

MUNNY '22

Model United Nations of Nyborg



International Court of Justice - Research Report

Republic of Cuba vs United States of America regarding the legality of US sanctions on the Republic of Cuba

Dear Judges

This is your research report! To avoid any bias at the MUNNY conference, you must refrain from seeking knowledge about this specific case outside of this document.

Thank you for choosing the ICJ and good luck!

TIMELINE OF EVENTS:

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|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 1962 | The Kennedy administration imposes an embargo on the Republic of Cuba, prohibiting all trade. This was in response to actions by the Cuban Government and directed the U.S. Department of Commerce and Treasury to implement the embargo. |
| August 1962 | The Foreign Assistance Act was amended to refuse aid to any nation that provided assistance to the Republic of Cuba. |
| October 1962 | U.S. Spy satellites discover that the Soviet Union has placed nuclear missile bases on Cuba. The Kennedy administration demanded the removal of the Soviet weapons and effectively ordered a naval quarantine around Cuba made by U.S. blockades. |
| September 1977 | President Carter and Fidel Castro came to an agreement that started a limited resumption of diplomatic ties between the United States of America and the Republic of Cuba. Both nations open small interest |

sections in each other's capitals. The U.S. does so under the auspices of the Swiss embassy in Havana. And Cuba under the auspices of the embassy of Czechoslovakia in Washington DC.

- 1982** The U.S. designates Cuba as a sponsor of terrorism because it supports militant communist groups in African and Latin American countries. In contrast, Cuba states that "acts by liberation movements cannot be defined as terrorism."
- 1992** President George H.W. Bush signs the Cuban Democracy Act. This increases the U.S. economic sanctions on Cuba. The act followed the collapse of the Soviet Union. Furthermore, it barred vessels that had exchanged goods with Cuba in the 180 past days from docking in U.S. ports. It also offers an alternative pathway towards normalizing U.S.-Cuba relations with the condition that Castro's government makes economic and political reforms.
- 1992** The United Nations General Assembly voted to condemn the United States economic, commercial and financial embargo against Cuba. This call to end the embargo continued to be made every year from 1992.
- 1996** President Clinton signed the Cuban Liberty and Democratic Solidarity Act, which tightened the U.S. embargo. This happens after the Cuban military shot down two U.S. civilian planes. This act penalizes foreign companies that do business with Cuba, leading several U.S. allies to see the act as a violation of international law.
- May 2015** The Republic of Cuba is removed from the states sponsoring terrorism by the United States of America. This is under the Obama administration.
- July 2015** The United States of America and the Republic of Cuba both reopen embassies.
- October 2016** The United States of America abstains from voting for the United Nations General Assembly's adaptation of a resolution underlines the need to end the US economic, commercial, and financial embargo on Cuba. This is the first time the US has abstained in the case, which has been going on since 1992.

PRESENTATION OF THE CASE:

The case on the assassination of the Republic of Cuba vs United States of America regarding the legality of US sanctions on the Republic of Cuba is initiated by the Republic of Cuba. Cuba accuses the United States of America of violating international law with its standing embargo, harming Cuba's economic development and the well-being of the Cuban people.

Specifically, the Republic of Cuba refers to violations of the convention on genocide and international humanitarian law. In addition, Cuba argues that the embargoes have resulted in restrictions that significantly worsen the living standards of the Cuban people. For example, with restricted access to lifesaving medicine, Cuba sees this as an act of genocide. Therefore, Cuba requests the immediate removal of US embargos. Furthermore, Cuba requests the Court to decide upon reparations that are to be provided by the US for the damages to the Cuban economy and the mass casualties that have been a result of the embargo.

In contrast to that, the US argues that, as stated by its President and many other senior officials, the US will continue to stand by the Cuban people and continue to sanction Cuba until the people have their rights and freedoms restored. The US further explains its embargos on Cuba to be a reaction to Cuba's economic and political instability. Therefore, the US refuses to remove the embargo without irreversible economic and political change.

AREAS OF LAW TO READ UP ON:

Advocates should acquaint themselves with the following legislations:

1. International law such as but not limited to:
 - a. the Charter of the United Nations,
 - b. the Statute of the International Court of Justice,
 - c. the convention on the prevention of genocide,
2. The Universal Declaration of Human Rights,
3. Cuban and American national law.

In order to, call for any actions of the Court it is essential that advocates refer to the above legislations. As the primary arguments are based on them. Moreover, advocates must refer to specific articles that are relevant to the case.

Similar cases that the court has ruled on can be used and referred to as precedents for actions, so it is in the interest of advocates to familiarize themselves with such cases.

BIBLIOGRAPHY:

Sources Relevant for Advocates

The **International Court of Justice**: The official website of the International Court of Justice provides an overview of the workings of the Court. <https://www.icj-cij.org/>

The International Court of Justice – Basis for Jurisdiction: Both countries are allowed, as original members, to appear before the Court. <http://www.icj-cij.org/en/basis-of-jurisdiction>

Further references and sources

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- Ezez. 2021. "UN General Assembly renews long-standing call for end to US embargo against Cuba". *UN News*. <https://news.un.org/en/story/2018/11/1024672>

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