ICJ

MUNUC 36

Model United Nations at the University of Chicago

Table of Contents

Chair Letters

Dear delegates,

Greetings and welcome to the 36th MUNUC. My name is Rodrigo Caridad and I will be one of your co-chairs for this amazing International Court of Justice (ICJ) committee. Being one of the principal binding institutions of the United Nations and the principal court in charge of settling disputes between member states, I believe that this committee is a great opportunity to have a more legal perspective of international relations and discuss the topics usually presented in Model UN conferences through other lenses. Therefore, I am very excited to see how all of you explore this.

A bit about myself. I'm a second year student at The University of Chicago majoring in mathematics and possibly physics. I am from Caracas, Venezuela, where I first started participating in Model UN during my high school years. Right now, I participate in all of the MUN clubs at UChicago: CHOMUN (the collegiate conference), our competitive team, and this year I joined MUNUC, which makes me very excited to run this committee. Apart from MUN–which is a big part of my college life–during my free time, I love watching good movies and shows, exploring neighborhoods in Chicago, and visiting new, cool, (and cheap) coffee shops around the city.

During your exploration of this background guide, your research, and even during the sessions we hope that you bring and listen to new ideas on how to tackle these two interesting topics and explore how they are managed and debated through the lenses of international law and the ICJ. We believe that this is a great opportunity to learn about the workings and mechanisms of the United Nations with topic one, which focuses on Article 4 of the UN Charter and specifies the conditions to admit a new member state in these international institutions. Moreover, for the second topic, by considering the court case of Peru v. Colombia in 1949, we expect you to explore the different international agreements and conventions that surround granting asylum to an individual, debate their pros and cons, and work together to find a common agreement to settle this legal conflict. I can't wait to see what all of you have in mind!

Sincerely,

Rodrigo Caridad

rorroarturo@uchicago.edu

Co-Chair, International Court of Justice (ICJ)

Dear Delegates,

Welcome to MUNUC 36! My name is Henry Hong, and I am so excited to be one of your co-chairs for the International Court of Justice, 1948. I am a third-year at the University of Chicago, double majoring in History and Global Studies. Outside of MUNUC, I am the Treasurer for the Society for International Relations and a member of the International Development Society.

Delegates in our committee this year will get the opportunity to consider two of the first issues that the International Court of Justice (ICJ) faced. As the ICJ considered legal issues of the UN Charter and disputes between nations, it looked toward international legal precedent and its founding mission to help guide its decision. The ICJ must figure out and define its role within the international community to help maintain the newly created international order following WWII. With the interest of the international community combined with the court's own, delegates must balance short-term and long-term concerns that will allow the ICJ to resolve these pressing issues while also creating meaningful legal precedent.

My co-chair and I are here as resources for you, so if you have any questions or concerns feel free to communicate those to us. My email is hhong@uchicago.edu. We want to make sure you all see this as an opportunity to learn from one another and engage in productive debate to reach a resolution that addresses the many aspects of the topic you all choose. I look forward to meeting all of you in committee.

Sincerely,

Henry Hong

Co-Chair, International Court of Justice (ICJ)

History of Committee

The ICJ was established in 1945 by the UN Charter and began work in 1946 as the successor to the Permanent Court of International Justice which was dissolved following the establishment of the ICJ. Article 33 of the UN Charter explains States should settle disputes through the methods of negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies. The creation of the International Court of Justice represented the long process of developing these methods into effective means of resulting in the peaceful settlement of international disputes.[1] The purpose of this court is to settle disputes between states in accordance with international law and give advisory opinions to help establish certain international legal issues. The rulings produced by the ICJ help to serve as primary sources of international law. The International Court of Justice (ICJ) is one of the six principal organs of the United Nations.

Following the Second World War, there was a desire for the establishment of a general international organization which would include an international court of justice. At the San Francisco Conference, it was decided that there was a need for the creation of an entirely new court. This Court would be a principal organ of the United Nations and be on the same footing as the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council and the Secretariat.[2] The Conference believed that it was necessary to create a new Court that could serve as the principal judicial organ of the UN and felt as though the preceding international court, the Permanent Court of International Justice (PCIJ), could not effectively serve in this capacity. The Permanent Court of International Justice was the first permanent international **tribunal** with general **jurisdiction**.[3] The PCIJ was given the authority to create advisory opinions on any dispute or question referred to it by the League of Nations Assembly.[4] The PCIJ delivered almost thirty advisory opinions during its almost twenty-year existence. These opinions helped to solve issues on statuses of territories to the movement of people. However this court, like the League of Nations, collapsed as the Second World War broke out. This left the international community with a major gap, a permanent international tribunal. However, with the end of the Second World War and the creation of the

[1] "History of the ICJ." International Court of Justice. Accessed September 22, 2023. https://icj-cij.org/history/.

[2] Ibid.

[3] "Permanent Court of International Justice: International Court of Justice." Permanent Court of International Justice. Accessed August 22, 2023. https://www.icj-cij.org/pcij.

[4] "History of the ICJ." International Court of Justice. Accessed September 22, 2023. https://icj-cij.org/history/.

United Nations in 1945, this gap was filled by the International Court of Justice. The creation of the International Court of Justice was the culmination of a long history of international arbitration and judicial settlement that was spurred by the desire and need for a judicial organ of the UN.

Topic A: Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)

Statement Of The Problem

The United Nations was formed in 1945 with 51 founding members. Following the creation of the United Nations, twelve states had unsuccessfully applied for admission. **Article 4 of the Charter of the United Nations** lays out the requirements for membership:

Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations and the admission of any such state to membership in the United Nations will be affected by a decision of the General Assembly upon the recommendation of the Security Council.[5]

However, the applications of these twelve states were rejected by the Security Council as a result of a **veto** imposed by one or other of the States which are permanent members of the Council and thus rejecting their application. Following this series of rejections, the General Assembly of the United Nations referred the question to the International Court of Justice (ICJ). With this referral, the ICJ was tasked with creating an interpretation of Article 4 of the Charter of the United Nations and creating an **advisory opinion** that would help guide the future actions of both the Security Council and General Assembly on questions of applications of membership by states to the United Nations.

Figure 1. New Zealand Representatives in Hague[6]

Disagreement between different states over the question of admission can be understood with two main issues. Many states held and argued that Article 4 of the United Nations Charter could not be challenged and that consequently,

[5] United Nations. *United Nations Charter*. Accessed September 24, 2023. https://www.un.org/en/about-us/un-charter/full-text.

[6] Archives New Zealand. Photographs from the Ministry of Foreign Affairs Record Group, Showing New Zealand Representatives at the International Court of Justice in the Hague. June 20, 2013. New Zealand Representatives at the International Court of Justice in the Hague. https://commons.wikimedia.org/wiki/File:New_Zealand_Representatives_at_the_International_Court_of_Justice_in_the_Hague_%289096639703%29.jpg.

membership in the United Nations cannot be denied to any peace-loving State which accepts the obligations contained in the Charter.[7] These beliefs led to many states requesting the ICJ to write an advisory opinion as some states felt there was an unwarranted use of the vetoes made by some States in order to prevent other States from entering the Organization, using reasons and imposing conditions that were not contained in Article 4 to make decisions on admission of states.

