SRMUN ATLANTA 2018

Our Responsibility: Facilitating Social Development through Global Engagement and Collaboration

November 15 - 17, 2018

ICJ_atlanta@srmun.org

Greetings Delegates,

Welcome to SRMUN Atlanta 2018 and the International Court of Justice (ICJ). My name is Lydia Schlitt, and I will be serving as your Chief Justice for the ICJ. This will be my third conference as a SRMUN staff member. Previously, I served as the Director of the International Atomic Energy Agency (IAEA) at SRMUN Atlanta 2017 and the Assistant Director (AD) of the Group of 77 (G-77) at SRMUN Atlanta 2016. I am currently a Juris Doctorate candidate at the University of Oregon School of Law and hold a Bachelor's of Science with Honors in Political Science and a minor in Mathematics from Berry College. Our committee's Assistant Chief Justice will be Jessica Doscher. This will be Jessica's second time as a staff member as last year she served as the AD for the General Assembly Plenary (GA Plen).

Founded in 1945, the ICJ is the principal legal entity for the United Nations (UN). The ICJ's purpose is to solve legal disputes at the request of Member States and other UN entities. By focusing on the SRMUN Atlanta 2018 theme of "*Our Responsibility: Facilitating Social Development through Global Engagement and Collaboration,"* throughout the conference, delegates will be responsible for arguing on the behalf of their assigned position for the assigned case, as well as serving as a Justice for the ICJ for the remaining cases. The following cases will be debated:

I. 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 (Ukraine v. Russian Federation)
II. Alleged Violations of Sovereign Rights and Maritime Space in Caribbean Sea (Nicaragua b. Colombia)
III. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)
IV. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

As a member of the ICJ, you will engage in a unique experience with a number of changes compared to traditional SRMUN committees. You will be acting as both advocates and justices, and will submit Memorials and Counter-Memorials, in lieu of position papers. The Memorials and Counter-Memorials are to be a minimum of two (2) pages in length and single spaced. First, each justice is responsible for the submitting a Memorial, which details the positions and arguments which the delegation deems appropriate for the Member State. In other words, these Memorials are your opportunity to showcase the positions and arguments of your Member State, while pointing out the flaws in the arguments of the Member State in opposition. These Memorials will prepare you for conference and will serve as the foundation of your research, as your research should not be limited to the background guide.

Memorials are to be uploaded on the SRMUN website by 11:59pm EST on Friday, October 26, 2018. All Memorials submitted will be available online for viewing. Delegates will then have the opportunity to independently write Counter Memorials, which are also to be uploaded on the SRMUN website by Friday, November 9, 2018, by 11:59pm EST.

It is important to note that all ICJ cases at SRMUN should be viewed by delegates as ongoing. That is to say, in cases where the ICJ may have already rendered a final ruling, or did not make a decision at all, delegates should proceed as if the case is still pending before the Court. Justices should visit the SRMUN website for any further updates ahead of the conference.

Jessica and I are enthusiastic about serving as your Chief and Assistant Chief Justices for the ICJ. We wish you all the best of luck in your conference preparation and look forward to working with you in the near future. Please feel free to contact Chase Kelly, Jessica, or myself if you have any questions while preparing for the conference.

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International Court of Justice Addendum to the SRMUN Rules of Procedure

Introduction

The International Court of Justice (ICJ) is one of the six primary organs of the UN system, and it plays a critical and increasingly important role in international politics. The ICJ is also one of the most complex parts of the United Nations, which makes it a challenging, but rewarding, body to simulate at any Model United Nations conference. To deliver this unique experience at SRMUN, a number of changes have been made from the manner in which most committees are managed.

One of the most striking differences delegates with experience in other committees will notice is the dual role for delegates as both "Justice of the Court" and "Advocate" for a Member State they represent. There are four cases for the ICJ at SRMUN Charlotte, and each delegation on the Court is responsible for one case as an Advocate. During this case, that delegation will represent its state's own view in the Court and try to win the case by having its state's goals accomplished. This system is somewhat similar to the formal presentation and questioning process in the United States of America's (US) Supreme Court. For the other three cases before the Court, each delegation will have one Justice for each case. The Justice will listen to case presentations, question Advocates from both sides, and work toward reaching a sound legal decision with his or her fellow Justices. The Clerk may listen to cases and contribute to the discussion leading to a legal decision, but the Clerk may not question witnesses or vote on any Opinions of the Court. Unlike when delegates in the ICJ are serving as Advocates, any time they are serving as Justices or Clerks, they should represent their own legal minds and views as a resident of their assigned state, but they should not represent the interests of their government.

In certain circumstances such as Advisory Opinions, one or both sides of an issue may be represented by an entity such as the Economic and Social Council rather than a Member State. In these cases, all parties involved should refer to these representatives as the party they are representing, and not their home state. For example, when drafting legal documents or making speeches, Advocates should refer to themselves as representing the GA Plenary or other body they have been assigned rather than their own state.

It is also important for Court members to realize that the rules of procedure for SRMUN's ICJ simulation are not the same as the rules for other committees at SRMUN, nor are they the same at the ICJ Statute. The SRMUN ICJ Rules of Procedure take precedence. For example, the ICJ Statute explains the procedure for third-party Court briefings, which are not permitted for the SRMUN ICJ simulations. If there are any questions about the rules or how they should be applied, the final decision on these matters rests with the Chief Justice of the Court.

Role of the Justice

Justices of the Court are required to ensure that their opinions, questions, and eventual judgments pertaining to all cases are given without bias towards the interests of any state or entity - even the state in which the Justice resides. Justices are encouraged to read each case guide carefully and examine the sources presented, but Justices should strive to evaluate these sources only so far as to ascertain a general understanding of the case before the Court. In other words, Justices must strive not to make preliminary judgment for or against the Applicant or Respondent. Justices are required to deliberate on each case and each set of evidence presented by the Advocates before the Court, and not to simply reach a summary judgment based on evidence not formally presented before the Court. Justices must also understand that Advocates before the Court only serve as Advocates for one case. This means that Justices should strive to cooperate with each other throughout their tenure. Despite the adversarial nature of these cases and the need for Advocates to firmly stand behind a position when addressing the Court, anyone serving as a Justice before the Court is required to act in a professional manner at all times. Any disagreements two Advocates may have with each other during a case are not to be carried over to their role as Justices.

Justices of the Court are to ensure that the deliberations of the Court are kept secret. All Justices were required to recite a solemn Oath of the Court to start their tenure and they will be expected to uphold their promise to the Court. This oath of secrecy until the Closing Ceremonies and the unveiling of the decisions applies to communication with any persons not declared Officers of the Court by the Chief Justice. This does include members of your State's delegation, pages, visitors, and Faculty Advisors. However, this does not include discussion of cases in which you are an Advocate as you will not be in the room during the deliberation process during this time period. This process

is in place to assure that all Advocates are given a fair chance to present their case to a non-biased group of Justices. If any Faculty Advisor, Justice, or other interested party has a question about this policy, please feel free to speak to the Chief Justice.

Role of the Advocate and Memorial/Counter-Memorial Writing Guide

Advocates are charged with representing the interests of their state or body before the Court to the best of their ability. Advocates should be prepared to give a significant presentation to the Court, and they should be prepared to answer difficult questions from Justices or Advocates. Advocates are encouraged to understand as much as possible about their case in order to provide a competent defense of their point.

While presenting to the Court and having a presentation ready are crucial to becoming a great advocate, the Memorial/Counter-Memorial writing process is a critical first impression for Advocates. The Memorial and Counter-Memorial are also great ways to ensure that an Advocate's research is focused on the topic at hand and helps them to streamline the process. These documents are the backbone of the Advocate's case, and include a Statement of Relevant Facts, a Statement of Relevant Law, and a conclusion section in which the Advocate makes specific requests of the Court.

The Statement of Relevant Facts should include all relevant facts of the case that the Advocate feels are necessary. This may include sections of relevant text from a transcript of a speech, official statement, or other document, parts of a Resolution or other similar document, statistical data that helps to prove the Advocate's case, or any other relevant facts the Advocate finds useful in preparing for his or her case. As with all other parts of the Memorial or Counter-Memorial, you must ensure that anything you cite in this section is properly documented and that the document is brought with you to the Court. For example, if you site a statistic from the UN, a printout or electronic copy of the document must be brought with you to the Court.

The Statement of Relevant Law should be a comprehensive list of case law the Advocate wishes to cite during her or his presentation. This may include text from a Treaty, Charter, or other relevant document to which the interested parties are obligated to. This may also include relevant customary law or other law the Advocate feels both parties should be legally bound by. For example, an Advocate may wish to cite text from the Nuclear Non-Proliferation Treaty, the Universal Declaration of Human Rights, or the UN Charter itself. While some documents such as the UN Charter are considered common knowledge and may be cited without documentation, it is strongly encouraged that the Advocate bring copies, either paper or electronic, of all sources researched. If an Advocate cites a legal statute or other relevant document, and the Advocate doesn't provide a proper citation, it is at the discretion of the Justices of the Court and ultimately the Chief Justice as to whether to consider the legal citation.

