJ proceedings. UAE claims that the CERD is designed for a sequential framework for dispute settlement, meaning complaints should be filed under Article 11 (1), and by further unsuccessful negotiations, dispute requests then be submitted under Article 11 (2), Article 12, Article 14, then finally under the ICJ (Article 22). In response, Qatar argued that neither the CERD Committee nor the Conciliation Commission are judicial bodies to which the principle of *lis pendens* might apply, and that the CERD does not

stipulate a sequential procedure of moving from the Committee to a Commission to the Court. Moreover, Qatar claimed that since the proceedings and relief sought between the CERD Committee and the ICJ proceedings are not identical, such disputes cannot be generalized as the same. Delegates are advised to research on this issue as enhancement on the topic, which might be beneficial to framing reasonable arguments on whether the ICJ has jurisdiction over *some* matters of the concerned topic.

Key Stakeholders

Stakeholder	Involvement with the Issue
Qatar	Qatar is the applicant of this case. According to Qatar, the UAE has enacted and implemented a series of discriminatory measures directed at Qataris, most notably on 5 June 2017 where (a) the UAE expelled all Qataris within its borders without exceptions, giving the Qataris only two weeks to leave otherwise they would face severe penalties, (b) close downs of inter-state transports, airspace, and seaports, (c) interfered with the rights of Qataris who own property in the UAE, (d) prohibited by law any speech deemed to be in “support” of Qatar or severe penalties (financial penalty and fifteen years’ of imprisonment) will follow.
United Arab Emirates	The United Arab Emirates is the respondent of this case. The UAE reasons that the diplomatic measures relating to Qatari nationals in the UAE territory are simply relevant national security concerns, but there has never been mass expulsion of Qataris (i.e. the UAE claims that the accusations by Qatar are false). Where in the past Qataris don’t need prior permission to enter the UAE, by requesting Qataris to gain prior permission before entering the UAE is simply a “basic and legitimate exercise of sovereignty”, but in no form racial discrimination, The UAE argues the severed diplomatic ties between Qatar and it is because Qatar financed terrorist groups that have targeted the UAE and many other states,

	<p>“who were responsible for killing, rape, torture, and forced displacement of countless innocent civilians”, but not due to racial concerns.</p>
Saudi Arabia	<p>Saudi Arabia is largely responsible for the intensified relationship between Qatar and the Arab countries. The aforementioned boycott against Qatar is led by Saudi Arabia. Saudi Arabia led the coalition consisting of the United Arab Emirates, Saudi Arabia, Egypt, and Bahrain. It insists that Qatar violated the 2014 agreement (Riyadh Agreements) with the other members of the Gulf Cooperation Council (GCC).</p> <p>Saudi Arabia led Bahrain and the UAE to charge Qatar of not abiding by the GCC principals, by supporting the Muslim Brotherhood in their ally Egypt, which is understood to be a threat to stability and security. By leading such diplomatic discrimination towards Qatar, Saudi Arabia might have fueled the UAE to expel Qataris from the UAE territory. However, delegates should note that by diplomatic influence, Saudi Arabia commits no form of racial discrimination on this issue (even if Saudi did though, it is not the topic of discussion).</p> <p>Additional relevant information</p> <p>The GCC was formed in 1981 among Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates to assert their self-responsibility amid inflamed anxieties about the Gulf becoming an arena of international struggle and tensions following the invasion of Afghanistan, the Iranian revolution and the Iraq-Iran war. In the past, the GCC had a very cohesive structure due to the many similarities between the member states, whether it be historical background, cultural characteristics, socio-economic structure, or political systems. The dispute between the GCC members was described to have “came as a shock”.</p>

Possible Solutions

Orders or suggestions should be made based on the benefit of the citizens concerned, not the country itself. Examples would be granting allowing students who had their studies interrupted to continue pursuing their educational certificate(s) such that they can continue their education elsewhere, whether the final verdict judges UAE guilty or not. However, that does not mean the verdict does not need to be taken into account when deciding on orders or suggestions- judges should be able to decide the magnitude of their requests and make sure the same are reasonable and effective without violating any other international treaties.

Past Actions

The ICJ have heard cases relating to the CERD, and there are pending cases concerning disputes over racial discrimination. Although there is no direct relationship between this case and other cases, delegates can refer to the legal agreements of other cases as reference, which is more useful when debating over the judicial power of the ICJ, the scope that the CERD covers etc. Yet, this only serves as the purpose of further reading.

Past cases

Georgia v. Russian Federation

Georgia accused the Russian Federation of conducting violent discriminatory acts with the use of its armed forces, separatist militia and foreign mercenaries. By the Russian military invading the territory of Georgia and strengthening Russian military presences in the Georgian province of South Ossetia, Georgia claimed that the Russian Federation violated the CERD. Russia rebutted that it does not exercise control over South Ossetia and Georgia, and is not responsible for the military activities in South Ossetia.

Pending cases

Ukraine v. Russian Federation

Ukraine instituted proceedings against the Russian Federation for violating two international treaties- the CERD and the ICESCR. Ukraine claimed that the Russian Federation was discriminatory over Crimean Tatars and ethnic Ukrainian

communities in Crimea, thus violating the CERD. Crimea was annexed by the Russian Federation in 2014. Ukraine also accused Russia of funding terrorist groups, by the means of providing weapons, military training, and financial aid. The Russian Federation instituted preliminary objections on both issues.

Guiding Questions

- How reliable is the evidence submitted by individual state parties? Would it be more desirable to bring investigations carried out by international bodies to the court instead?
- To what extent can international bodies investigate into a country, noting that such bodies should not violate national sovereignty?
- Assuming the evidence is accurate, were the Qataris an imminent threat enough for the UAE to have them removed from the UAE within fourteen days?
- If only one group of the Qataris are targeted by the state policies, is it enough to prove racial discrimination?

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