However, not all states agreed with the idea that an advisory opinion from the ICJ was even needed. This opened up a new dimension to the discussion and now directly questioned how the three main organs of the United Nations, the Security Council, the General Assembly, and the ICJ, interacted with each other. These questions about the validity of the request for the advisory opinion brought forth. **Article 65 of the Statute of the International Court**, a similar document to the UN Charter but for the ICJ, explains what necessitates an advisory opinion. Article 65 of the Statute of the International Court states that, "the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request."[8] It was argued that the request following the rejection of these applications was not an ordinary legal question of the functioning of the United Nations but rather an interpretation concerning the substance of the Charter of the United Nations itself which is not under the jurisdiction of the advisory opinions of the ICJ. The basis of this argument was on the procedure and jurisdiction of the ICJ rather than the method of admission.[9] This argument against the ICJ's involvement hinged on the fact that members of the United Nations are determined by the Charter and cannot be subject to interpretation by the International Court.

The question on the Conditions of Admission of a State to Membership in the United Nations is more than just an analysis of the highly important Article 4 of the United Nations Charter. Article 4 only encompasses only a part of this issue, but by requesting an advisory opinion on the actions of the Security Council and involving the whole United Nations assembly, the General Assembly gave the ICJ an opportunity to more concretely define how the primary organs of the United Nations interacted. The General Assembly was able to clarify the role

[7] "Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)." Accessed September 24, 2023. https://www.icj-cij.org/case/3

[8] "Statute of the Court Of Justice | INTERNATIONAL COURT OF JUSTICE." Accessed September 24, 2023. https://www.icj-cij.org/statute.

[9] "Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)." Accessed September 24, 2023. https://www.icj-cij.org/case/3.

that the ICJ had within these interactions all under the auspices of maintaining and potentially expanding the burgeoning organization of the United Nations.

History Of The Problem

The topic of membership of international organizations has always been a contentious issue and was not new with the United Nations. Membership is vital to these organizations as it legitimizes their existence while simultaneously expanding their reach. Both the United Nations and the League of Nations understood the necessity of membership and the importance of standard procedures to expand membership. The founding documents of both these international organizations spell out the terms of membership almost immediately with Article 1 of the Covenant of the League of Nations and Article 4 of the United Nations Charter defining the means of becoming a member.

The League Of Nations

The League of Nations, which was the predecessor to today's United Nations, had various issues when new members tried to join, even with the procedure spelled out in Article 1 of the Covenant of the League of Nations. While Article 4 of the United Nations Charter which explains that "membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter,"[10] the Covenant of the League of Nations had a procedural requirement, stating nations "could be [only] admitted by a two-thirds majority of the Assembly."[11] The founding members of the League of Nations were the Allied nations and the 13 countries which had been neutral during the First World War. But, even with these founding members and method of new membership, the League of Nations, for the duration of its existence, struggled with retaining its existing members. Japan, Germany, and Italy left in 1933 and 1934; while other states were added, the United States never joined. This membership issue would forever hobble the League of Nations and make its mission to "promote international cooperation and to achieve international peace and security" almost impossible.[12] The League of Nations was dissolved in April 1946 to make way for the United Nations.[13]

---

[10] United Nations. *United Nations Charter*. Accessed September 24, 2023. https://www.un.org/en/about-us/un-charter/full-text.

[11] "The Covenant of the League of Nations | The United Nations Office at Geneva." Accessed September 24, 2023. https://www.ungeneva.org/en/about/league-of-nations/covenant.

[12] Ibid.

[13] United Nations. "Predecessor: The League of Nations." https://www.un.org/en/about-us/history-of-the-un/predecessor.

Figure 2. Delegates after signing the Treaty of Versailles.[14]

The United Nations' Attempt

Seeking to avoid the mistakes of the League of Nations, the framework of the United Nations began to develop during the Second World War. This was unlike the League of Nations, which had limited development until the Paris Peace Conference of 1919 following the First World War.[15] In 1942, in the midst of the Second World War, the United States, United Kingdom, Soviet Union, and China signed the "United Nations Declaration" in which they "agreed to not negotiate a separate peace with any of the Axis powers."[16] The following day, twenty-two other nations also signed. This document marks the first official use of the name "United Nations."[17] The signatories of this document would be invited to the United Nations Conference on International Organization (UNCIO), also known as the San Francisco conference, in 1945 with the goal to solidify the idea of "united nations" past this war.

In the interim between the signing of the United Nations Declaration in 1942 and the San Francisco conference in 1945, it became clear to the Allied nations that establishing an international organization that invited all peace-loving states was necessary to maintain international peace and security.[18] The general understanding was that global prosperity was not achievable just through the organization of the world's largest nations, but required the inclusion of nations of all sizes and regions.

[14] Archives New Zealand. "Delegates Leaving The Palace after Signing the Treaty of Versailles." https://openverse.org/image/92faef05-14de-4fbd-b10b-46371d98b86b.

[15] Hunter Miller, David. The Drafting of the Covenant. Johnson Reprint Corp. Johnson Reprint Corp, 1969.

[16] "History of the United Nations | Nations Unies." United Nations. https://www.un.org/fr/node/44721.

[17] Ibid.

[18] "The Moscow Conference, October 1943." Text. https://avalon.law.yale.edu/wwii/moscow.asp.

Figure 3. The United Nations headquarters today in Geneva, Switzerland.[19]

The consensus that inclusion was necessary was on full display at the San Francisco conference, which had delegates from fifty nations present, representing over eighty percent of the world's population.[20] The eventual capstone of the San Francisco conference was the United Nations Charter, which differed from the League of Nations' Covenant in many ways, including how new members could join. To join, nations must accept the obligation of the Charter and abide by its principles but also require the General Assembly's approval by two-thirds vote and the recommendation of the Security Council.[21] But, even though the original and stated goal of the United Nations was inclusion, these requirements for membership effectively gave any one nation on the Security Council the ability to single-handedly block the admission of a state. This quickly became problematic as states on the Security Council leveraged their veto powers to hinder attempts by states to join the United Nations.

History Of International Courts

The leveraging of veto powers within the Security Council resulted in the ICJ being called upon to test the interaction between some of the main organs of the United Nations: the ICJ, the General Assembly, and the Security Council. These three organs would impact their own futures by delineating how they would interact with each other as institutions.

Before the ICJ existed, the Permanent Court of International Justice (PCIJ) was the first permanent international tribunal with general jurisdiction.[22] Similarly to the ICJ, the PCIJ had the authority to give advisory opinions on any dispute or question referred to it by the League of Nations Assembly.[23] The PCIJ delivered 27 advisory opinions between 1922 and 1940; these opinions related to topics ranging from the interpretation of treaties between states to defining the status of delegates at conferences, but they did not include the interpretation of the Covenant of the League of Nations. With the jurisdiction of the PCIJ being strictly an interstate tribunal, the PCIJ set the foundation for the ICJ by illuminating the need for a permanent international court and the value of

[19] Page, Tom. "United Nations Flags - Cropped." Accessed September 24, 2023. https://openverse.org/image/9c31e41c-9cf6-4a48-8422-07801b7872d9.

[20] "History of the United Nations | Nations Unies." United Nations. https://www.un.org/fr/node/44721.