The final section of the Memorial or Counter-Memorial is the Advocate's conclusion. This section is where the Advocate makes their final requests of the Court. This section is not simply a summary of previous statements, but actually a final product of the evidence presented previously. For example, an Advocate representing State A believes State B has violated its sovereign territory and offered trade agreements for land which State A alleges belongs to itself. In State A's conclusion, State A could ask the Court to nullify any previous trade agreements made between State B and other parties involving the disputed territory, and further request that State B pay reparations to State A for the value of the lost resources that State B's agreements cost State A. While all three sections are equally important to an Advocate's case, this section should be particularly carefully worded as it will be the basis of the Advocate's request of the Court for any action, and the Justices will carefully consider the requests of each Advocate when reaching their final decision.

Finally, Advocates are once again reminded that all evidence should be carefully documented and brought to the Court. Advocates may choose to provide paper evidence in a binder with each piece of evidence easily identifiable, or Advocates may bring an electronic copy of their sources sorted by file directory for each type of evidence. Aside from "common knowledge" documents such as the UN Charter, any evidence or statement presented by Advocates that does not have accompanying evidence with it may not be considered. The decision to consider evidence is at the discretion of the Justices of the Court with final determination made by the Chief Justice of the Court.

Rules of Procedure for the ICJ

Article 1
The International Court of Justice, established by the United Nations as its principal judicial organ, shall be constituted and shall function in accordance with the provisions of the present Statute and Rules.

Article 2
The Court shall be composed of a body of independent judges, elected or appointed from among persons of high moral character.

Article 3
Section 3.01 The Court shall consist of at least eight Justices, not including the Chief Justice and Assistant Chief Justice.

Section 3.02 Membership on the Court shall be determined by the Chief Justice at the beginning of the calendar year.

Section 3.03 Each Justice shall have one seat on the Bench, except while a state is being represented in the case currently being heard by the court. Such members shall recuse themselves for the duration of the proceedings of the case in question.

(a) Each seat on the Bench shall be represented in formal procedure by a Justice of the Court. Justices of the Court must be present for the entirety of all proceedings of the Court.

(b) The declaration to be made by every Member of the Court shall be as follows:

"I <state your name> do solemnly swear to uphold the Charter of the United Nations and the Statute of the Court, and to act only on the basis of law, independently of all outside influence or interventions whatsoever, in the exercise of the judicial function entrusted to the Court alone by the Charter and its statute. I further swear to keep the confidentiality of the Court, and to avoid discussing any matters related to deliberations of the Court until authorized by the Chief Justice."

Article 4
Section 4.01 The Chief Justice of the Court shall have final discretion in all matters of the Court, both procedural and substantive.

Section 4.02 The Chief Justice and Assistant Chief Justice may vote in substantive and procedural matters to break a tie.

Article 5
Section 5.01 The Assistant Chief Justice shall retain all rights of access afforded to the Chief Justice.

Section 5.02 When the Chief Justice is not present, the Assistant Chief Justice shall act as a representative for the Chief Justice and shall have all rights and privileges afforded to the Chief Justice.

Article 6
Members of the Court shall be bound, unless prevented from attending by illness or other serious reasons duly explained to the Chief Justice of the Court, to hold themselves permanently at the disposal of the Court while the Court is in session.

Article 7
Section 7.01 If, for some special reason, a member of the Court considers that he or she should not take part in the decision of a particular case, he or she shall so inform the Chief Justice of the Court.

Section 7.02 If the Chief Justice of the Court considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him or her notice accordingly.

Section 7.03 If in any such case the member of the Court and the Chief Justice disagree, the matter shall be settled by a two-thirds majority decision of the members of the Court.

Section 7.04 In no case shall a member of the Court sit in a case where his or her state is a party.

Article 8
Section 8.01 The full Court shall sit on all cases except when it is expressly provided otherwise in the present Statute.

Section 8.02 A quorum of nine judges – including the Chief Justice – shall suffice to constitute the Court. In cases where a fewer number of Justices sit, the quorum shall remain proportional thereto.

Article 9
Shall there be several parties in the same interest, they shall be reckoned as one party only and shall be represented by the Member State or appropriate agent listed on the Docket of the Court. Final decisions on this matter shall be settled by the Chief Justice.

Article 10
Only states or entities specifically enumerated in the Statute of the International Court of Justice may be parties in cases before the Court. Final decisions in this regard will rest with the Chief Justice.

Article 11
The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

Article 12
In the event of a dispute as to the Court's jurisdiction, the matter shall be settled by a majority decision of the Court.

Article 13
Section 13.01 The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

(a) International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
(b) International custom and Customary Law, as evidence of a general practice accepted as law;
(c) The general principles of law recognized by the United Nations;
(d) Judicial decisions and the teachings of the most highly qualified publicists of the various members of the United Nations, as subsidiary means for the determination of rules of law.

Section 13.02 The validity of all sources of law and evidence presented before the Court shall be determined by the Court.

Section 13.03 This provision shall not prejudice the power of the Court to decide a case ex aequo et bono (according to the commonly accepted standards of what constitutes appropriate behavior), if the parties agree thereto.

Article 14
The Court shall have the power to indicate, if it determines that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party. Pending the final decision, notice of the measures suggested shall forthwith be given to the relevant parties.

Article 15
Section 15.01 The parties involved in any matter before the Court shall be represented by Agents whose credentials shall be examined and verified by the Court upon initial submission of an Application instituting proceedings before the Court.

Section 15.02 The Agents shall serve as Advocates for their respective case before the Court.

Article 16

Section 16.01 The procedure of the Court shall consist of two parts: written and oral.

Section 16.02 The written portion shall consist of the communication to the Court of Memorials, Counter-Memorials and, if necessary, Replies and Rejoinders. All evidence and sources of law cited by Advocates will also be included with these documents, and shall be subject to the full scrutiny of the Court.

(a) The Court may authorize or direct that there shall be a Reply by the applicant and a Rejoinder by the respondent if the parties are so agreed, or if the Court decides of its own volition or at the request of one of the parties, that these pleadings are necessary.

(b) A Memorial shall contain:

1) A statement of the relevant facts; and
2) A statement of relevant law.

(c) A Counter-Memorial shall contain:

1) An admission or denial of the facts stated in the Memorial;
2) Any additional facts, if necessary;
3) Observations concerning the statement of relevant law in the Memorial; and,
4) A statement of law in answer thereto.

(d) The Reply and Rejoinder, whenever authorized by the Court, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.

(e) Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.

(f) There shall be annexed to every pleading copies of any relevant documents cited in support of the contentions in the pleading.

(g) A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.

(h) These communications shall be made through the Chief Justice, in the order and within the time fixed by therein.

(i) A copy of every document produced by one party shall be communicated to the other party.

(j) After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with the consent of both parties or upon request of the Court.

(k) If a new document is produced under Section 16.02(j), the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.

Section 16.03 The Court's Docket shall be determined by the Chief Justice, and should correspond to the order in which the Court receives the Memorials.

Section 16.04 The oral proceedings shall consist of the hearing by the court of Advocates and witnesses, experts, or other parties at the request of the Court and upon approval by the Chief Justice.

(a) The Applicant shall present its case first, and shall be allotted twenty (20) minutes to do so.

(b) The Respondent may question the Applicant for a period of fifteen (15) minutes.

(c) The Court shall question the Applicant on the merits of its case for fifteen (15) minutes.

(d) The Respondent shall then present its case and respond to the questions of the Applicant and the Court in the same manner and within the same time allotments as the Applicant.

(e) The Respondent, followed by the Applicant, shall make closing remarks not to exceed five (5) minutes.

(f) Should the Respondent find the Applicant's closing remark grossly offensive or inaccurate, it may rise to a Right of Reply, which may be granted at the discretion of the Chief Justice and shall not exceed one (1) minute.

(g) The time restrictions imposed by Section 16.04 may be extended at any time at the discretion of the

Court and final authorization by the Chief Justice.

(h) No reference may be made during the oral proceedings to the contents of any document which has not been produced in accordance with Section 16.02, unless this document is part of a publication readily available to all parties at the time the reference is made, or if the document is part of accepted public knowledge.

1) The determination of whether a document or piece of evidence is part of "accepted public knowledge" is at the discretion of the Chief Justice.

(i) Without prejudice to the provisions of the Statute concerning the production of documents, each party shall communicate to the Chief Justice, in sufficient time before the opening of the oral proceedings, information regarding any evidence which it intends to produce or which it intends to request the Court to obtain.

(j) The Court may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings. These witnesses will be evaluated by the Justices upon the approval of the Chief Justice to ensure that their testimony before the Court is germane and accurate.

1) Every witness shall make the following declaration before giving any evidence: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth, and nothing but the truth";

2) Every expert shall make the following declaration before giving any evidence: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth, and nothing but the truth and that my statement will be in accordance with my sincere belief."

Section 16.05 The hearing shall be presided over by the Chief Justice of the Court.

Section 16.06 The hearing in Court shall be open to the public upon acquisition of appropriate credentials. This is not meant in any way, however, to construe a right of open access to deliberations of the Court.

(a) All parties executing or observing the functions of the Court must display official credentials issued by the Secretariat of the United Nations or the Court at all times. Entry may be denied to any party not displaying proper credentials or upon notice from the Chief Justice.

