



International Court of Justice

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)



Forum:	The International Court of Justice
Issue:	Advisory Opinion: Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)
President:	Louis Nijssen
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Introduction

In the late 1970s and early 1980s, the United States of America took actions that concerned Nicaragua, to destabilise the Nicaraguan government, known as the Sardanistas. These actions range from funding the anti-government Contra group to mining in Nicaraguan harbours to hinder international trade. In 1984, this was taken to the ICJ by Nicaragua where a case took place regarding the conflict of customary international law versus treaty law. While this case looks at the military and paramilitary activities of the USA, it also discusses the amount of power international law holds and the extent of the jurisdiction of the ICJ. Since the Republic of Nicaragua brought this case forward, they bear the burden of proof.

Furthermore, this case holds great responsibility for reflecting national sovereignty and boundaries. As can be observed in the issue, this case is an advisory opinion. This means that, although it will not be legally binding, it sets precedent and reveals the standing of a case. Although the events leading up to the military and paramilitary activity in and against the Nicaragua case did historically occur, it is the intention that advisory opinion is also the way the ICJ interprets hypothetical questions posed by the United Nations Security Council. This means that rather than concern ourselves with the implications of the ICJ verdict, the priority is to set the record straight regarding the conflict by elucidating international law.



Definition of Key Terms

Customary International Law

Customary international law is unwritten law deriving from practice accepted as law. It remains an important source of public international law. It is recognised in the Statute of the International Court of Justice under Article 38, paragraph 1 (subparagraph b), as a source of international law.

Treaty Law

Written Law on which the only contradiction is agreements, exceptions, and acceptance under jurisdiction.

Somoza

Starting with President Anastasio Somoza Debayle, the Somozas were a powerful family in Nicaragua, ruling from 1937 to 1979.

Sandinista National Liberation Front

A political group with revolutionary initiatives and communist (Marxist) ideologies. This party succeeded (overthrew) the Somozas.

Contra

The Contras were an anti-revolutionary group, armed and recognised as terrorists in Nicaragua with an opposing view to that of the Sandinistas.

CIA

The Central Intelligence Agency (CIA) of the United States of America. They deal with the informing of foreign affairs to the Federal Government.

Guerrilla Warfare

Guerrilla warfare is the “engagement in or the activities involved in a war fought by small groups of irregular soldiers against typically larger regular forces.” (Oxford Languages). It was a tactic used by the Sandinistas as well as the Contras.

Banana Wars

The Banana Wars were a series of military interventions and occupations by the United States in Latin America and the Caribbean during the early 20th century. These actions were primarily aimed at protecting American commercial interests, particularly those of the United Fruit Company and other U.S. corporations involved in the banana trade.



General Overview

The USA has always had a keen interest in Nicaragua and central America as a whole, which the US has always seen as its backyard. It is therefore necessary to understand the long history of US-Nicaraguan relations, if we want to fully understand how the situation unfolded in the 1980's. This is precisely what we will go over in "Prior to the Case". We will not go over the broader situation in central America however, as that is beyond the scope of this case, but suffice it to say that Nicaragua is not a wholly unique situation, as many other central and south American nations shared its fate during the so called "Banana Wars" and the Cold War following that.

Nicaraguan President José Santos Zelaya, in power since 1893, sought to reduce foreign influence in Nicaragua, including American economic interests. Tensions peaked in 1909 when two American mercenaries were executed on Zelaya's orders. The United States responded by supporting Nicaraguan rebels led by Juan Estrada, resulting in Zelaya's resignation. The U.S. then backed Estrada, marking the beginning of a period of substantial American involvement in Nicaraguan politics.

When political instability persisted, the U.S. Marines were deployed in 1912 to protect American interests and ensure repayment of debts. This intervention, known as the Nicaraguan Campaign, established a long-term military presence that continued intermittently until 1933.

In 1914, the Bryan-Chamorro Treaty granted the U.S. exclusive rights to build a canal across Nicaragua and lease naval bases. This treaty ensured American control over any potential canal route, reinforcing its strategic influence in the region. However, it also fuelled resentment among Nicaraguans who viewed it as an infringement on their sovereignty. During the following decades, this resentment continued to grow, culminating in the guerrilla campaign led by Augusto César Sandino from 1927 to 1933. Operating from the mountainous regions, Sandino's forces employed guerrilla tactics, including ambushes and sabotage.

In 1933, the Roosevelt administration aimed to improve relations with Latin America by ending military interventions. The withdrawal of American troops from Nicaragua coincided with the election of Juan Bautista Sacasa, a moderate leader. However, the U.S. continued to exert influence through the National Guard, led by Anastasio Somoza García. Somoza ordered the assassination of Sandino in 1934, eliminating the most prominent symbol of resistance against American intervention.



This event paved the way for Somoza's rise to power, leading to the establishment of a family dictatorship that dominated Nicaraguan politics for decades.

Anastasio Somoza was president in 1937, governing Nicaragua. Somoza's successors were members of the family and thus the following period was recognised as the Somoza dictatorship. During this time, challenges with human rights violations arose, exploitation of civilians due to bankruptcy occurred, alongside short periods of irregular prioritization of education that brought minimal benefits.