[21] Johnstone, William C. "The San Francisco Conference." Pacific Affairs 18, no. 3 (1945): 213–28. https://doi.org/10.2307/2752581.

[22] "Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE." Accessed September 24, 2023. https://www.icj-cij.org/pcij.

[23] "History | INTERNATIONAL COURT OF JUSTICE." Accessed September 24, 2023. https://www.icj-cij.org/history.

these advisory opinions.[24] Even with the collapse of the PCIJ during the Second World War, interest in a permanent international court remained, with the Inter-Allied Committee being formed to examine the establishment, or re-establishment, of an international court after the war.[25] One of the findings by this committee was on the importance of advisory jurisdiction, resulting in the recommendation to retain this jurisdiction by a future international judiciary.[26]

This emphasis on the advisory jurisdiction of an international court paired with the historical existence of this jurisdiction under the PCIJ gave the fledgling ICJ the tools and precedent to effectively participate as a principal organ of the United Nations. By maintaining advisory jurisdiction, which is explained in **Article 96 of the United Nations Charter**, the International Court of Justice, upon request, could give an advisory opinion on any legal question to either the General Assembly or the Security Council.[27]

In 1947, this advisory jurisdiction led the Court to have influence on one of the most important functions and tools of the United Nations: its membership. However, this question did not just seek advice on the role of the General Assembly and the Security Council but directly brought into question the role of the International Court of Justice, which will be further explored in the following briefs.

Summary of Briefs

The Case of Articles 4 and 96

Following the issues of admitting members, the General Assembly requested an advisory opinion from the International Court of Justice concerning Articles 4 and 96 of the United Nations Charter. Recall that Article 4 laid out the requirements for states to be admitted into the United Nations while Article 96 asserts that "the General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question."[28]

The particular questions at hand in relation to these two Articles of the United Nations Charter were:

Is a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, juridically entitled to make its consent to the admission dependent on

[24] Hudson, Manley O. "THE PERMANENT COURT OF INTERNATIONAL JUSTICE." Sage Publications, Inc., January 1923. https://www.jstor.org/stable/20660185.

[25] Ibid.

[26] Hudson, Manley O. "The Twenty-Third Year of the Permanent Court of International Justice and Its Future." American Journal of International Law, January 1945. https://www.jstor.org/stable/2192305.

[27] UN Charter, Article 96.

[28] UN Charter.

conditions not expressly provided by paragraph I of the said Article?[29]

In particular, can such a Member, while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State?[30]

With these questions in mind, the International Court of Justice sought the arguments and opinions of various member nations. These arguments and opinions were put forth in both Written and Oral proceedings of this case.

Written Proceedings

These written proceedings were in the form of letters written by different states to the registrar of the International Court of Justice. Some of these letters spell out lengthy arguments on the subject while others simply state that state's opinion with relatively little follow up. This section will summarize and organize these letters for better understanding.[31]

The written proceedings can be understood as two major groups: the Proceduralists and the Article 4ists. With the Proceduralists arguing that the questions at hand were not even within the scope of the International Court of Justice's jurisdiction, the proponents of Article 4 argued for each application for admission to be examined on its own merits.[32] These arguments have very different legal foundations as one attacks the procedural merits of the question while the other is focused on the interpretation of the specified Articles of the Charter.

Proceduralists

The letters from the group of nations questioning the procedural merits of this advisory opinion that are summarized in this section will be from the Ukrainian Soviet Socialist Republic and Yugoslavia. The Ukrainian Soviet Socialist Republic explained that the requested advisory opinion on the subject of admission into the United Nations was no "ordinary legal question" that could fall under the statutes of the International Court.[33] Thus, the questions of admission should not be heard by the International Court of Justice and no advisory opinion should even be issued. The letter went further to explain that this topic was a direct "interpretation concerning the substance of the

[29] Request for Advisory Opinion.

[30] Ibid.

[31] "Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)." Accessed September 24, 2023. https://www.icj-cij.org/case/3.

Within the official documents from the ICJ, the "written proceeding" include letters in both French and English. If you have any questions, please reach out to the committee dais.

[32] Ibid.

[33] Ibid.

Charter of the United Nations," found nowhere to be found in the scope of the International Court of Justice's jurisdiction or role, as defined by the Charter of the United Nations.

The letter from the Minister of Yugoslavia at the Hague to ICJ has similar concerns as the Ukranian letter. The Yugoslav letter explains that they voted against requesting an advisory opinion in the first place and maintains that the question being raised "is essentially political and not legal."[34] The dangers of the General Assembly expanding the ICJ's jurisdiction into political issues through the referral of this question, argued by Yugoslavia and Ukraine, could potentially damage the how the principle organs of the United Nations work with each other and that is would be against the International Court of Justice's role that was spelled out in the Charter of the United Nations.

Proponents Of Article 4

The letters summarized from the group of nations that focused on the understanding of Article 4 itself rather than the procedure will be Australia and Iraq. The group focused on the procedure had no issues with states single handedly blocking the admissions of members while the group focused on Article 4 explained why this is problematic to goals of the United Nations. The Iraqi letter explains:

> No Member of the United Nations is juridically entitled either to make its consent dependent on conditions other than those expressed above, or subject its affirmative vote to the additional condition that other States be admitted to the membership of the United Nations together with that State. The addition of such conditions is in direct violation to the Charter.[35]

This idea that it would be against the Charter of the United Nations to vote on admissions on conditions not laid out in the Article 4 brings up another legal question on how the Charter of the United Nations should be understood.

This also recalls the second question from the referral to the International Court of Justice, mentioned above. It asks if a member can vote for the admission of a state based on if other applicants are also admitted, even if the original applicant fulfills all of the conditions on its own. Basically, can members partake in quid pro quos, leveraging the admission of one state for the admission of another into the United Nations? This question is a result of the Soviet Union acknowledging that "Italy had satisfied the requirements of membership [but they] would only be prepared to support Italy's application if the other four countries were admitted."[36] States like Iraq and Australia argue that membership should be solely on the basis of each application

[34] Ibid.

[35] Ibid, from "Written Proceedings."

[36] Ibid, from "Written Proceedings."

rather than admittance being a result of some sort of quid pro quo even if the conditions in Article 4 were satisfied by an applicant. Australia explains the importance of not allowing "external considerations" to affect the decisions on applications. This point is interestingly similar to the Yugoslav argument about the dangers of politicizing certain operations.

With an understanding of these two ideas, the International Court of Justice must issue a legal advisory opinion on the issues at hand. So, the first question remains. With these written proceedings, the legal disagreements become more clear as the questions of whether it is within the International Court of Justice's jurisdiction to determine this and how should the Charter of the United Nations be interpreted arise. These two questions brought up by the first case ever heard by the Court are up for their decision. This decision will be significant in shaping the future membership of the United Nations, legal understanding of Articles within the Charter of the United Nations, and the place and role of the International Court of Justice within the United Nations as a whole.

Bloc Positions

In this final section, we will summarize positions of various states in relation to this case. As stated in the previous section, there are two main positions: Proceduralists versus Article 4ists. This functionally turned into a East versus West confrontation as the states within the Soviet sphere of influence fell into the group of Proceduralists, while Article 4 proponents were usually states within the West's sphere of influence. Many developing nations not under the influence of either tended to side with the Article 4ists.