(b) At the discretion of the Court or Chief Justice, members of the press may be temporarily or permanently dismissed from any hearing.

Section 16.07 The Court may, at any time, call upon the Advocates to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Section 16.08 During the hearing, any relevant questions are to be put to the witnesses and experts under the conditions laid down in Section 16.04.

Section 16.09 When, subject to the control of the Court, the parties have completed their presentation of the case, the Chief Justice shall declare the hearing closed. The Court shall withdraw into private deliberations upon completion of the hearing.

(a) The Chief Justice and Justices not otherwise barred from the proceedings subject to the Statute will participate in deliberations.

(b) The deliberations of the Court shall take place in private and remain secret until they are authorized to be released by the Chief Justice.

(c) No representative of the states party to the case being deliberated may observe any part of the deliberations for any reason.

(d) No representative of the press may observe the deliberations.

(e) Individuals wishing to gain access to the deliberations of the Court must submit a written request. Only upon the acceptance of that request by the Chief Justice will credentials for access to the Court be granted. Credentials are revoked upon departure from the Court. All individuals wishing further access must resubmit their request in order to gain access.

(f) All parties executing or observing the deliberations of the Court must display official credentials issued by the Court at all times. All parties receiving credentials have, in displaying credentials, accepted the rules of the Court and are therefore bound to them. This particularly applies to Section 16.09(b). Access to the Court shall be denied to any party not displaying proper credentials.
(g) When the deliberations of the Court result in a draft judgment with apparent support of several Justices, the Chief Justice shall call a formal vote.

(h) Justices will vote by indicating their favor or opposition in writing to the Chief Justice.
(i) If the draft judgment receives a majority of the votes, the Chief Justice will assign a Justice to write the judgment. The Chief Justice will also assign Justices to write the dissenting opinions as necessary. The Chief Justice may also authorize concurring or per curiam (by the Court) opinions as the Chief Justice feels necessary.
(j) If the draft Judgment fails to receive a majority of the votes, the Chief Justice will instruct the Justices to continue deliberations.

(k) Each judgment and dissenting opinion shall state and explain the reasons on which it is based.
(l) Each judgment or other opinion shall contain an abstract of 200 words or more, and the abstract shall not exceed one page.

(m) Judgments shall be submitted to the Chief Justice for review and processing.
(n) Justices shall not reveal the nature of their judgment votes. Such information will be revealed at the reading of the Court's judgments and dissenting opinions when specifically authorized by the Chief Justice.

(o) Deliberations may be extended by a majority vote of the Justices at the discretion of the Chief Justice.
(p) All opinions, decisions, deliberations, and documents generated by the Court during deliberations shall remain secret until specifically authorized to be publicized by the Chief Justice.

Article 17
The Chief Justice or the Court, at his or her discretion, may declare any person in breach of any of the Statue and Rules to be in contempt of Court. If the person in contempt is a Justice, the Chief Justice may remove their speaking privileges for a period of time determined by the Chief Justice. If the person is an observer, the Chief Justice may remove that person from the Court indefinitely.

Article 18
Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim. The Court must, before doing so, satisfy itself, not only that it has jurisdiction, but also that the claim is well founded in fact and law. The Chief Justice may determine whether those requirements are met, and either reschedule the proceedings or remove the case from the Court docket.

Article 19
The judgment of the Court shall be binding on any state that agrees to be bound by the decision of the Court during the Application process. All other decisions of the Court shall be considered Advisory Opinions.

Article 20
The judgment of the Court is final and without appeal. In the event of a dispute as to the meaning or scope of the judgment, the Court shall provide written explanation upon request of any party.

Article 21
Section 21.01 Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to make a presentation before the Court explaining what stake it may have in the case. The Court, and ultimately, the Chief Justice, will make the final determination on this matter.

Section 21.02 Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Chief Justice shall notify all states forthwith. Every state so notified has the right to

intervene in the proceedings. If the state uses this right, the construction given by the judgment will be equally binding upon the state.

Article 22
Section 22.01 Advisory opinions may be requested by certain authorized bodies of the United Nations as specifically enumerated in the Statute of the International Court of Justice.

Section 22.02 Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to impact the question at hand.

Section 22.03 The Court shall deliver its advisory opinions in the same manner as binding judgments, upon authorization by the Chief Justice. Such opinions shall remain secret, including their deliberations, until specifically authorized by the Chief Justice.

Section 22.04 In the exercise of its advisory functions, the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Article 23
If at any time a party to a case feels that these rules have been violated, any member of the Court or Advocate to the Court may submit a written or oral objection. The objection shall be ruled upon by the Chief Justice whose decision on the matter shall be final.

Article 24
The rules herein will supersede all conflicting rules within the Rules of Procedure for SRMUN. Where these is no conflict in these rules, the aforementioned document will be applicable to the function of the Court. All final decisions in this regard, including, but not limited to, interpretations of said rules and documents as to how they may or may not pertain to the Court, shall be made by the Chief Justice.

Article 25
The working language of the Court shall be English. Any party involved with the Court proceedings not wishing to use English must provide a complete, simultaneous translation to English of all oral and/or written statements they may wish to bring before the Court. Refusal to provide translation will result in the record being stricken of any non-English statements made by any party, and may result in the party being charged with contempt of Court.

Operational Technicalities:
Timeline for Court proceedings:

- 20-minute presentation by Applicant.
- 15-minute cross-examination by Respondent.
- 15-minute questioning of the Applicant by Justices.
- 20-minute presentation by Respondent.
- 15-minute cross-examination by the Applicant.
- 15-minute questioning of the Respondent by Justices.
- 5-minute closing remarks by Respondent.
- 5-minute closing remarks by Applicant.
- Advocates excused followed by 60-minute deliberation period from Justices.

Motions in the Court:
Motions in the ICJ are handled differently than in other committees. While the Chief Justice is the final authority on the validity of any motion within the Court, the following are some common motions that are generally acceptable in the ICJ:

- Motion to extend questioning or deliberations: This motion would be acceptable if a Justice believes that more time is needed for questioning an Advocate or for closed deliberations. To pass, this motion requires a majority of the Justices and approval of the Chief Justice. Advocates may not make this motion.
- Motion to end questioning or deliberations: This motion shall be valid if a Justice believes that adequate time has passed during the questioning or deliberation process, and that the respective period should be ended early. This motion requires a majority of the Justices and approval of the Chief Justice. Advocates may not make this motion.

- Objections should be made in a respectful manner, and they should be used minimally to avoid disruption in the Court:
  - The Chief Justice reserves the right to rule on the merits of any objections.
  - Objections should be made on law or procedure, and not simply on whether the Advocate or Justice agrees or disagrees with a statement.

Glossary of ICJ Terms

Advisory Opinion – Case before the Court in which the Court may issue an Opinion, but it will not be binding. This type of Opinion can be requested by an organ of the United Nations or select sub-bodies of the United Nations.

Advocate – Official agent of state or other entity with business before the Court.

Amendment – Formal document changing a portion of a current document before the Court.

Applicant – Party that initiates proceedings in the Court – known in American law as "prosecution."

Contentious Case – Case before the Court where both sides have agreed to abide by the ruling of the Court. In other words, decisions reached in contentious cases are binding on all parties to the case. Enforcement of these decisions is dependent on the Security Council.

Counter-Memorial – Respondent's evaluation of case law, issue before Court, and its position on the case and possible action the Court could take.

Justice – Legal expert on the International Court of Justice appointed to judge and rule upon cases before the Court based on sound legal knowledge.

Memorial – Applicant's evaluation of case law, issue before Court, and its position on the case and action the Applicant wishes the Court to take against the Respondent.

Rejoinder – Respondent's response to the formal Reply of the Applicant. Document should respond to fallacies of case law in Reply and issues in dispute with Reply

Reply – Applicant's response to the Counter-Memorial of the Respondent. Reply should cite improper interpretation of case law in Counter-Memorial and general issues in dispute with Counter-Memorial.

Respondent – Party that responds to initial proceedings – known in American law as "defense."

Sample Memorial and Counter-Memorial

Please note that all of the text below is directly quoted from the original text of the Memorial and Counter-Memorials for the relevant cases from the International Court of Justice website. These are ideal examples of the general framework that all Memorials and Counter-Memorials should be based on. However, when creating your own Memorial and Counter-Memorial, which should be at minimum two (2) pages in length and single spaced, it is of course inappropriate for you to use official documents as your own work.

SRMUN-ATLANTA

INTERNATIONAL COURT OF JUSTICE

Memorial

INSTITUTING PROCEEDINGS
filed in the Registry of the Court on 29 January 2017

MARITIME DISPUTE

(PERU v. CHILE)

2017 General List No. 1

I. APPLICATION INSTITUTING PROCEEDINGS
16 January 2017.

To the Registrar, International Court of Justice.

I, the undersigned, duly authorized by the Government of the Republic of Peru, of which I am the Agent, have the honor to submit to the International Court of Justice, in accordance with Articles 36 (1) and 40 (1) of its Statute and Article 38 of its Rules, an application instituting proceedings brought by the Republic of Peru against the Republic of Chile in the following case.

