



**2012 - 2013**

**Model Arab League**  
**BACKGROUND GUIDE**

**Arab Court of Justice**

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National  
Council  
on US-  
Arab  
Relations



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**Jordan v. Libya:** Over the failure of Libya to pay health care and associated costs of Libyans being treated in Jordan following the conflict in Libya.

## General Background

Jordan has brought suit before the Arab Court of Justice seeking to force Libya to fulfill its financial commitments and establish a plan to pay the remaining health care costs, and to establish better means of coordinating those efforts in order to ensure that no further domestic unrest takes place within Jordan.

In the aftermath of the civil war, an agreement between the Libyan Patients' Affairs Committee responsible for patients and Jordan's Private Hospitals Association was signed in order to provide treatment to Libyan citizens flown into Jordan. The costs, including both health care and hotels for Libyan patients to stay in, were to be paid for by the Libyan government. Heretofore, 40 out of 60 private Jordanian hospitals have treated over 55,000 injured Libyans. Despite repeated promises of full restitution, the Libyan government has failed to meet its payment obligations of more than 200 million dollars in medical and hotel bills. As a result the Private Hospitals Association (PHA) said they will "stop admitting Libyan patients except emergency cases and those who can pay cash up front"<sup>1</sup>. These costs are putting significant strain on Jordan, which is currently dealing with rising fuel and electricity costs, as well as a debt reaching 24.6 billion dollars.

Libya has disputed some of the bills, claiming they contain errors. A stipulation in the Libyan-Jordanian Medical Cooperation Protocol states that processing and auditing bills within 30 days must become a top priority in order to ensure that bills are paid on time.<sup>2</sup> Furthermore, Libya's failure to properly coordinate payment has led to significant unrest among the Libyans in Jordan.

In July of 2012, Jordanian riot police were called to prevent Libyan citizens who were assembled outside the Libyan embassy in Amman from storming their own embassy.

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## **UAE v. Oman: Regarding the status of Borders and Territorial Governance concerning the historically disputed territory of the Musandam Peninsula.**

### **General Background**

This case revisits the historic dispute over the territory of the Musandam Peninsula, which has fertile land and petroleum reserves off the western coast of the Arabian Peninsula. Following the Iran-Iraq War in 1980, disputes over the territory subsided. A boundary treaty was signed in 1999 delineating the territory lines, and was not fully ratified until 2003, the results of which have not been published publicly. The Musandam serves as a strategic territory for Oman, but is an exclave divided by a stretch of territory owned by the UAE. Oman's claims to Musandam were solidified by the United Kingdom's backing during the Cold War and its status as an un-administered territory prior to the establishment of the United Arab Emirates.

The Musandam Peninsula is strategically located on the Strait of Hormuz. The navigable part of the strait falls within the territorial waters of Musandam, making it extremely important to Omani trade relations.<sup>3</sup> Khasab, the capital of the Musandam governorate, is a major destination for Iranian sheep and goat traders. The traders will unload their herds, which make their way to the UAE and Saudi Arabia, and take back with them American electronics and cigarettes.<sup>4</sup> The primary inhabitants of Musandam are the Shihuh, fishermen and herders thought to be descendents of the people from northern Oman.<sup>5</sup> The governorate of Musandam also includes the Wilayet of Madha, which is an enclave within the UAE, but is separate from the Musandam Peninsula and Oman proper. The population of the governorate of Musandam is around 30,000.<sup>6</sup> Given Musandam's important geostrategic location for bilateral and regional trade and its geographic contiguousness with the United Arab Emirates, the UAE wishes to reexamine the 2003 agreement regarding, and renew its claim, on the Musandam Peninsula.

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## **League of Arab States (represented by Bahrain) v. Qatar: Regarding Muslim Brotherhood election rigging.**

### **General Background**

The League has filed suit before the Arab Court of Justice in an effort to force Qatar to take responsibility for any fraud or tampering they have funded or caused, and to comply with all international and Arab League statutes governing the prevention of tampering with the internal affairs of foreign nations.