This meant the Union of Soviet Socialist Republics (USSR), the Ukrainian Soviet Socialist Republic, Poland, Czechoslovakia, and Yugoslavia had ideas within the Proceduralists school of thought. They followed the ideas spelled out in the briefs by Yugoslavia and the Ukrainian Soviet Socialist Republic, explained in the previous section.

Meanwhile, more Western states like the Netherlands, Canada, France, the United States, and Australia were joined by third world countries like Iraq, El Salvador, Guatemala, and Honduras. They followed the ideas spelled out in the briefs by Australia and Iraq.

Glossary

Advisory opinion: Once a legal question is submitted, a court may provide a statement on how they might interpret the constitutionality of a law. This statement is different from a decision weighed on a case in that it is non-binding and does not need to arise from or apply to a specific case.

Article 4 of the United Nations Charter: Clause outlining conditions of membership to the United Nations. Membership is open to all peace-loving states, but an admission application is dependent on the recommendation of the Security Council and approval of the General Assembly.

Article 65 of the Statute of the International Court of Justice: Clause authorizing the International Court of Justice to provide an advisory opinion upon request by other United Nations bodies.

Article 96 of the United Nations Charter: Clause authorizing the General Assembly or the Security Council to submit a legal question and request an advisory opinion from the International Court of Justice.

Jurisdiction: The authority of a court or other body to deliberate and decide on the interpretation of law.

Tribunal: A court of justice where a judge presides over a case. The International Court of Justice is a civil tribunal, deliberating over legal conflicts between countries. In parallel, the International Criminal Court is a criminal tribunal that seeks to prosecute individuals.

Veto: A power or right to block a decision from being accepted, even if the decision had received the appropriate number of votes or met the criteria for approval.

Topic B: Asylum (Colombia v. Peru)

Statement Of The Problem

What Is Asylum?

According to the United Nations High Commissioner for Refugees, the **right of asylum** is defined as the legal protection an individual has to lawfully remain in a country as a means to escape a nation where they fear to be prosecuted.[37] The concept of asylum is important because it serves as a form of protection to individuals that are being persecuted for unfair–and generally political–reasons. In some cases, the physical safety of the individual is also threatened, which increases the necessity of legal protection in a foreign country where they can be safe.

Figure 4. Eleanor Roosevelt holding a copy of the UN Declaration of Human Rights[38]

The understanding of its importance led to the right of asylum being codified in the 1948 Universal Declaration of Human Rights.[39] More specifically, Article 14 stipulates that "everyone has the right to seek and to enjoy in other countries asylum from persecution", with the clarification that "this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations." This understanding of asylum is further clarified when considering the conditions of asylum stipulated in the 1928 Pan-American Havana Convention on Asylum.[40] This convention determined that asylum could be granted by a foreign embassy within the country where that individual is being persecuted.

[37] "What Is Asylum?" UNHCR, n.d. https://help.unhcr.org/usa/applying-for-asylum/what-is-asylum.

[38] GPA Photo Archive. Eleanor Roosevelt and United Nations Universal Declaration of Human Rights. August 22, 2016. Photo. https://www.flickr.com/photos/iip-photo-archive/29156488755/.

[39] United Nations. *Universal Declaration of Human Rights*. United Nations. Accessed September 24, 2023. https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[40] OEA and OAS. "OAS - Organization of American States: Democracy for Peace, Security, and Development." Text, August 1, 2009. https://www.oas.org/en/sla/dil/inter_american_treaties_A-37_political_asylum.asp.

Colombia v. Peru

Colombia v. Peru was introduced to the ICJ after Colombia granted asylum to the Peruvian political leader Victor Haya de la Torre in the Colombian embassy in Lima.[41] Haya de la Torre was an important political leader for the Latin American left and was the founder of the political party Alianza Popular Revolucionaria Americana (APRA) which translates to American Revolutionary Popular Alliance.[42] In 1948, members of the party attempted a coup against José Luis Bustamente y Rivero, the then-current president of Peru. This coup failed, and the government retaliated by ordering the arrest of the leaders of the parties involved, including Haya de la Torre.

Figure 5. Haya de la Torre pictured with Chilean socialist political leader Bernardo Ibañez and Manuel Mandujano.[43]

This led him to request asylum in the Colombian embassy at Lima, and after the petition was accepted, he requested **safe conduct**–a request for safe passage through a certain territory–to the Peruvian government. This request would be denied because the Peruvian government fundamentally disagreed with the Colombian government's claim that it had the authority to determine if the prosecution of Haya de la Torre was for political reasons. The lack of cooperation and this disagreement between the two governments was the reason for which this case was introduced to the ICJ.[44] In other words, the Peruvian government was questioning the legality of asylum. Moreover, the court also must determine if a country that prosecutes a person is bound to provide conditions for an individual to leave the country safely if they received asylum in an embassy.[45]

[41] "Asylum (Colombia/Peru)." Accessed September 24, 2023. https://www.icj-cij.org/case/7.

[42] "VÍCTOR RAÚL HAYA DE LA TORRE." Congreso de la República (Peru), n.d. https://www.congreso.gob.pe/Docs/participacion/museo/congreso/files/files/victor_haya.pdf.

[43] Biblioteca del Congreso Nacional de Chile. Español: Bernardo Ibáñez, Víctor Raúl Haya de La Torre y Manuel Mandujano.http://historiapolitica.bcn.cl/JPG/4/408bac7520e98aa2adb594fa17363abf/215920.jpg. https://commons.wikimedia.org/wiki/File:Bernardo_Ib%C3%A1%C3%B1ez,_V%C3%ADctor_Ra%C3%BAl_Haya_de_la_Torre,_Manuel_Mandujano.jpg.

[44] "VÍCTOR RAÚL HAYA DE LA TORRE." Congreso de la República (Peru), n.d. https://www.congreso.gob.pe/Docs/participacion/museo/congreso/files/files/victor_haya.pdf.

[45] "Asylum (Colombia/Peru)." Accessed September 24, 2023. https://www.icj-cij.org/case/7.

The resolution of this case is important to determine the fate of Haya de La Torre and his asylum status, but this case is also important because the court will be setting precedent in the international law regulating asylum by answering the questions brought by the nations involved in the dispute. Thus, the resolution of this case is important to clarify legal loopholes in the statutes and documents that stipulate the conditions and procedures of asylum.

History Of The Problem

Origins Of The Juridical Concept

Asylum as a juridical concept has been around since the time of the Roman Empire. Although many attribute the right of asylum to much earlier times, the right was mentioned in the Code of Theodosius and was later adopted by the Code of Justinian. Furthermore, many sacred places in Ancient Greece–like temples and ancient groves–had the power to provide refuge to debtors, slaves, and criminals who escaped. These temples generally served as refuges that were protected by law and allowed to provide asylum.[46]

Figure 6. A current day picture of an Altar that served as an asylum in 500s BCE.[47]

In Medieval England, the right of asylum was first mentioned in the laws that were introduced by King Ethelbert in 600 B.C. At first, this right was only applicable within a church, and meant that once the asylum was granted to an individual, they were not able to leave the temple. These conditions were later extended to larger areas surrounding the churches granting the protection. The ending of these areas used to be marked with signs with the message "sanctuary ends"; some of these signs remain to this day.[48]

Another interesting condition of the right of asylum in Medieval England was that the person that committed a felony was protected in the area of sanctuary, but had around forty days to leave the Kingdom and take an oath to never return.