I. Subject of the Dispute

1. The dispute between Peru and Chile concerns the delimitation of the boundary between the maritime zones of the two States in the Pacific Ocean, beginning at a point on the coast called Concordia according to the Treaty of 3 June 1929. The dispute between Peru and Chile also involves the recognition in favor of Peru of a large maritime zone lying within 200 nautical miles of Peru's coast, and thus appertaining to Peru, but which Chile considers to be part of the high seas.

II. The Facts

2. The maritime zones between Chile and Peru have never been delimited by agreement or otherwise. Peru, accordingly, maintains that the delimitation is to be determined by the Court in accordance with customary international law.

3. However, Chile contends that both States have agreed on a maritime delimitation starting at the coast and then proceeding along a parallel of latitude. Moreover, Chile has refused to recognize Peru's sovereign rights in a maritime area situated within the limit of 200 nautical miles from its coast (and outside Chile's exclusive economic zone or continental shelf).

4. Since the 1980s, Peru has consistently endeavored to negotiate the various issues in dispute, but it has constantly met a refusal from Chile to enter into negotiations (see e.g., Annex 1). By a Note of 10 September 2004 of its Minister for Foreign Affairs (Annex 2), Chile firmly closed the door on negotiations.

III. The Jurisdiction of the Court

5. The jurisdiction of the Court in this case is based on Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948 (Annex 3). This provision reads as follows: "In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory ipso facto, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute the breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

6. Both Peru and Chile are Parties to the Pact of Bogotá. No reservation in force at the present date has been made by either Party under the Pact.

IV. The Legal Grounds upon Which Peru's Claims Are Based

7. The principles and rules of customary international law governing maritime delimitation, as reflected in the relevant provisions of the 1982 United Nations Convention on the Law of the Sea ("UNCLOS") and developed by the jurisprudence of the International Court of Justice and other tribunals, constitute the main sources of law applicable to the present dispute.

8. The fundamental guiding principle for the delimitation of the exclusive economic zone and the continental shelf between States with adjacent coasts, as expressed in Articles 74 and 83 of the Convention, is that the delimitation "shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution." As interpreted by the recent jurisprudence of the Court, this principle is largely similar to the principle of "equidistance/special circumstances" concerning the delimitation of the territorial sea between States with adjacent coasts, as expressed in Article 15 of the Convention.

9. Under international law, both Peru and Chile are entitled to a maritime domain adjacent to and prolonging their respective land territory to a distance of 200 nautical miles from their baselines. On this basis and due to the geographic configuration of the coast, their entitlements overlap. As long as no agreement has been reached by the Parties in respect of the delimitation of their respective maritime zones and in the absence of special circumstances of such a nature as to put into question the equidistance line, such equidistance line achieves an equitable result. The maritime boundary between the Parties should be determined accordingly.

10. In contrast, a dividing line along a parallel starting from the coast, advocated by Chile, does not meet the fundamental requirement of achieving an equitable result, nor does it stem from any agreement between the Parties.

11. The delimitation should begin at a point on the coast called Concordia, the terminal point of the land boundary established pursuant to the Treaty and Complementary Protocol to settle the issue of Tacna and Arica — Treaty of Lima — of 3 June 1929 (Annex 4), the co-ordinates of which are 18° 21' 08" S and 70° 22' 39" W (see Annex 5) and extends to a distance of 200 nautical miles from the baselines established by the Parties. This is in

conformity with Article 54, paragraph 2, of the Peruvian Constitution of 1993 (Annex 6), the Peruvian Law No. 28621 on the Maritime Domain Baselines of 3 November 2005 (Annex 5), the Peruvian Supreme Decree No. 047-2007-RE of 11 August 2007 (Annex 7) and Article 596 of the Chilean Civil Code as amended by Law No. 18.565 of 23 October 1986 (Annex 8) which all concur in fixing the outer limit of their respective maritime entitlements up to a distance of 200 nautical miles measured from the baselines.

12. Under well-established principles and rules of international law, Peru is also entitled to the maritime areas lying within 200 nautical miles of its baselines and beyond 200 nautical miles from Chile's baselines, and Chile's contentions to the contrary are devoid of merit.

V. Decision Requested

13. Peru requests the Court to determine the course of the boundary between the maritime zones of the two States in accordance with international law, as indicated in Section IV above, and to adjudge and declare that Peru possesses exclusive sovereign rights in the maritime area situated within the limit of 200 nautical miles from its coast but outside Chile's exclusive economic zone or continental shelf.

14. The Government of Peru, further, reserves its right to supplement, amend or modify the present Application in the course of the proceedings.

15. For the purposes of Article 31 (3) of the Statute and Article 35 (1) of the Rules of the Court the Government of Peru declares its intention of exercising the right to designate a Judge ad hoc. All communications relating to this case should be sent to the Embassy of the Republic of Peru in the Netherlands, Nassauplein 4, 2585 EA The Hague, the Netherlands.

Respectfully submitted,

X_____

Allan Wagner (*Your Name*),
Agent of the Government of the Republic of Peru.

SRMUN-ATLANTA

INTERNATIONAL COURT OF JUSTICE

COUNTER-MEMORIAL

filed in the Registry of the Court

on 1 March 2017

(Malaysia/Singapore)

2017 General List No. 1

I. Comment on Facts Stated in the Memorial of the Republic of Malaysia

1. Malaysia's claim to Pedra Branca is based on an alleged "original title" held by the Johor-Riau-Lingga Sultanate (called the "Sultanate of Johor" in Malaysia's Memorial) before 1824, which was subsequently transmitted to Malaysia through an elaborate chain of "succession."

2. According to Malaysia, this alleged chain of "succession" proceeded as follows:

(a) the 1824 Anglo-Dutch Treaty split the region into British and Dutch spheres of influence and resulted in the division of the Johor-Riau-Lingga Sultanate into two successor entities – one north of the Strait of Singapore, the other south of the Strait of Singapore;

(b) after the split, Pedra Branca became a territory of the northern successor entity (i.e., the State of Johor);

(c) when the State of Johor joined the Malayan Union in 1946, Pedra Branca became part of the territory of the Malayan Union;

(d) when the Malayan Union was replaced by the Federation of Malaya in 1948, Pedra Branca became part of the territory of the Federation of Malaya;

(e) when the Federation of Malaya was reconstituted as the Federation of Malaysia in 1963, Pedra Branca became part of Malaysia.

II. Additional Facts

1. In contrast, Singapore's case is based on well-documented and uncontroverted acts of lawful possession undertaken by Great Britain, Singapore's predecessor in title. Lawful possession of Pedra Branca was taken by agents of the British Crown during the years 1847-1851 for the purpose of constructing a lighthouse. Possession was taken openly without seeking the permission of any Malay chief or any other power in the region, and without protest from any of them.

2. Britain's (and Singapore's) title over Pedra Branca was time and again recognized and acknowledged by Malaysia and her predecessor, the State of Johor. Such recognition included:

(a) Malaysia seeking permission from Singapore for her officials to conduct activities around Pedra Branca;

(b) Malaysia requiring Singapore to cease flying the Singapore Marine Ensign on the lighthouse on Pulau Pisang (which belongs to Malaysia), but at the same time making no such requests with respect to Horsburgh Lighthouse on Pedra Branca; and

(c) publishing a series of official maps from 1962-1975 which attributed Pedra Branca to Singapore.

3. Not only did Malaysia and her predecessor, the State of Johor, consistently recognize and acknowledge Singapore's title, in 1953, the State of Johor expressly, unconditionally and unequivocally disclaimed title to Pedra Branca.

III. Observations Concerning the Statement of Relevant Law in the Memorial of the Republic of Malaysia

1. In her Memorial, Malaysia has sought to deny Singapore's title by arguing that:

(a) under the Crawfurd Treaty of 1824 only the island of Singapore and all the islands within ten geographical miles from its coasts were ceded to the British, and Pedra Branca is located outside this zone;
(b) under international law, the mere construction and operation of a lighthouse does not confer sovereignty upon the lighthouse operator: a fortiori, when the lighthouse, as in the case of Pedra Branca, was built and operated with the permission of the territorial sovereign;

2. Malaysia's arguments run contrary to the evidence:
(a) the Crawfurd Treaty of 1824 is irrelevant. It does not circumscribe British competence in acquiring other territories in the region. Singapore's claim is not based on this Treaty but on Britain's lawful taking of the island in 1847;

(b) British officials did not seek permission from any local rulers for their activities on Pedra Branca;

(c) contrary to Malaysia's contention, this Court has recognised that the construction of navigational aids "can be legally relevant in the case of very small islands". In any event, Singapore's activities on the island are not confined to the operation of the lighthouse, but include a vast range of other acts of State authority, including legislative, administrative and quasi-judicial acts, performed over a period of 150 years on the island and in the waters around it;

IV. Statement of Relevant Law:

1. The present section demonstrates that when the British took possession of Pedra Branca in 1847, Johor had no prior title to the island, whether assessed under classical principles of international law or under regional custom of allegiance:

2. While the law applicable to the British acquisition of Pedra Branca in 1847 was clearly the law of the nations as adopted by the European powers, there is less certainty concerning the applicable law by which Malaysia's claim to an "original title" should be evaluated. This is because of Malaysia's complete failure to explain the legal basis of her alleged "original title" and also because Malaysia has not made clear how and when this alleged "original title" arose, apart from some vague hints in her Memorial that her alleged "original title" dates from the 16th century.

