

LIMUN XXXII
International Court of
Justice
Background Guide



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Introduction

Dear judges,

Hello, and welcome to the International Court of Justice (ICJ) of LIMUN XXXII! My name is Dain Yi, and I am honored to be the chair of ICJ this year.

Seated in the Peace Palace in the Hague, Netherlands, The International Court of Justice is the principal judicial organ of the United Nations (UN). It settles legal disputes between member states and gives advisory opinions to authorized UN organs and specialized agencies.

After the dissolution of the Permanent Court of International Justice (PCIJ), which served to resolve disputes following World War I in the late 1930's, the newly created United Nations developed the ICJ and determined that all member states of the United Nations would be parties to the court when called upon. Seventy years later, the ICJ continues to serve the world through contentious cases and advisory opinions.

The ICJ partakes in many contentious cases, from maritime border disputes between African nations to wartime reparations requests from European states. As opposed to other committees in the United Nations, the ICJ is composed of judges, not delegates from various countries, meaning the members of the ICJ are meant to be impartial arbiters who will uphold justice. What the ICJ does is decide, using historical cases, legal precedent, and the statute of court, what parties are right in a conflict and which ones are in the wrong.

With that in mind, I hope each and every one of you will actively participate in committee with an open mind to the various interpretations of law brought upon you by your fellow judges. Work with others in formulating a majority opinion, but also be aware that if you think the decisions being made by the court are not consistent with what you believe to be lawful, dissenting opinions are also welcome. Please remember that MUN is an environment where all opinions can be heard but must be discussed in a respectful manner; ICJ needs as many ideas as possible to make objective and fair decisions.

I look forward to working with you all in committee!

Respectfully,
Dain Yi
Chair of ICJ

Cases

Ukraine v. Russian Federation

(Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination)



This is a pending case which is currently being heard by the International Court of Justice. Ukraine has filed a case to ICJ against Russia for funding separatist rebels in Eastern Ukraine, committing acts of terrorism in Ukraine, and violating the human rights of Ukrainian and Tatar

minorities. Russia is denying all allegations of such military intervention, support of terrorism, and mistreatment of Ukrainian minorities. The Ukrainian government asserts that through its crimes, Russia has violated the 1999 International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. Ukraine is demanding that Russia ceases to finance the terrorism and pay financial compensation to Ukraine for the damage suffered by the country and its citizens. ICJ must decide whether it has jurisdiction over the case, determine whether the Russian Federation is guilty of the crimes, evaluate the severity and extent of the damage Ukraine has suffered, and recommend appropriate compensations.

Marshall Islands v. United Kingdom

(Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament)

The Marshall Islands have been the testing site of 67 nuclear bombs during the nuclear arms race, and islanders claim they have been suffering from serious health and environmental



aftereffects ever since. The Marshall Islands filed cases against nine countries - the United States, Russia, China, France, the United Kingdom, India, Pakistan, North Korea, and Israel - for their alleged breach of obligations regarding the cessation of the nuclear arms race and nuclear disarmament. Of these nine states, three countries - India, Pakistan and the United Kingdom - have

recognized the compulsory jurisdiction of the ICJ, and each filed counter-memorials or preliminary objections denying ICJ's jurisdiction over the dispute. The Marshall Islands claimed that the United Kingdom violated the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and also asserted that India and Pakistan were bound by similar customary obligations of nuclear disarmament provisions. The Marshall Islands are not seeking monetary compensation, but request that ICJ declare that the United Kingdom, India, and Pakistan are in violation of their obligations and order the three states to comply with their obligations of nuclear disarmament. ICJ must determine whether it has jurisdiction over the case, and devise suggestive steps for nuclear disarmament accordingly.