As state leaders fall throughout the Arab world as a result of uprisings and revolutions, the opportunities for power grabs in these governments have rapidly multiplied. One of the prominent players in attempts to assert leadership has been the Muslim Brotherhood, a multinational Islamic political movement. Qatar is a major funder of the Brotherhood which has attempted to take advantage of power vacuums in nations such as Libya and Egypt. This has given rise to allegations that Qatar's pursues tactics, including fueling the uprisings and tampering with elections, that conflict with international and regional laws and agreements. The League argues that Qatar is responsible for attempting to topple regimes and rigging elections by meddling in the affairs of, among other states, Tunisia, Libya, Syria, and Egypt through its funding of Islamist groups.

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**Kuwait v. Somalia:** Regarding Somali government misuse of donations made by the State of Kuwait through the Kuwait Fund to the Somali state and its citizens.

### **General Background**

Kuwait charges that the Somali Government has been misappropriating funding from the Kuwait Fund for Arab Economic Development. According to their website,

The Kuwait Fund extends loans on concessionary terms to finance development projects in the developing countries. The Fund also provides technical assistance to finance the costs of the feasibility studies of projects, as well as the training of nationals of the borrowing countries. (<http://www.kuwait-fund.org/>)

Funding from Kuwait has gone towards helping with famine caused by drought, educational programs, and programs for political stability and security in Somalia. However, funds intended for economic and development works have instead been funneled to top government officials. Kuwait alleges that first the Somali Transitional National Government, and then the subsequent Transitional Federal Governments have mismanaged, misappropriated, and underreported hundreds of millions of dollars of donor aid, leading to the continued suffering and stagnation of the Somali people. Kuwait charges that Somalia's constant instability is only exacerbated by the mishandling by the Somali government of such international support. Somalia historically has had numerous governmental and social issues that have added to the economic problems plaguing the country. The government of Somalia has made numerous press releases thanking Kuwait for the donations towards stabilizing the region. Kuwait plans on continuing to contribute aid toward Somali security and stability through the Kuwait Fund per the decisions of the Somalia conference in February but demands measures are taken to improve the transparency and accountability of public funds.

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**Palestine v. Lebanon:** Over legal employment opportunity restrictions imposed upon Palestinian refugees in Lebanon.

## General Background

Palestinian refugees make up nearly 10% of the population of Lebanon, and began seeking refuge in Lebanon as early as the 1940s. They live in camps (initially intended to be temporary but remaining in the same location since 1948 and 1967) and in informal gatherings throughout the country. Palestinian refugees seeking work have encountered resistance from the Lebanese government in some fields. Laws regarding employment of Palestinian refugees in Lebanon reflect on the political culture and relations between Palestinian and Lebanese leadership. In 1962, the Lebanese government classified the refugees as foreigners, and Palestinians had to obtain work permits similar to other foreigners. This significantly reduced the fields in which Palestinians could work.<sup>7</sup> During the Lebanese Civil War, work permits were nearly non-existent, as relations soured between Lebanon and Palestine. According to the Committee for Employment of Palestinian Refugees in Lebanon, “on August 17, 2010, the Lebanese Parliament ratified legal amendments to Article 9 of the Social Security Law; and Article 59 of the Lebanese Labour Law,” which continue to make it illegal for Palestinians to pursue some 72 “syndicated professions” (including medicine, engineering and law) outside of the camps in Lebanon.<sup>8</sup> In an effort to prevent permanent settlement, the Lebanese government forbade Palestinian refugees from acquiring property inside Lebanon.<sup>9</sup> Lebanon is not a party to either the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol which define the term refugee and outline refugee rights and host state responsibilities.

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<sup>9</sup> The National Social Security Fund, *Informational Memorandum no, 437* issued on May 23, 2011. Full memorandum in original Arabic retrieved from, Lebanese-Palestinian Dialogue Committee website: <http://www.lpdc.gov.lb/Rights/Areas-of-Work/Right-To-Work.aspx#>

**Sudan v. Egypt:** Regarding the mistreatment of Sudanese refugees in Egypt in violation of the UNHCR 1951 Convention relating to the Status of Refugees and the 1967 Protocol, of which Egypt became a signatory on 21 May 1981.