3. Malaysia's avoidance of this critical issue has made it necessary for Singapore to discuss both the regional custom of allegiance and classical principles of international law. Whether examined under the local context of allegiance or under classical international law, the evidence clearly establishes that, immediately before the British took possession of Pedra Branca in 1847, there was an absence of title on the part of Johor.

V. Conclusion

Accordingly, on the basis of the facts and arguments set forth in this Counter-Memorial, and without prejudice to the right further to amend and supplement these submissions in the future, the Republic of Singapore asks the Court to adjudge and declare that:

1. For the reasons set out in this Counter-Memorial and in Singapore's Memorial, the Republic of Singapore requests the Court to adjudge and declare that:

(a) the Republic of Singapore has sovereignty over Pedra Branca / Pulau Batu Puteh;

(b) the Republic of Singapore has sovereignty over Middle Rocks; and

(c) the Republic of Singapore has sovereignty over South Ledge.

The Republic of Singapore has designated the undersigned as its Agents for the purposes of these proceedings. All communications relating to this case should be directed to this Agent.

Respectfully submitted,

X_____

Prof. Tommy Koh (*Your Name*)

DRAFT ICJ JUDGMENT EXAMPLE

The entire judgment should be 10 font and Times New Roman

CASE CONCERNING THE DISPUTE REGARDING NAVIGATIONAL AND RELATED RIGHTS
(COSTA RICA V. NICARAGUA)

The case title & the specific Member States involved are listed in bold, underlined, and capitalized.

Present:

Indent and list all those present here. Role is italicized and last name is capitalized. Each name followed by comma. List is ended with a period. Ex.: *President* YAY, *Judges* OWEN, MET, HOEY.

SUMMARY OF THE JUDGMENT OF 13 JULY 2009

The italicized Summary, in 200 or more words, but not exceeding one page, details the case's purpose, intentions, and what occurred within court.

The Summary's date must be the same date as when the judgment is read to advocates.

The Court begins by recalling that, on 29 September 2005, the Republic of Costa Rica (hereinafter "Costa Rica") filed in the Registry of the Court an Application instituting proceedings against the Republic of Nicaragua (hereinafter "Nicaragua") with regard to a "dispute concerning navigational and related rights of Costa Rica on the San Juan River."

The Court observes that, in its Application, Costa Rica seeks to found the jurisdiction of the Court on the declaration it made on 20 February 1973 under Article 36, paragraph 2, of the Statute, as well as on the declaration which Nicaragua made on 24 September 1929 under Article 36 of the Statute of the Permanent Court of International Justice and which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, for the period which it still has to run, to be acceptance of the compulsory jurisdiction of this Court. In addition, Costa Rica invokes as a basis of the Court's jurisdiction the provisions of Article XXXI of the American Treaty on Pacific Settlement, officially designated, according to Article LX thereof, as the "Pact of Bogotá."

The Court notes that in its final submissions, Costa Rica requests the Court to adjudge and declare that Nicaragua is in breach of its international obligations in denying to Costa Rica the free exercise of its rights of navigation and associated rights on the San Juan River. In particular, Costa Rica requests the Court to adjudge and declare that,

Summary must note the issue(s) the judges will deliberate.

"by its conduct, the Republic of Nicaragua has violated:
(a) the obligation to allow all Costa Rican vessels and their passengers to navigate freely on the San Juan for purposes of commerce, including communication and the transportation of passengers and tourism;
(b) the obligation not to require Costa Rican vessels and their passengers to stop at any Nicaraguan post along the River.

Insert an asterisk to separate the Summary and the below operative clause section. *

The operative clause order below, which may exceed one page, notes the judges' vote count and their finding(s).

THE COURT,

(1) As regards Costa Rica's navigational rights on the San Juan river under the 1858 Treaty, in that part where navigation is common,

Judges' vote count after the underlined letter of issue(s) deliberated, followed by a comma.

(a) *Unanimously,*

Finds that the right of navigation for purposes of commerce enjoyed by Costa Rica includes the transport of tourists;

Continuous finding(s) or rejection(s) should be brief, followed by a semicolon The very last finding ends with a period.

(b) By nine votes to five,

Finds that persons travelling on the San Juan river on board Costa Rican vessels exercising Costa Rica's right of free navigation are not required to obtain Nicaraguan visas.

Judges' last names are listed only when a decision isn't unanimous. Each dissenting judge must explain their vote for the judgment's annex.

IN FAVOUR: President Owada; Judges Shi, Buergenthal, Abraham, Keith, Bennouna, Cançado Trindade, Yusuf, Greenwood;

AGAINST: Judges Koroma, Al-Khasawneh, Sepúlveda-Amor, Skotnikov; Judge ad hoc Guillaume.

End the document with a period.

Document should be signed by the Chief Justice and Assistant Chief Justice

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Committee History of the International Court of Justice

The ICJ, located in the Peace Palace at The Hague in the Netherlands, serves as the international court for the purpose of arbitration between Member States.[1] The predecessor of the ICJ was the Permanent Court of International Justice (PCIJ), formed under the League of Nations, and dissolved with the start of the Second World War in 1941.[2] In 1942, the United States of America (USA) Secretary of State and the Foreign Secretary of the United Kingdom of Great Britain and Northern Ireland (UK) declared their support for a new international court to be created at the conclusion of World War II.[3] In early 1943, the UK invited a group of experts to London, England, to form a committee to vet this idea.[4] This committee released a report on 10 February 1944, which made several recommendations for the creation of a new international court.[5] The recommendations were as follows: "... the statute of any new international court should be based on that of the Permanent Court of International Justice; ...advisory jurisdiction should be retained in the case of the new court; acceptance of the jurisdiction of the new court should not be compulsory; ...the Court should have no jurisdiction to deal with essentially political matters."[6] Article 33 of the United Nations (UN) Charter mandates the various methods in which the ICJ can conduct international disputes, including but not limited to: arbitration, mediation, and the utilization of a Third Party.[7]

In 1945, the ICJ was established as the UN's principal legal entity.[8] The drafting of the Court's "Statute," which set forth the purpose and procedures of the Court, began in April 1945 and concluded in 1947 when the Court accepted its first case.[9,10] The ICJ has a broad level of jurisdiction, which includes "all cases which the parties refer to it and all matters especially provided for in the Charter of the United Nations or in treaties and conventions in force."[11] As stated in Article VII of the UN Charter, the express purpose of the ICJ is to arbitrate contentious cases brought between Member States.[12] Additionally the ICJ provides advisory opinions to the main UN institutions, such as the General Assembly (GA) and Security Council (SC).[13] Contentious cases are between two willing Member States bringing suit against one another for many different reasons, whereas advisory opinions only require one party and are opinions regarding subjects such as international law interpretations and rarely include judgments.[14] In regards to contentious cases, only Member States can bring a case, and only Member States can be defendants in the case.[15] As sovereignty is one of the principal beliefs of the UN, Member States cannot be included in any arbitration or case without consent.[16] Therefore, no Member State is required to take notice of any opinion.[17] However, in some instances, a Member State may accept judgments under special circumstances as defined by the Court.[18] Submitting a case to the ICJ requires the initiating Member State to contact the Registrar of the Court.[19] Upon receipt of the written application, the Registrar then communicates the application to all concerned parties, along with the UN Secretary-General and all Member States.[20] In the event that the UNGA requires an advisory ruling, it is submitted

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[1] "Practical Information," International Court of Justice, http://www.icj-cij.org/information/index.php?p1=7&p2=2 (accessed March 26, 2018).
[2] "The Court," International Court of Justice, http://www.icj-cij.org/court/index.php?p1=1&p2=1 (accessed March 26, 2018).
[3] "The Court," International Court of Justice.
[4] "The Court," International Court of Justice.
[5] "The Court," International Court of Justice.
[6] "The Court," International Court of Justice.
[7] "United Nations (UN)," Encyclopedia Britannica, http://www.britannica.com/topic/United-Nations/Principal-organs#ref368940 (accessed March 26, 2018).
[8] "Practical Information," International Court of Justice.
[9] Statute of The International Court of Justice, *The United Nations*, http://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf (accessed March 26, 2018).
[10] Cases, International *Court of Justice*, http://www.icj-cij.org/docket/index.php?p1=3&p2=2 (accessed March 26, 2018).
[11] "The International Court of Justice," *Global Directions*.
[12] "The International Court of Justice," *Global Directions*.
[13] "The International Court of Justice," *Global Directions*.
[14] Jurisdiction, *International Court of Justice*, http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=2 (accessed March 26, 2018).
[15] "The International Court of Justice," *Global Directions*.
[16] "Practical Information," International Court of Justice.
[17] "Practical Information," International Court of Justice.
[18] "The International Court of Justice," *Global Directions*.
[19] "The International Court of Justice," *Global Directions*.
[20] "The International Court of Justice," *Global Directions*.