[46] "LacusCurtius • Asylum (Smith's Dictionary, 1875)." Accessed September 25, 2023. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/secondary/SMIGRA*/Asylum.html.

[47] Tomisti. English: Altar of the Twelve Gods. Ancient Agora of Athens, Greece. 2011. Own work. https://commons.wikimedia.org/wiki/File:Altar_of_the_Twelve_Gods.jpg.

[48] Sanctuary. CATHOLIC ENCYCLOPEDIA: Sanctuary. (n.d.). https://www.newadvent.org/cathen/13430a.htm

This action of leaving your country or territory of origin and being legally unable to return is known as exile. Moreover, in England violations of the conditions of asylum were punishable by law.[49] In many of these cases, asylum was generally granted in a religious context rather than as a right affirmed by the state.

Introduction Of The Right Of Asylum In Different Countries

When the first republics of the world began to establish and write their constitutions, many started to consider the right of asylum as a **fundamental right**. The first of these to recognize the right was the French Republic with Article 120 of the 1793 Constitution, introduced in the aftermath of the French Revolution. It states, "[the French Republic] serves as a place of refuge for all who, on account of liberty, are banished from their native country."[50] This was later ratified in paragraph 4 of the preamble to the 1946 constitution: "anyone persecuted because of his action for freedom has a right of asylum in the territories of the Republic."[51]

In the case of the United Kingdom, its heads of state granted asylum to the leaders of the communist and socialist movements, mainly from Germany in the 1800s. In 1848, London used to be called "the great city of refuge for exiles of all nations," with many radical thinkers making use of the UK's asylum policy, including Karl Marx and Friedrich Engels.[52] Another country that introduced this right into its constitution was Italy. The need for this was largely inspired by the background of the Italian Intellectuals that drafted the 1948 Constitution. Many placed great importance on this form of protection because of its use during the outbreak of World War II and the proliferation of the Fascist Regime that ruled the country. Article 10(3) of the 1948 Constitution expresses, "an alien who is denied the effective exercise of the democratic liberties guaranteed by the Italian Constitution in his or her own country has the right of asylum in the territory of the Italian Republic in accordance with the conditions established by law."[53]

The case of Germany was very similar. The Constitution of 1949 established, "persons

[49] Ibid.

[50] Online Library of Liberty Fund. "French Republic Constitution of 1793." Online Library of Liberty Fund. https://oll.libertyfund.org/page/1793-french-republic-constitution-of-1793

[51] "Preamble to the Constitution of 27 October 1946." 27 October 1946. https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/cst3.pdf (accessed 31 August 2023).

[52] Jones, Thomas C. "Karl Marx's London." Migration Museum. Accessed [Insert Access Date]. https://www.migrationmuseum.org/karl-marxs-london/.

[53] Hélène Lambert and others, Comparative Perspectives of Constitutional Asylum in France, Italy, and Germany: Requiescat in Pace ? , Refugee Survey Quarterly, Volume 27, Issue 3, 2008, Pages 16–32, https://doi.org/10.1093/rsq/hdn043

persecuted on political grounds shall have the right of asylum." However, it was later explained that the country's parliament added this article only as compliance with the international responsibilities and laws that Germany had to follow.[54] It is important to note this because in the case currently presented (*Colombia v. Peru*), the court may always consider asylum as an international responsibility dictated by international law documents, rather than a law specified by each country's constitution. Knowing this, it is important to highlight that the right of asylum was not established in the 1886 Colombian Constitution. Hence, for this case the nation was relying on the international laws and conventions that will be further discussed in this section of the background guide.[55]

The 1948 United Nations Declaration Of Human Rights

The 1948 Declaration of Human Rights is one of the most important documents for international law. It establishes the most fundamental rights that should be guaranteed for every human being. The document was drafted at the end of World War II and was drafted by a commision of UN member states and representatives of diverse backgrounds from 1947 to 1948. The committee proposed the first draft in September of 1948 and was later adopted by the UN General Assembly in December of that same year. It is considered to be a complete success due to the fact that many nations were divided at the time of this document's writing and achieving common ground was seen as a success for advancing human rights across the world.[56]

The importance of the declaration in the context of the committee comes from its declaration of asylum as an essential human right. The first section of Article 14 establishes, "everyone has the right to seek and to enjoy in other countries asylum from persecution." However, in the second section of the same article it is said that "this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes of the United Nations." So, it is important that if a nation uses this human right to defend its case, it should be determined that the persecution of this individual is political and not criminal.[57]

Pan-American Havana Convention On Asylum (1928)

The resolution of the Pan-American Havana Convention of Asylum is the most relevant document regarding this case. It was signed in

[54] Ibid.

[55] "Constitution of the Republic of Colombia." 1886. https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=7153 (accessed August 31, 2023).

[56] "History of the Declaration." United Nations. https://www.un.org/en/about-us/udhr/history-of-the-declaration (accessed August 31, 2023).

[57] "Universal Declaration of Human Rights." December 10, 1948. https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf (accessed August 31, 2023).

Havana, Cuba, during the Sixth International Conference of American States. Most importantly, both Colombia and Peru are signatories and ratifiers of the document. It mainly contains a description of the conditions and procedures that American countries have to follow to grant asylum.

Although for this case is recommended that delegates read the whole document, some relevant articles and fragments are:

From Article 1:[58]

> It is not permissible for States to grant asylum in legations, warships, military camps or military aircraft, to persons accused or condemned for common crimes, or to deserters from the army or navy. Persons accused of or condemned for common crimes taking refuge in any of the places mentioned in the preceding paragraph, shall be surrendered upon request of the local government.

From Article 2:[59]

> Third: The Government of the State may require that the refugee be sent nut of the national territory within the shortest time possible; and the diplomatic agent of the country who has granted asylum may in turn require the guaranties necessary for the departure of the refugee with due regard to the inviolability of his person, from the country.

Past Actions

In this section we will summarize famous cases similar to *Colombia v. Peru*, where important political figures received asylum in the diplomatic missions of other nations because of prosecution by their own governments. This section has the goal to not only explain why the asylum was requested in such cases, but also to understand how the nations involved handled them. Considering that the laws regulating asylum in *Colombia v. Peru* were specific to Latin American nations, we will focus on them. But, researching other international cases is highly encouraged and recommended.

José Tadeo Monagas

José Tadeo Monagas was a Venezuelan military, president, and political leader in the 19th century who fought in the army for Venezuelan independence led by Simón Bolívar. He participated in many important battles for the

[58] OEA and OAS. "OAS - Organization of American States: Democracy for Peace, Security, and Development." Text, August 1, 2009. https://www.oas.org/en/sla/dil/inter_american_treaties_A-37_political_asylum.asp.

[59] Ibid.

American Continent Independence and he obtained the rank of General during this time.[60]

After the Venezuelan independence and the later separation from Gran Colombia, Monagas would still participate in the country's political matters. In 1834, he was elected as a member of Congress, and later got elected as president in 1847. He played a role in negotiating with different violent factions, such as different militias and separatists groups, around the country and preventing the separation of certain provinces. After his brother's presidential period ended—during which José Tadeo controlled the government—Monagas was reelected president in 1855.