### **General Background**

Sudan has filed suit before the Arab Court of Justice in an effort to force Egypt to abandon its use of lethal force to stop unarmed refugees, and cease the inhumane treatment of detained migrants, pursuant to international human rights laws and conventions. Aside from being a signatory to the UNHCR 1951 Convention relating to the Status of Refugees and the 1967 Protocol, Egypt also has a bilateral agreement with Sudan which allows Sudanese migrants/refugees to live and work in Egypt; however, approval of asylum is often lengthy and involves an arduous interview process.<sup>10</sup>

In an effort to escape the violence and civil war, which has persisted in Sudan for decades, many Sudanese citizens have fled the country, seeking refuge in other nations. Migrants often don't reach their destination; Egyptian forces detain migrants in harsh conditions, and in some cases a "shoot to stop" policy is used to prevent refugees from crossing the Sinai Peninsula into Israel. Those that do reach Israel are often sent back to Egypt by Israeli authorities. Many Sudanese migrants are deported back to Sudan where they face the possibility of torture and death by militants. Those who remain in Egypt find living in society and finding employment difficult due to restrictions and prejudice. Egypt contends that its current internal political instability and the welfare of its own citizens are a priority and that the Egyptian government and economy cannot sustain or absorb the large numbers of Sudanese refugees entering its borders.

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## **Advisory Opinion:** Extradition of former Libyan Prime Minister Al-Baghdadi Ali al-Mahmoudi from Tunisia to Libya.

### **General Background**

An emerging constitutional crisis has arisen in Tunisia and the Arab Court of Justice has been asked to provide an advisory opinion to the Tunisian government. The Court's opinion will help to strengthen the constitutional drafting process currently taking place in Tunisia and help to address major structural questions, including the question on how the constitution maintains a balance of power. A Tunisian constitutional court is planned but details regarding composition, procedure, jurisdiction, and precedent are still subject to debate.

The secret extradition from Tunisia to Libya of Al-Baghdadi Ali al-Mahmoudi, former deputy to the late Libyan dictator Muammar Gaddafi, signals the growing political struggle between Islamists and secularists in Tunisia. President Moncef Marzouki fiercely opposed Libyan requests to send al-Mahmoudi back, arguing that the extradition was "illegal, all the more so because it has been done unilaterally and without consulting the president of the republic," according to a presidential spokesperson quoted by France 24.<sup>11</sup> Marzouki, a noted human rights activist, argued that al-Mahmoudi was at risk of being tortured and executed in Libya and that under the Geneva Conventions, Tunisia was obligated to keep him until it ruled on his request for political asylum. Ali al-Mahmoudi is the first senior official to be sent back for trial under Libya's new leaders and his extradition could establish a precedent for other countries who have given refuge to members of Gaddafi's now-former regime.

### **Questions Presented**

- I. What are the powers of the president and how are they limited by the Tunisian constitution?
- II. Was the extradition of Al-Baghdadi Ali al-Mahmoudi legal?
- III. What kind of assurances can Libyan authorities provide to ensure a fair trial?
- IV. Does al-Mahmoudi's extradition establish a precedent for other countries who have given refuge to members of deposed regimes?

### **Request for Written Statements**

The Arab Court of Justice has requested written and oral statements from President Moncef Marzouki and Prime Minister Hamadi Jabali/the Tunisian Judiciary on all four Questions Presented.

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<sup>11</sup> Shrago, Luke. "Tunisia's Extradition of Libyan Ex-PM 'illegal'" *FRANCE 24*. N.p., 25 June 2012. Web. 01 Feb. 2013. <<http://www.france24.com/en/20120625-tunisia-president-angry-illegal-extradition-libya-former-pm-baghdadi-mahmoudi-gaddafi-marzouki>>.

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## **Turkey v. Syria: Over Syria's landmine placements along the border with Turkey.**

### **General Background**

Turkey has filed suit before the Arab Court of Justice in an effort to force Syria to remove the landmines at the border and come into compliance with international and Arab League standards regarding border security and casualties resulting from efforts to secure these borders.