in writing to the Registrar of the Court and added to the Court's docket for judicial ruling.[21] All judgments handed down by the ICJ are binding in accordance with both Article 2 and Article 94(1) of the UN Charter.[22] In the case that one party does not comply with the judgment of the Court, the other party may request the SC to enforce the decision via measures such as a binding resolution or possible sanctions. Yet, as is the case with UN decrees, there are no real enforcement mechanisms in place.[23]

The ICJ is composed of 15 justices elected to nine-year terms by the UNGA and the SC, independently.[24] These organs vote simultaneously but separately on the appointment of justices.[25] To be elected, a candidate must receive an absolute majority of the votes in both bodies.[26] This sometimes makes it necessary for a number of rounds of voting to take place.[27] To ensure a measure of continuity, one-third of the Court is replaced through election every three years.[28]

Funding for the ICJ is primarily provided by UN Member States.[29] The level of contribution by each Member State to the ICJ is an independent decision of the Member State.[30] Additional funding for the ICJ is provided through voluntary contributions from international organizations and other international entities.[31] Furthermore, emergency funding can be provided related to a "situation" or special request referred to the Court by the SC.[32]

The jurisdiction of the ICJ is solely for arbitration between Member States, and therefore lacks a prosecutor to begin any type of criminal proceedings.[33] Cases before the ICJ are resolved in one of three ways: (1) by the parties at any time during the proceedings; (2) a Member State can discontinue the proceedings and withdraw at any point; or (3) the Court can deliver a verdict.[34] When the deliberations of the Court result in draft judgments with apparent support of several justices, the Chief Justice calls for a formal vote.[35]

The draft judgments are decided upon by a two-thirds majority of votes among the Justices.[36] If the draft judgment fails to receive a two-thirds majority, the Chief Justice will instruct the Justices to continue deliberations.[37] All ICJ decisions are final and cannot be appealed.[38] However, if either side believes the verdict incorrect, or challenges the scope or meaning of the verdict, a Member State may request an interpretation of the decision by the Court.[39] Additionally, in the event new evidence is discovered that could affect the verdict, either side can apply for a revision of the judgment.[40]

Over time, the verdicts of the ICJ have led to an increase, at the regional level, of peace and stability.[41] However, Member States have been reluctant to defer "sensitive issues," such as politically embarrassing events or policies

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[21] "The International Court of Justice," *Global Directions*.
[22] Dispute Settlement, *United Nations Conference on Trade and Development*, http://unctad.org/en/docs/edmmisc232add19_en.pdf (accessed March 26, 2018).
[23] "The Court," International Court of Justice.
[24] "The Court," International Court of Justice.
[25] "The International Court of Justice," *Global Directions*.
[26] "The International Court of Justice," *Global Directions*.
[27] "Practical Information," International Court of Justice.
[28] "The International Court of Justice," *Global Directions*.
[29] "The International Court of Justice," *Global Directions*.
[30] "The International Court of Justice," *Global Directions*.
[31] "The International Court of Justice," *Global Directions*.
[32] "The International Court of Justice," *Global Directions*.
[33] "Dispute Settlement," United Nations Conference on Trade and Development, http://unctad.org/en/docs/edmmisc232add19_en.pdf (accessed March 26, 2018).
[34] "Dispute Settlement," United Nations Conference on Trade and Development.
[35] "Dispute Settlement," United Nations Conference on Trade and Development.
[36] "United Nations Funding," Federal Department of Foreign Affairs, https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-organizations/un/un-funding.html (accessed March 26, 2018).
[37] "United Nations Funding," Federal Department of Foreign Affairs.
[38] "United Nations Funding," Federal Department of Foreign Affairs.
[39] "United Nations Funding," Federal Department of Foreign Affairs.
[40] "Practical Information," International Court of Justice.
[41] "Practical Information," International Court of Justice.

considered to violate various UN resolutions or ICJ opinions, to the Court.[42] While this limits the overall effectiveness of the body in the international realm, the ICJ is an essential factor in upholding peace and stability across the globe, as well as the declarations stated in the UN Charter.

[42] "Practical Information," International Court of Justice.

I: 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 (Ukraine v. Russian Federation)

Introduction

On January 16, 2017, Ukraine submitted an application instituting proceedings with the International Court of Justice (ICJ) against the Russian Federation.[43] Ukraine claimed Russia violated multiple conventions, specifically the 1999 International Convention for the Suppression of the Financing of Terrorism (ICSFT) and the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD).[44] Ukraine alleges Russia violated ICSFT through their instigation of the pro-Russian rebels and through both financial, military, and training support for these rebels.[45] In the case of CERD, Ukraine alleges that Russia has violated the fundamental human rights of ethnic minorities, such as the Crimean Tatars in the Crimean peninsula, in order to assert the dominance of ethnic Russians.[46] Russia has denied all of these claims.[47]

History of Conflict

Conflict between Russia and Ukraine began in 2004 with the Ukrainian Orange Revolution.[48] Ukrainians protested the results of the presidential election, with the greater goal of promoting more free and fair elections.[49] This protest indicated Ukraine's first major political shift away from Russia and toward the West, creating tension with the Russian government led by Vladimir Putin.[50] In 2013, Ukraine was preparing to sign an Association Agreement with the European Union (EU), which would create economic and political associations between the two parties.[51] In response, Russia imposed trade restrictions, withheld its supply of natural gas to Ukraine, and attempted to suggest that their territorial integrity was questionable.[52] Ukraine's President, Viktor Yanukovych, pulled back on the deal in response.[53] As a result, Ukrainians again gathered to protest in Kyiv's Independence Square, which would later be known as Euromaidan.[54] When protests turned violent, Yanukovych retaliated against the gathered citizens with violent police confrontations and government snipers, resulting in the deaths of over 100 protesters.[55] The violence only increased and Yanukovych fled to Russia.[56]

As the situation in Ukraine escalated, Russia increased its presence in the Crimean Peninsula; a referendum was held on March 16, 2014 within the territory, and the results claimed that Crimea wished to rejoin Russia.[57] Russia annexed the Crimean peninsula in March 2014, a move that was widely condemned by both Ukraine and the global

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[43] "Application Instituting Proceedings: Terrorism Financing and Racial Discrimination in Ukraine (Ukraine v. Russian Federation," The International Court of Justice, January 16, 2017, http://www.icj-cij.org/files/case-related/166/19314.pdf (accessed May 9, 2018).
[44] "ICJ Case: Ukraine vs. Russian Federation, Explained," Hromadske International, March 7, 2017, https://en.hromadske.ua/posts/icj_ukraine_russia (accessed May 9, 2018).
[45] "Request for the Indication of Provisional Measure of Protection Submitted by Ukraine," The International Court of Justice, January 16, 2017, http://www.icj-cij.org/files/case-related/166/19316.pdf (Accessed June 20, 2018).
[46] "Request for the Indication of Provisional Measures," The International Court of Justice.
[47] "In the Case Concerning Applications 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 (Ukraine v. Russian Federation): Verbatim Record," The International Court of Justice, March 7, 2017, http://www.icj-cij.org/files/case-related/166/166-20170307-ORA-02-00-BI.pdf (Accessed June 20, 2018).
[48] "Application Instituting Proceedings," The International Court of Justice.
[49] "Application Instituting Proceedings," The International Court of Justice.
[50] "Application Instituting Proceedings," The International Court of Justice.
[51] "Application Instituting Proceedings," The International Court of Justice.
[52] "Application Instituting Proceedings," The International Court of Justice.
[53] "Application Instituting Proceedings," The International Court of Justice.
[54] "Application Instituting Proceedings," The International Court of Justice.
[55] "Application Instituting Proceedings," The International Court of Justice.
[56] "Application Instituting Proceedings," The International Court of Justice.
[57] "Application Instituting Proceedings," The International Court of Justice.

community as illegal on the grounds of violating national sovereignty.[58] In eastern Ukraine, specifically in the Donetsk and Luhansk regions, pro-Russian separatist groups began to appear in spring 2014 and engaged in conflict with the Ukrainian government.[59] Russia was accused of arming these groups, specifically the Donetsk People's Republic (DPR), Luhansk People's Republic (LPR), and Partisans of the Kharkiv People's Republic (Kharkiv Partisans), both financially and through training and equipment.[60] These groups have successfully seized and occupied significant portions of eastern Ukraine.[61]

Russia rejected the Ukrainian narrative of Euromaidan and the events immediately following.[62] Russia observed the events of Euromaidan to be Ukrainian protestors using Yanukovych's decision to suspend the Association Agreement "to explore further steps," creating an ultimatum: to align completely with either Europe or Russia.[63] This ultimatum created a split between the ethnic Russians and the ethnic Ukrainians in the country and encouraged violence from radical nationalist groups against the government and police.[64] The nationalist groups accused Ukraine's parliament of unconstitutionally removing Yanukovych from office after he fled Kyiv.[65] The Acting President launched an "Anti-Terrorist Operation" in the Donbas, which led to the civil war.[66] Regarding Crimea, Russia argued that their annexation of the peninsula was valid because they gave the Crimean people the choice through their referendum to rejoin Russia; a choice they had not allowed when it was transferred to Ukraine in 1954 by the Soviet Union and in 1991 upon the dissolution of the Soviet Union.[67]