In 1858, a General named Julian Castro started a violent insurrection that successfully overthrew the government, and made Monagas resign that same year. Nevertheless, this appeared to not be enough for the opposing party sympathizers, and protests started all around the venezuelan territory asking for him to get arrested and executed. This led Monagas to ask for asylum in the French embassy. However, the violence did not stop, leading to a series of negotiations between the government and European diplomats to reach a deal for the protection of Monagas.[61]

He was granted protection for his remaining time in the country and safe conduct, which he used to start his exile in France. This case was interesting because the new Venezuelan government reached this deal due to pressure by European powers such as France and the United Kingdom, who threatened to impose economic sanctions. More interesting is that these nations also asked for safe conduct to be granted to other two members of Monagas' country. However, these last two individuals were not being prosecuted for political crimes but rather financial crimes, and they also decided to turn themselves in to the authorities.

José Manuel Balmaceda

José Manuel Balmaceda was a former president of the Republic of Chile.[62] Balmaceda was a controversial figure; there is no agreement regarding if he was a visionary and great leader for the country or an authoritarian dictator. He began his political career by forming part of the liberal party. He later served as a senator, congressman, and minister of foreign relationships. Furthermore, his candidacy was

[60] "Gobierno En Línea: Nuestros Presidentes, Biografía Del Presidente José Tadeo Monagas," August 4, 2011. https://web.archive.org/web/20110804013247/http://www.gobiernoenlinea.ve/venezuela/perfil_presidente5.html.

[61] Ibid.

[62] "List of Presidents of Chile." In Wikipedia, July 30, 2023. https://en.wikipedia.org/w/index.php?title=List_of_presidents_of_Chile&oldid=1167956426.

supported by his party in 1886, and he won the elections that same year.[63]

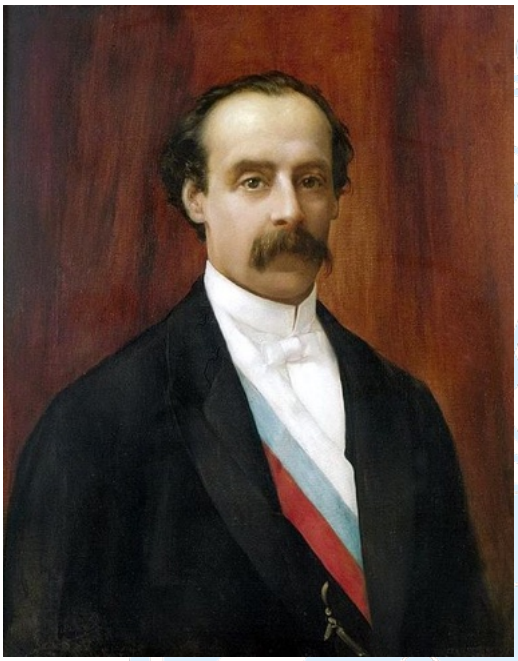

Figure 7. Portrait of José Manuel Balmaceda.[64]

He was sworn in as president in September 1886. However, he proposed a lot of projects for the improvement of education and public infrastructure that needed a lot of funds. As a consequence, political opponents started to block and fight this politics due to the response by certain sectors of Chilean society. The situation got to a certain point where there was a deep crisis between the presidency and the congress, and when Balmaceda presented a budget plan for the army copying the one from the year before without congress permission, a civil war erupted in 1891.[65]

The army was divided between his supporters and insurrectionists. The conflict took the lives of around ten thousand people, and Balmaceda resigned in that same year. He took asylum in the Argentinian Embassy. His case was not long, because he took his own life a month later. However, it is important to study it because it is an example of an individual whose life was clearly at risk because of a serious prosecution—not even by the government but by an armed conflict itself—and that the existence of asylum clearly protected him.

Augusto Roa Bastos

Augusto Roa Bastos was a Paraguayan fiction writer and intellectual figure. In contrast with other persons in this list, Roa Bastos was not a politician or political leader himself, but rather a cultural figure that was prosecuted for his left wing opinions and rejecting the army's rule during a time when Paraguay was undergoing a civil war. The conflict in the country began as a consequence and escalation of a failed coup attempting to overthrow the authoritarian

[63] "Reseñas Biográficas de Parlamentarios de Chile - Biblioteca Del Congreso Nacional de Chile," February 14, 2009. https://web.archive.org/web/20090214102629/http://biografias.bcn.cl/pags/biografias/detalle_par.php?id=682.

[64] Laroche, Fernando. *Retrato de José Manuel Balmaceda Fernández*. Wikimedia Commons, 1891. https://commons.wikimedia.org/wiki/File:JoseManuelBalmaceda.JPG.

[65] Chisholm, Hugh, ed. (1911). "Chile". Encyclopædia Britannica. Vol. 6 (11th ed.). Cambridge University Press. pp. 153–160.

government that ruled the nation.[66] Moreover, the rebel coalition had communist ties, which led to a persecution of leftists and sympathizers in the country by the government, who wanted to prevent future coups.

Figure 8. Augusto Roa Bastos[67]

Although Roa Bastos was not a political militant, he was accused by members of the government of having communist ties, and later, an arrest warrant was issued against him. In reality, Roa Bastos was being targeted because he published articles criticizing the government and had personal issues with the same members who accused him.[68] To escape the situation, Augusto hid in his house water tank. He then requested and was granted asylum in the Brazilian embassy, where he spent three months before being granted safe conduct.

The most important thing about this case is that it is an example of the value of asylum. It shows that this right not only serves the role of protecting politicians or political figures, but it also protects individuals whose freedom of expression is being violated in some way. Knowing this fact, it is a reminder that protecting and clearly defining the conditions of asylum is also a way of internationally protecting citizens' rights of expression and opinion.

Leonardo Argüello Barreto

Leonardo Argüello Barreto is a former president of Nicaragua and a former leader of the Liberal Party. During the time, he was one of the few politicians that was not affiliated with the army. He participated in a couple of elections as a presidential candidate, and he was finally elected in 1947. However, his term only lasted twenty six days.[69]

He was forced to step down by a coup led by Somoza García, who was the president before him. The reason behind the insurrection was that Argüello Barreto refused to name Somoza García the leader of the national guard.[70] However, many

[66] NACLA. "Remembering Paraguay's Great War (Disponible En Español)." Accessed November 28, 2023. https://nacla.org/news/2020/03/05/Paraguay-Great-War.

[67] "Augusto Roa Bastos." *IMDb*, accessed November 2023. https://www.imdb.com/name/nm0060566/?ref_=nm_mv_close.

[68] Foster, David William. Augusto Roa Bastos. Twayne's World Authors Series ; TWAS 507 : Paraguay. Boston: Twayne, 1978.

[69] "Ministerio de Educación," October 9, 2012. https://web.archive.org/web/20121009193531/http://www.mined.gob.ni/gobern36.php.

[70] Ibid.

people argued that Somoza's original plan was to use Leonardo as a puppet to keep ruling the country, but he refused to let it happen.