Meanwhile, another group, FSLN, or the Sandinista National Liberation Front, was founded by Carlos Fonseca, Tomás Borge and Silvio Mayorga. Although the group was officially founded in 1961, its origins lie in the 1950's, when the group consisted mainly of university students at the National Autonomous University of Nicaragua. They had left winged to far left political standing with historically Marxist ideologies. During the following years, the group slowly grew and grew. With their resources, their means to disturb the Nicaraguan government also increased, ranging from high-profile kidnappings to attacks on government installations.

It was after a severe earthquake (1972), that the Sardinistas grasped the opportunity for popularity by contributing with humanitarian aid, damage control and systematic rebuilding. Somoza, who was not officially the president, but was still the de-facto ruler at that time, put himself at the head of the National Emergency Committee, which was tasked with managing the sizable amount of international aid sent to Nicaragua. As a result of this, international aid funding was used to build luxurious homes for national guard officers, instead of rebuilding vital infrastructure and providing for the newly homeless. This raised anti-regime sentiments among the population, and gave a significant boost to the popularity of the FSLN. Not only the general populace, but also the top, wealthy layer of Nicaraguan society was starting to turn against the Somoza regime. Parts of the business community had enough of the corruption and general nepotism and started supporting the FSLN financially.

The government crackdown on free press and civil liberties due to the rising popularity of the Sardinistas was particularly harsh. Anastasio Somoza Debayle ordered his national guard to execute opponents and censor the press, arbitrary imprisonment and police brutality became commonplace. These human rights violations deeply concerned the international community. President Carter of the USA threatened to put an end to US military assistance if the human rights situation in Nicaragua did



not improve in 1977. This, together with the insight that popular support for the Sardinistas was still growing, despite, and maybe even because of the crackdown, led Anastasio Somoza Debayle to lessen his policies.

In 1979, President Jimmy Carter made several attempts to persuade Nicaraguan dictator Anastasio Somoza Debayle to step down peacefully amidst escalating civil conflict. Carter, aiming to promote human rights and avoid further bloodshed, sought a negotiated transition to a more democratic government. Despite diplomatic pressure and efforts to mediate talks with opposition groups, Somoza resisted these overtures, clinging to power amid widespread violence and increasing international condemnation. Carter's efforts ultimately failed, and the conflict culminated in the Sandinista-led overthrow of Somoza in July 1979.

When the Somozas were overthrown by the Sandinistas, the US felt threatened because they had (left) ideologies aligned with Marxism allied with the Soviet Union; however, this group was also making changes for the better of their people. The United States of America had a policy to play a part in international relations to limit the expansion of communism, especially as this was the pinnacle of the Cold War.

The CIA began supporting the Contras, a rebellious anti-revolutionary group, with their involvement steadily increasing to the point of becoming public knowledge. Despite Congress's opposition, President Reagan escalated this support, extending it to direct military attacks and the mining of Nicaraguan harbors. These actions significantly disrupted Nicaragua's economic and political stability, damaging existing infrastructure and severely restricting trade and access. In response, Nicaragua brought the case to the International Court of Justice (ICJ).



Timeline of Key Events

Date	Description of event
1909	USA under president Taft overthrow Nicaraguan president José Santos Zelaya, install a pro-US government, upheld by a contingent of US-Marines
1914	Brian Chamorro treaty is signed, giving the USA exclusive canal rights in Nicaragua, Panama Canal is opened
1927	Augusto César Sandino leads an attempted uprising against the pro-US government in Nicaragua
1933	The US marines pull out of Nicaragua, leaving the head of the National Guard
May 25 th 1937	Anastasio Somoza García becomes president of Nicaragua, and would continue to rule as a dictator until his death in 1956
September 21 th 1956	Rigoberto López Pérez assassinates Anastasio Somoza García, his son, Luis Somoza Debayle takes over as acting president
June 24 th 1962	FSLB (also known as the Sandinistas) is founded
April 13 th 1967	Luis Somoza Debayle suffers from a heart attack and dies, power is transferred to his younger brother, Anastasio Somoza Debayle
November 8 th 1972	An Earthquake hits the capital city, Managua, resulting in 10 000 deaths. The mismanagement of international aid funds sparks opposition to the Somoza regime



1979	Sardinistas overthrow Somoza, after a year-long conflict
1981	The USA begins supporting the Contra Group, to oppose the Srdanista government
December 1982	The U.S. Congress passes the Boland Amendment, restricting U.S. government assistance to the Contras. Despite this, the Reagan administration continues covert support.
1983	The US CIA plants mines in Nicaraguan Harbors

Note for the Judges

This report should be your only information source other than documents which will be presented by the advocate teams to the court. During the trial, it is strictly forbidden to do any kind of external research regarding the case. You should gather information from what is presented to you and remember to always remain objective when evaluating pieces of evidence, speeches, memorials, etc. If you have concerns regarding the procedures, terms or confirming any information, you should get in touch with the presidency. Lastly, the information given in this report may not include every detail discussed during the court since we don't know the arguments prior to the trial.



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Appendix or Appendices

- I. A useful website that gives a good overview of the court proceedings in 1986 (Not for Judges):

https://www.mpil.de/de/pub/publikationen/archiv/world-court-digest.cfm?fuseaction_wcd=aktdat&aktdat=dec0102.cfm

- II. The official ICJ website with the exact proceedings, written statements and eventual verdict (also not for judges) <https://www.icj-cij.org/case/70>