In the wake of the massive turmoil that continues to plague Syria, the violence has started to spread to adjacent countries. One such example is the planting of illegal landmines along the Syrian-Turkish border. Whether the landmines have been planted in an effort to deter immigration or emigration, they have been responsible for the deaths of numerous refugees and Turkish soldiers and civilians. Rumors are circulating that the Free Syrian Army, in response to the planting of landmines, plans to disarm and re-deploy the landmines against government forces. The 1997 Ottawa Treaty made the use of such anti-personnel landmines illegal, though Syria is not a signatory to the agreement.

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## **League of Arab States (represented by Djibouti) v. Yemen: Over illicit weapon trafficking resulting from the unstable economic and security situation in Yemen.**

### **General Background**

A weak economy and central government, combined with pervasive underdevelopment, unemployment, and a proliferation of unregistered small arms from countless previous conflicts in Yemen has fueled illicit trade activity both within and beyond its borders. Consequently, drug and weapon trafficking from Yemen into neighboring states has become a persistent problem affecting those states' national security.

The League states that the lack of governmental oversight and rule of law in Yemen has created an environment that allows arms trafficking to flourish. The League further charges that Yemen is directly responsible for instability in neighboring states such as, but not limited to, Saudi Arabia where trafficking between rebel groups and militants is common along the North Yemen border, and Somalia where the arms trade has supported piracy movements. Yemen brings a countersuit against the League alleging that it has not done enough to support Yemen's economy as neighboring countries, particularly the GCC states, will not open their markets to Yemenis. It also says that the League has not done enough to combat the trade of and dependency upon narcotics and has not sufficiently suppressed nascent terrorist movements, all of which have contributed to the Yemenis' reliance on illegal means to earn a living and support themselves. Yemen brings a countersuit against the League alleging that it has not done enough to: support Yemen's economy as neighboring countries, particularly the GCC states, will not open their markets to Yemenis; combat the trade of and dependency upon narcotics; and suppress nascent terrorist movements. Yemen argues that these factors have contributed to the Yemenis' reliance on illegal means to earn a living and support themselves.

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**League of Arab States (represented by Saudi Arabia) v. Mauritania:** Over the violation of the Arab Charter on Human Rights and the Convention on the Rights of the Child by condoning the un-Islamic practice of leblouh (cultural practice of force-feeding women).

### **General Background**

“Leblouh” or “gavage”, the forced fattening of women, finds its roots in the 11<sup>th</sup> century, when obesity was seen as a sign of wealth. The term “gavage” actually has its roots in the French practice of force feeding geese to produce richer foie gras. This ideal continues today as overweight women are viewed as being from a higher social class and their prospects for marriage are perceived to improve. In older generations, it is considered a shame on the family or tribe if a young woman is not fattened, because it demonstrates the poverty of a family unable to properly nourish their children. The practice is aimed at young girls who are often force fed highly fattening substances such as camel’s milk, oiled couscous, or chemicals used to fatten animals. Different forms of punishment are employed in order to assure that the young women are successfully fattened including being force fed until they vomit, and then forced to eat the vomit. If they do not eat, they are beaten until they do or are tortured through the practice of zayar. This practice is facilitated by older women family members. The effects of leblouh are seen throughout the population, with nearly a quarter of women in Mauritania being obese and stricken with weight-related diseases such as hypertension and diabetes.

Although leblouh has never been outlawed, the government has taken measures to combat the practice. Media campaigns discussing child abuse, obesity, and diabetes have all been used to put an end to leblouh. Despite this, a 2001 survey found that one in five women between the ages of 15 and 49 has participated in leblouh and that almost seventy percent of these women are proud of their participation.<sup>12</sup>

Many believe that the Mauritanian government has not done enough to address this issue due to the fact that the government has failed to take any legal action. Citing the deep roots in the culture, they say that it is difficult to change mentalities, especially in the rural areas where government influence is weak.

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