After abandoning the presidential palace, he took asylum in the Mexican embassy, and spent a record time of six months.[71] The main reason he was not granted safe conduct was that he never resigned his position as president, and although he never fully did it, he agreed to the terms of never participating in future political actions against the Somoza's regime. This is an interesting case which brings the question of if the safe conduct should be a guaranteed right or a decision of the persecuting state.

Bloc Positions

In this final section we will summarize both Colombia and Peru on asylum related to the main case in the court. Moreover, we will discuss the regional state of asylum. Finally, we will provide a list of signatories and ratifiers of the documents and treaties that are more relevant to the *Colombia v. Peru* case.

Colombia's Stance On Asylum

The Republic of Colombia is a ratifier of the 1928 Havana Convention and the Universal Declaration of Human Rights. In this spirit, Colombia granted asylum to Victor Haya de la Torre in the country's embassy in Lima when he requested it. In previous sections we provided the context for Haya de la Torre persecution by the Peruvian Justice system. However, it is important to highlight that this action by the Colombian government is indirectly qualifying that the persecution was political and not criminal, with the understanding that this is a fundamental condition for asylum.[72] The government declared "that the Republic of Colombia, as the country granting asylum, is competent to qualify the offense for the purpose of said asylum." Hence, the court should consider the validity of this claim in order to arrive at a conclusion for the case. Moreover, the Colombian government further defended this decision by claiming that "Peruvian justice, as a result of the events of October 3rd [referring to the insurgency in Peru that Haya de la Torre was accused of being responsible for], was not, and could not be administered in an objective and impartial manner", and that therefore, in this case of urgency, it was possible for them to qualify his offenses and its persecution as political.[73]

[71] Associated Press. "Deposed Nicaraguan President Said to be Seeking Asylum in Mexico," Daily Illini. *Illinois Digital Newspaper Collections*. 28 May 1947, accessed 28 November 2023. https://idnc.library.illinois.edu/?a=d&d=DIL19470528.2.27.

[72] "Dissenting Opinion by Judge Alvarez," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-01-EN.pdf.

[73] "Dissenting Opinion by Judge Badawi Pasha," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-02-EN.pdf.

Peru's Stance On Asylum

Peru is also a ratifier of the 1928 Havana Convention and the Universal Declaration of Human rights. But, Peru had two reasons to introduce the case to the court. First is the claim that Haya de la Torre's offenses are criminal and not political, and therefore the Colombian Government is violating the Havana Convention. More specifically, they claim that there is a violation of the first article of paragraph 1, which is mentioned in previous sections of the background guide. The second reason the Peruvian government presented to the court is that Colombia violated article 2 of the same document. In other words, that the case of Haya de la Torre was not urgent and that there was no threat to his safety. In this same line, it is important to remind that for a resolution to this case it is important to evaluate the context of the accused prosecution to prove or disprove both of these claims.[74]

Ratifiers Of The 1928 Havana Convention

Being the more relevant document to the case's circumstances, we provide a list of the signatories and countries that ratified this document by the time of the case:[75]

Signed and ratified: Brazil, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Peru, Dominican Republic, and Uruguay.

Signed: Argentina, Bolivia, United States, and Venezuela.

Ratifiers Of The Universal Declaration Of Human Rights

This also highly relevant document was adopted and ratified by the United Nations General assembly in December 1948 by every member nation. As described earlier, the UDHR affirms the right for any human to seek asylum from persecution, with the clarification that the right to asylum does not apply to non-political crimes or actions that undermine the principles of the United Nations. The UDHR can be considered a universal document for international law and one which every member state of the United Nations must respect.

Europe's Stance On Asylum

The European continent was the one that saw this juridical concept being born. It developed and evolved over the years as discussed in the previous section. It finally became an important part of the modern republic's constitutions in the legal form that is known in current legal systems. However, in the present time, it is important to note that for Europe the institution of asylum is not as important as it used to be, due to the fact that the countries in the continent are more

[74] Ibid.

[75] "Convention on Asylum (Havana, 1928)." February 20, 1928. https://www.refworld.org/pdfid/3ae6b37923.pdf (accessed August 31, 2023).

socially and politically stable. This is because that same stability causes revolutions and social changes to be less common and at the same time more consequential. It can then be argued that the impact of the resolution of the following case is not as important to Europe as it is to other regions of the world.[76, 77, 78]

The Americas' Stance On Asylum

For the American continent, and especially Latin America the case is the opposite as in Europe. Due to the continent's tendency to undergo revolutions, social changes, and in a lot of cases, civil wars, the institution of asylum is far more important. This right contributes to the protection of liberty and safety for the members of parties involved in the constant power struggles, where in some cases individuals are falsely accused of being involved. In the Americas, asylum started to be practiced after most European colonies settled, but after independence movements the practice continued and became more prominent as they faced more changes. Hence, the importance of clear regulations is bigger, and the potential impact of the case is higher.

[76] "Dissenting Opinion by Judge Read," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-03-EN.pdf.

[77] "Dissenting Opinion by Judge Azevedo," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-04-EN.pdf.

[78] "Dissenting Opinion by Judge M. CAICEDO CASTILLA," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-05-EN.pdf.

Glossary

Fundamental right: Human rights that are universally protected by the Universal Declaration of Human Rights. Rights may be fundamental but not absolute, where a state can limit the expression of certain rights in times of emergency, but still cannot violate fundamental rights.

Right of asylum: The fundamental right to seek international protection in order to flee persecution from their country of origin. The additional principle of *non-refoulement* protects asylum seekers from being returned to a country in which they would again be in danger of persecution.

Safe conduct or safe passage: In exceptional situations, an individual or other party may be granted immunity from harm, harassment, or fear of death as they pass through dangerous territory. Reasoning for safe conduct may include to allow for surrender, retreat, negotiation, or, especially in this committee, asylum.

Bibliography

Archives New Zealand. "Delegates Leaving The Palace after Signing the Treaty of Versailles." https://openverse.org/image/92faef05-14de-4fbd-b10b-46371d98b86b.

Archives New Zealand. Photographs from the Ministry of Foreign Affairs Record Group, Showing New Zealand Representatives at the International Court of Justice in the Hague. June 20, 2013. New Zealand Representatives at the International Court of Justice in the Hague. https://commons.wikimedia.org/wiki/File:New_Zealand_Representatives_at_the_International_Court_of_Justice_in_the_Hague_%289096639703%29.jpg.

Associated Press. "Deposed Nicaraguan President Said to be Seeking Asylum in Mexico," Daily Illini. *Illinois Digital Newspaper Collections*. 28 May 1947, accessed 28 November 2023. https://idnc.library.illinois.edu/?a=d&d=DIL19470528.2.27.

"Asylum (Colombia/Peru)." Accessed September 24, 2023. https://www.icj-cij.org/case/7.

"Augusto Roa Bastos." *IMDb*, accessed November 2023. https://www.imdb.com/name/nm0060566/?ref_=nm_mv_close.

Biblioteca del Congreso Nacional de Chile. Español: Bernardo Ibáñez, Víctor Raúl Haya de La Torre y Manuel Mandujano.http://historiapolitica.bcn.cl/JPG/4/408bac7520e98aa2adb594fa17363abf/215920.jpg. https://commons.wikimedia.org/wiki/File:Bernardo_Ib%C3%A1%C3%B1ez,_V%C3%ADctor_Ra%C3%BAl_Haya_de_la_Torre,_Manuel_Mandujano.jpg.