The implications of the conflict in eastern Ukraine were realized by the international community with the shooting down of Malaysian Airlines Flight MH17 on July 17, 2014.[68] In the attack, 298 civilians were killed, and, according to the subsequent investigation and report of the Dutch Safety Board, the plane was shot down by a Russian-made Buk Missile.[69] However, no blame was conclusively assigned to any party.[70] Ukraine claimed Russia armed the separatists with the missiles, which allowed the separatists to shoot down the plane.[71] Conversely, Russia claimed either a Buk missile was not used, or that it was the Ukrainians who used it.[72]

In the past four years, the violence in Ukraine has not ceased and all attempts to try and alleviate the conflict via ceasefire have failed. On February 11, 2015, Minsk II was signed by Ukrainian President Petro Poroshenko and Russian President Vladimir Putin, which intended to implement a 13-point plan to create a ceasefire in the Donbas region and eventually end the conflict.[73] Minsk II has largely failed as the ceasefire is routinely violated and both sides are accused of violating the terms.[74] Ukraine based its claim on the events of the prior four years and holds Russia largely accountable for its role in the violence, due to its influence on the conflict and the accusations of supporting rebels in the Donbas region.[75]

Statement of Facts

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[58] "Application Instituting Proceedings," The International Court of Justice.
[59] "Application Instituting Proceedings," The International Court of Justice.
[60] "Application Instituting Proceedings," The International Court of Justice.
[61] "Application Instituting Proceedings," The International Court of Justice.
[62] "In the Case Concerning Applications," The International Court of Justice
[63] "In the Case Concerning Applications," The International Court of Justice
[64] "In the Case Concerning Applications," The International Court of Justice
[65] "In the Case Concerning Applications," The International Court of Justice
[66] "In the Case Concerning Applications," The International Court of Justice
[67] "In the Case Concerning Applications," The International Court of Justice
[68] "Application Instituting Proceedings," The International Court of Justice.
[69] Thomas Escritt and Toby Sterling, "Russian-Made Missile Shot Down MH17 - Dutch Report," *Reuters*, October 13 2015, https://uk.reuters.com/article/uk-ukraine-crisis-mh17/russian-made-missile-shot-down-mh17-dutch-report-idUKKCN0S71C020151013 (Accessed 12 May 2018).
[70] Escritt and Sterling, Russia-Made Missile Shot Down MH17," *Reuters.*
[71] Escritt and Sterling, Russia-Made Missile Shot Down MH17," *Reuters.*
[72] Escritt and Sterling, Russia-Made Missile Shot Down MH17," *Reuters.*
[73] Steven Pifer, "Minsk at Two Years," *Brookings Institute*, February 15 2017, https://www.brookings.edu/blog/order-from-chaos/2017/02/15/minsk-ii-at-two-years/ (Accessed 12 May 2018).
[74] Pifer, "Minsk at Two Years," *Brookings Institute.*
[75] "Application Instituting Proceedings," The International Court of Justice.

Ukraine has invoked both ICSFT and CERD in its claim against Russia.[76] ICSFT prohibits the "unlawful financial activities by individuals or groups of persons which are ancillary terrorist acts."[77] CERD requires States party to the Convention to "condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms."[78] Regarding its claim involving the ICSFT, Ukraine claims that Russia violated its commitment to the Convention against terrorism, going so far as to say that Russia is "mocking the Convention's goals by actively promoting and sponsoring terrorism."[79] Ukraine cites the shooting down of MH17 as one of the main proponents of its argument, claiming the system used to shoot down the plane was supplied by Russia.[80] Further, its movement from Russia to rebel-held territory and back is proof of Russia's interference in terrorist activities and, subsequently, proof of Russia's violation of the Convention.[81] As such, Ukraine claims that Russia is in violation of Article 18 of the ICFST, which requires preventative measures to be taken by States to prevent illegal activities such as financial support, "cross-border transportation" of money and equipment, and otherwise.[82]

In their invocation of CERD, Ukraine claims that Russia is engaging in "a policy of cultural erasure" in Crimea, committing acts to suppress groups that are not ethnically Russian and treating them as a threat to the Russian regime.[83] Ukraine claims that the Crimean Tatars were especially targeted, specifically through practices such as Russia's illegal referendum and reunification, their persecution of the leaders of the Crimean Tatar community, and their banning of the Mejlis.[84] Ukraine further claims that Russia is preventing Tatars from assembling, harassing them, silencing Tatars in the media, suppressing their language in schools, and orchestrating the disappearance of several Tatars.[85] Ukraine also claims that Russia engaged in similar tactics regarding ethnic Ukrainians in Crimea as well.[86] These actions, according to Ukraine, are a violation of Article 2 of CERD, which states that State Parties must not engage in any forms of racial discrimination and must ensure that all institutions follow this standard.[87]

Russia has denied all of Ukraine's claims and has challenged the legitimacy of this case.[88] Russia has argued that the "issues relating to the legality of the alleged use of force, State sovereignty, territorial integrity, and self-determination" are beyond the scope of the Court's jurisdiction.[89] They also claimed that Ukraine's case is solely an attempt to stigmatize the DPR, LPR, and Russia as sponsors of terror, as well as falsely accuse Russia of persecuting Crimean Tatars.[90] Russia has claimed that the ICSFT only covers "specific disputes concerning the concrete rights protected under that convention," and cannot be applied solely on the basis of one State--in this case, Ukraine--defining an armed group as a terrorist group.[91] Regarding CERD, Russia has argued that Ukraine's invocation of CERD is invalid because Russia has taken "substantive measures" to promote the culture of both Crimean Tatars and Ukrainians in Crimea and cite both leaders of Crimean Tatars and the Ukrainian communities in Crimea who report no accounts of discrimination within the peninsula.[92]

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[76] "Application Instituting Proceedings," The International Court of Justice.
[77] Hans Corell, "Symposium: 'Combating International Terrorism: The Contribution of the United Nations," *United Nations Office of Legal Affairs*, June 3 2002, http://legal.un.org/ola/media/info_from_lc/terrorism_remarks.pdf (Accessed 19 June 2018).
[78] "International Convention on the Elimination of All Forms of Racial Discrimination," United Nations Human Rights Office of the High Commissioner, December 21, 1965, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx (Accessed June 16, 2018).
[79] "Application Instituting Proceedings," The International Court of Justice.
[80] "Application Instituting Proceedings," The International Court of Justice.
[81] "Application Instituting Proceedings," The International Court of Justice.
[82] "International Convention for the Suppression of the Financing of Terrorism," General Assembly of the United Nations, December 9 1999, http://www.un.org/law/cod/finterr.htm (Accessed June 20, 2018).
[83] "Application Instituting Proceedings," The International Court of Justice.
[84] "International Convention for the Suppression of the Financing of Terrorism," General Assembly of the United Nations.
[85] "International Convention for the Suppression of the Financing of Terrorism," General Assembly of the United Nations.
[86] "International Convention for the Suppression of the Financing of Terrorism," General Assembly of the United Nations.
[87] "International Convention on the Elimination of All Forms of Racial Discrimination," United Nations Human Rights Office of the High Commissioner, December 21, 1965, https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx (Accessed June 16, 2018).
[88] "In the Case Concerning Applications," The International Court of Justice.
[89] "In the Case Concerning Applications," The International Court of Justice.
[90] "In the Case Concerning Applications," The International Court of Justice.
[91] "In the Case Concerning Applications," The International Court of Justice.
[92] "In the Case Concerning Applications," The International Court of Justice.

Procedural History

Ukraine filed an application instituting proceedings against Russia on January 16, 2017.[93] Ukraine also filed a request for provisional measures of protection on January 16, 2017.[94] Ukraine requested that the Court order that Russia refrains from actions that could worsen the conflict; better control their borders to avoid "further acts of terrorism financing;" take measures to prevent the movement of money, weapons, or other equipment into eastern Ukraine; and make efforts to curb terrorism against civilians in Ukraine.[95]

Latest Developments

On April 19 2017, the Court issued its response to the provisional measures that Ukraine requested.[96] The Court's stated that Ukraine had not presented enough evidence in the provisional stage to merit the enactment of measures in response to violations committed by Russia regarding ICSFT, and as such gave no provisional measures regarding Ukraine's request to restrain Russia from supporting and arming the separatist groups.[97] In terms of the CERD, the Court ruled a link existed between "the measures which are requested and the rights which are claimed to be at risk of irreparable prejudice," and indicated measures that Russia must "refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis; ensure the availability of education in the Ukrainian language; [and that] both Parties shall refrain from any action which may aggravate or extend the dispute before the Court or make it more difficult to resolve."[98]

Committee Directive

This Court is tasked with deciding whether or not Russia is in violation of the 1999 International Convention on the Suppression of Financial Terrorism, as well as if it is in violation of the 1965 Convention on the Elimination of All Forms of Racial Discrimination. Upon reaching a decision, the Court must consider the ultimate ruling of the case, and must consider the actions that must be taken based upon this ruling.

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[93] "Application Instituting Proceedings," The International Court of Justice.