Islamic Republic of Iran v. United States of America

(Certain Iranian Assets)

In June 2016, the Islamic Republic of Iran filed a case against the US concerning alleged violations under the 1955 US-Iran Treaty of Amity, Economic Relations and Consular Rights. Iran accuses the US of subjecting the assets and interests of Iran and Iranian entities to enforcement proceedings in the US by allowing victims of terrorism and their families to enforce



Iran's centrifuges, '000



Capability	Before deal	After*
First-generation centrifuges installed	19,138	6,104
Advanced centrifuges installed	1,034	0
Breakout time	1-2 months	1 year
R&D of new centrifuge technology	unconstrained	constrained
Uranium stockpile:		
Low-enriched [†]	19,211 lbs	660 lbs
Medium-enriched [‡]	430 lbs [§]	0 lbs

Sources: IAEA; Belfer Centre for Science and International Affairs; Harvard University; Joint Comprehensive Plan of Action
Economist.com

*Next ten years [†]Up to 3.67% [‡]20% [§]Nov 2011 peak

U.S. court judgments against assets and companies owned by the Iranian government. Iran argues that the US is breaking the terms of the 1955 Treaty of Amity, which governs economic ties and consular rights. But the US severed bilateral diplomatic ties with Iran in 1979 after 52 Americans were

taken hostage in the US embassy in Tehran, and they have not yet been fully restored. Iran meanwhile is also demanding that the United States make full reparations to Iran for the violation of its international legal obligations in an amount to be determined by the court at a subsequent stage of the proceedings.

Format

ICJ follows the same rules and procedures as General Committees, and points of personal privilege, order, and inquiry are allowed. There will be multiple topics, and you will have the chance to set the docket (the order in which those topics will be discussed), and ample amount of speaking time to discuss the cases will be given. ICJ does stand out from the other GAs in that there is no abstention from voting. As a member of the ICJ, the world sees your voice as guidance: that voice cannot be silent. ICJ contains moderated caucuses (in which you set a topic for debate and a time limit to discuss it) and unmoderated caucuses (time for you to discuss law with you fellow judges privately). In addition, ICJ also promotes the use of round robin debate, in which the court goes around the room asking each justice for their opinion on the matter at hand.

There are two types of cases the ICJ deals with: Contentious Cases and Advisory Proceedings. *Marshall Islands v. United Kingdom* is an example of a Contentious Case. These are cases brought to the ICJ by one of the parties, issues that the two cannot work out individually. In such Contentious Cases, the ICJ is asked to look at past cases and the treaties and pacts made between these two parties to determine who is in the right and who is in the wrong. This takes an ample amount of debate and looks as much at history as it does towards legal texts. If time permits, members of these nations may show up in court to provide their testimonies. In a Contentious Case majority opinions are binding. Advisory Proceedings are proceedings that occur when a UN body needs a legal opinion from the ICJ on a current international crisis. Any move made by the ICJ is simply a suggestion in Advisory Proceedings.

Finally, a single majority opinion will be issued by the court concerning the case. This is in place of a working paper/resolution that is usually introduced at the end of a regular GA. Unlike other committees, however, there cannot be multiple majority opinions and resolutions. Only one majority opinion can be passed by the court. There can, however, be dissenting opinions or concurring opinions issued after the majority opinion is passed. Dissenting opinions are made by judges who feel that the ruling issued by the court is faulty, while concurring opinions are opinions that agree with the majority opinion but in a different way. While these opinions may seem like they don't have an effect on what occurs in court, if you

are on the right side of history in dissenting, future courts will look to your dissenting opinion for guidance.

NOTE: If you would like to be considered for awards, you must submit a position paper before competition summarizing your stance on each case.

Important Links

ICJ Website:

<https://www.icj-cij.org/en>

How the Court Works: Contentious Cases vs Advisory Opinions:

<http://www.icj-cij.org/en/how-the-court-works>

Statute of the International Court of Justice; Article 35 & 36 Discuss Jurisdiction; Look specifically at Article 38.1 of the Statute for a descriptor of the sources of International Law: http://www.icj-cij.org/en/statute#CHAPTER_II

Marshall Islands v. United Kingdom ICJ page:

<https://www.icj-cij.org/en/case/160>

Ukraine v. Russian Federation ICJ page:

<https://www.icj-cij.org/en/case/166>

Islamic Republic of Iran v. United States of America:

<https://www.icj-cij.org/en/case/164>

Website Summarizing Jurisdiction Procedures: <http://www.icj-cij.org/en/jurisdiction>

Example of a Dissenting Opinion by a Judge, Concurrent is Written Similarly With the Exception Being A Judge Agrees With a Decision Being Made, But Disagrees on the Path to That Decision: <http://www.icj-cij.org/files/case-related/158/19144.pdf>

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