Chisholm, Hugh, ed. (1911). "Chile". Encyclopædia Britannica. Vol. 6 (11th ed.). Cambridge University Press. pp. 153–160.

"Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)." Accessed September 24, 2023. https://www.icj-cij.org/case/3.

"Constitution of the Republic of Colombia." 1886. https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=7153 (accessed August 31, 2023).

"Convention on Asylum (Havana, 1928)." February 20, 1928. https://www.refworld.org/pdfid/3ae6b37923.pdf (accessed August 31, 2023).

"Dissenting Opinion by Judge Alvarez," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-01-EN.pdf.

"Dissenting Opinion by Judge Azevedo," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-04-EN.pdf.

"Dissenting Opinion by Judge Badawi Pasha," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-02-EN.pdf.

"Dissenting Opinion by Judge M. CAICEDO CASTILLA," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-05-EN.pdf.

"Dissenting Opinion by Judge Read," n.d. https://www.icj-cij.org/sites/default/files/case-related/7/007-19501120-JUD-01-03-EN.pdf.

Foster, David William. Augusto Roa Bastos. Twayne's World Authors Series ; TWAS 507 : Paraguay. Boston: Twayne, 1978.

Hélène Lambert and others, Comparative Perspectives of Constitutional Asylum in France, Italy, and Germany: Requiescat in Pace ? , Refugee Survey Quarterly, Volume 27, Issue 3, 2008, Pages 16–32, https://doi.org/10.1093/rsq/hdn043

"History of the Declaration." United Nations. https://www.un.org/en/about-us/udhr/history-of-the-declaration (accessed August 31, 2023).

"Gobierno En Línea: Nuestros Presidentes, Biografía Del Presidente José Tadeo Monagas," August 4, 2011. https://web.archive.org/web/20110804013247/http://www.gobiernoenlinea.ve/venezuela/perfil_presidente5.html.

GPA Photo Archive. Eleanor Roosevelt and United Nations Universal Declaration of Human Rights. August 22, 2016. Photo. https://www.flickr.com/photos/iip-photo-archive/29156488755/.

"History | INTERNATIONAL COURT OF JUSTICE." Accessed September 24, 2023. https://www.icj-cij.org/history.

"History of the ICJ." International Court of Justice. Accessed September 22, 2023. https://icj-cij.org/history/.

"History of the United Nations | Nations Unies." United Nations. https://www.un.org/fr/node/44721.

Hudson, Manley O. "The Twenty-Third Year of the Permanent Court of International Justice and Its Future." American Journal of International Law, January 1945.https://www.jstor.org/stable/2192305

Hunter Miller, David. The Drafting of the Covenant. Johnson Reprint Corp. Johnson Reprint Corp, 1969.

Johnstone, William C. "The San Francisco Conference." Pacific Affairs 18, no. 3 (1945): 213–28. https://doi.org/10.2307/2752581.

Jones, Thomas C. "Karl Marx's London." Migration Museum. Accessed [Insert Access Date]. https://www.migrationmuseum.org/karl-marxs-london/.

Laroche, Fernando. *Retrato de José Manuel Balmaceda Fernández*. Wikimedia Commons, 1891. https://commons.wikimedia.org/wiki/File:JoseManuelBalmaceda.JPG.

"LacusCurtius • Asylum (Smith's Dictionary, 1875)." Accessed September 25, 2023. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/secondary/SMIGRA*/Asylum.html.

"List of Presidents of Chile." In Wikipedia, July 30, 2023. https://en.wikipedia.org/w/index.php?title=List_of_presidents_of_Chile&oldid=1167956426.

"Ministerio de Educación," October 9, 2012. https://web.archive.org/web/20121009193531/http://www.mined.gob.ni/gobern36.php.

NACLA. "Remembering Paraguay's Great War (Disponible En Español)." Accessed November 28, 2023. https://nacla.org/news/2020/03/05/Paraguay-Great-War.

OEA and OAS. "OAS - Organization of American States: Democracy for Peace, Security, and Development." Text, August 1, 2009. https://www.oas.org/en/sla/dil/inter_american_treaties_A-37_political_asylum.asp.

Online Library of Liberty Fund. "French Republic Constitution of 1793." Online Library of Liberty Fund. https://oll.libertyfund.org/page/1793-french-republic-constitution-of-1793

Page, Tom. "United Nations Flags - Cropped." Accessed September 24, 2023. https://openverse.org/image/9c31e41c-9cf6-4a48-8422-07801b7872d9.

"Permanent Court of International Justice: International Court of Justice." Permanent Court of International Justice. Accessed August 22, 2023. https://www.icj-cij.org/pcij#:~:text=The%20establishment%20of%20the%20Permanent,and%20was%20dissolved%20in%201946.

"Permanent Court of International Justice | INTERNATIONAL COURT OF JUSTICE." Accessed September 24, 2023. https://www.icj-cij.org/pcij#:~:text=The%20establishment%20of%20the%20Permanent,and%20was%20dissolved%20in%201946.

"Preamble to the Constitution of 27 October 1946." 27 October 1946. https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/cst3.pdf (accessed 31 August 2023).

"Reseñas Biográficas de Parlamentarios de Chile - Biblioteca Del Congreso Nacional de Chile," February 14, 2009.

https://web.archive.org/web/20090214102629/http://biografias.bcn.cl/pags/biografias/detalle_par.php?id=682.

Sanctuary. CATHOLIC ENCYCLOPEDIA: Sanctuary. (n.d.). https://www.newadvent.org/cathen/13430a.htm

"Statute of the Court Of Justice | INTERNATIONAL COURT OF JUSTICE." Accessed September 24, 2023. https://www.icj-cij.org/statute.

"The Covenant of the League of Nations | The United Nations Office at Geneva." Accessed September 24, 2023. https://www.ungeneva.org/en/about/league-of-nations/covenant.

"The Moscow Conference, October 1943." Text. https://avalon.law.yale.edu/wwii/moscow.asp.

Tomisti. English: Altar of the Twelve Gods. Ancient Agora of Athens, Greece. 2011. Own work. https://commons.wikimedia.org/wiki/File:Altar_of_the_Twelve_Gods.jpg.

United Nations. "Predecessor: The League of Nations." https://www.un.org/en/about-us/history-of-the-un/predecessor.

United Nations. *United Nations Charter*. Accessed September 24, 2023. https://www.un.org/en/about-us/un-charter/full-text.

United Nations. *Universal Declaration of Human Rights*. United Nations. Accessed September 24, 2023. https://www.un.org/en/about-us/universal-declaration-of-human-rights.

"Universal Declaration of Human Rights." December 10, 1948. https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf (accessed August 31, 2023).

"VÍCTOR RAÚL HAYA DE LA TORRE." Congreso de la República (Peru), n.d. https://www.congreso.gob.pe/Docs/participacion/museo/congreso/files/files/victor_haya.pdf.

"What Is Asylum?" UNHCR, n.d. https://help.unhcr.org/usa/applying-for-asylum/what-is-asylum/#:~:text=Asylum%20is%20a%20form%20of,she%20fears%20persecution%20or%20harm.