[94] "Request for the Indication of Provisional Measures of Protection Submitted by Ukraine," The International Court of Justice, January 16 2017, http://www.icj-cij.org/files/case-related/166/19316.pdf (Accessed May 9, 2018).

[95] "Request for the Indication of Provisional Measures," The International Court of Justice.

[96] "The court finds that Russia must refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language," International Court of Justice, April 19 2017, http://www.icj-cij.org/files/case-related/166/19412.pdf (Accessed May 12, 2018).

[97] "The Court finds that Russia must refrain from imposing limitations," The International Court of Justice.

[98] "The Court finds that Russia must refrain from imposing limitations," The International Court of Justice.

II. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)

Introduction

On June 25, 1991, Croatia declared its independence from the Socialist Federal Republic of Yugoslavia (SFRY).[99] Prior to this, in May 1991, the SFRY had already begun to dissolve with the Republics of Montenegro and Serbia forming the Federal Republic of Yugoslavia (FRY) on April 27, 1992.[100] However, the ethnic Serb minority in Croatia opposed the declaration of the Croatian state, instead demanding their right to remain in the SFRY.[101] The Serbian minority previously declared the creation of their own territory in 1990, which they called the Republic of Serbian Krajina.[102] On February 28, 1991, Serbian rebels in Knin announced their intent to join the Serbs in Serbia, Montenegro, and Bosnia and Herzegovina.[103] Tensions escalated and on March 31, 1991, Croatian Serbs engaged in conflict in Plitvice, beginning the Croatian War. [104] The Yugoslav People's Army (JNA) and nation of Serbia helped the Croatian Serbs rebel; this culminated in the Croatian War, during which ethnic Serbs in almost one-third of the Croatian state declared their intent to create their own independent state.[105] The Serbs controlled eastern Slavonia and were aided and supported by the FRY.[106] The conflict led to the deaths of 20,000 persons in Croatia and displaced 800,000 persons.[107]Croatia instituted proceedings before the ICJ against the Federal Republic of Yugoslavia, now Serbia, on July 2, 1999 on the grounds of violations of the 1948 Convention on the Prevention and Punishment for the Crime of Genocide (CPPCG) between 1991 and 1995.[108]

History of Conflict

The impending collapse of Yugoslavia led to the desire for many republics within it to seek independence following a surge in nationalism among the many ethnic groups.[109] These nationalist surges were especially notable in the Croats and the Serbs.[110] The 1987 election of Slobodan Milosevic as President in Yugoslavia saw an increase of Serbian nationalism, inspired by the platform on which he was elected.[111] Likewise in 1990, Croatia held contested elections where the Croatian Democratic Union (HDZ) was elected by a strong majority, declaring nationalist Franjo Tudjman as the President.[112] The overwhelming support of the HDZ came from the ethnic Croats, while the Croatian

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[99] "Application Instituting Proceedings: Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Yugoslavia)," The International Court of Justice, July 2 1999, http://www.icj-cij.org/files/case-related/118/7125.pdf (Accessed May 9, 2018).

[100] "Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Yugoslavia): Memorial of the Republic of Croatia, The International Court of Justice, March 1 2001, http://www.icj-cij.org/files/case-related/118/18172.pdf (Accessed May 11, 2018).

[101] "The Conflicts," United Nations International Criminal Tribunal for the Former Yugoslavia, http://www.icty.org/en/about/what-former-yugoslavia/conflicts (Accessed May 11, 2018).

[102] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*, http://www.haguejusticeportal.net/index.php?id=6198 (Accessed May 13 2018).

[103] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*, http://www.haguejusticeportal.net/index.php?id=6198 (Accessed May 13 2018).

[104] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*.

[105] "The Conflicts," United Nations International Criminal Tribunal for the Former Yugoslavia.

[106] "The Conflicts," United Nations International Criminal Tribunal for the Former Yugoslavia.

[107] "Croatia accuses Serbia of 1990s genocide," *BBC News*, May 3 2014, https://www.bbc.com/news/world-europe-26415503 (Accessed June 20 2018).

[108] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*.

[109] David Anderson, "The Collapse of Yugoslavia: Background and Summary," *Department of the Parliamentary Library*, November 22 1995, https://www.aph.gov.au/binaries/library/pubs/rp/1995-96/96rp14.pdf (Accessed June 20 2018).

[110] Anderson, "The Collapse of Yugoslavia," *Department of the Parliamentary Library*.

[111] Anderson, "The Collapse of Yugoslavia," *Department of the Parliamentary Library*.

[112] "Profile of Internal Displacement: Croatia," *Global IDP Database*, May 27 2004, http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan016823.pdf (Accessed June 20 2018).

Serb minority saw the radical increase in nationalism as potentially dangerous; prior Croatian nationalism led to its incarnation as a fascist state during World War II and the murder of thousands of Jews, Serbs, and Roma persons in the Jasenovac concentration camp.[113]

Figure 1. Map of the Socialist Federal Republic of Yugoslavia, including Croatia and Serbia
Source: "What is Former Yugoslavia?" *United Nations International Criminal Tribunal for the former Yugoslavia*, http://www.icty.org/en/about/what-former-yugoslavia (Accessed August 31 2018).

Croatian Serbs declared the creation of the Serbian Autonomous Region of Krajina (or Srpska Autonoma Oblast Krajina) within Croatia.[114] In March 1991, they declared that Krajina was independent of Croatia.[115] The Serbs in Western Slavonia also declared their loyalty to Krajina, which led to conflict between the Serbs and Croat nationalists in eleven areas of Eastern Slavonia, Baranja and Western Srimium.[116] This led to further clashes between Croatian police and Serbian rebels and marked a shift in Croatian views towards Serbs.[117] Upon Croatia's declaration of independence in June 1991, the rebel Serb forces launched a major military offensive with the support of the JNA, which enabled them to gain control over portions of Western and Eastern Slavonia.[118] This culminated

[113] "Profile of Internal Displacement," *Global IDP Database*.
[114] Profile of Internal Displacement," *Global IDP Database*.
[115] Profile of Internal Displacement," *Global IDP Database*.
[116] Profile of Internal Displacement," *Global IDP Database*.
[117] Profile of Internal Displacement," *Global IDP Database*.
[118] Profile of Internal Displacement," *Global IDP Database*.

in the control of almost one-third of Croatia's territory.[119]

Heavy fighting erupted between the Serbian rebels and the Croatian forces in Eastern Slavonia in the last several months of 1991, leading to the destruction of the city of Vukovar and the expulsion of 80,000 Croats.[120] It also saw the massive human rights violations against Croats, especially in Vukovar, where almost 300 patients from the town hospital were killed and buried in a mass grave outside the city.[121] In 1992, the JNA withdrew from Krajina and a peace plan was created through Security Council Resolution 743, which included the presence of Peacekeepers (UNPROFOR) into Serb-controlled areas to protect Serb civilians and to return displaced Croats.[122] [123] These controlled areas were divided into Eastern Slavonia (East), Western Slavonia around Pakrac (West), and Banija-Kordun and the Krajina regions, which included Knin (North and South).[124]

In 1995, Croatia rejected the extension of the UNPROFOR's mandate, leading to the Security Council approving the reduction of troop strength and the limitation of the mandate in February.[125] The UNPROFOR deployment ended in May upon the Croatian army's offensive against the Serb-controlled territory in Western Slavonia, called "Operation Flash," that recaptured the territory.[126] Likewise, in Croatia's "Operation Storm" in August, Croatia was able to recapture the areas in the North and South, leading to their control over the remaining areas outside of Eastern Slavonia.[127] Operation Storm also led to the killings of Serb civilians, widespread arson, and the destruction of Serb housing via dynamite.[128] More than 200,000 Serbs fled to Eastern Slavonia, Bosnia, and Croatia, which was the largest population displacement in the Yugoslav conflicts.[129]

The 1995 Erdut Agreement put an end to further conflict, in which the Croatian government and the Serb rebels agreed to demilitarize the region and allow it to be put under the administration of the UN before it was returned to Croatia in 1997.[130] In January 1998, all Croatian territory was placed back under the control of the Croatian government, and in October 1998, the small UN police monitoring mission in Eastern Slavonia was replaced by 12 monitors from the OSCE mission, which still remain today.[131]

Statement of Facts

Croatia filed the Application against Yugoslavia on the grounds of "violations of the Convention on the Prevention and Punishment for the Crime of Genocide," invoking Article IX of the Convention and claiming that both Croatia and Yugoslavia, as parties, are expected to adhere to it.[132] Croatia claimed that the FRY should be held accountable for acts of ethnic cleansing against non-Serbs in the Croatian regions of Slavonia and Dalmatia, and that the FRY's attempts to convince the ethnic Serbs in Knin to leave these regions further proved that it was attempting to engage in ethnic cleansing.[133] Croatia wanted reparations for their losses during the conflict.[134]

Yugoslavia claimed that the case was not within the limits of the Court, and then counter-filed a suit claiming that

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[119] "Croatia profile - Timeline." *BBC News*, May 22 2018, https://www.bbc.com/news/world-europe-17217954 (Accessed June 20 2018).
[120] "Profile of Internal Displacement," *Global IDP Database*.
[121] "Profile of Internal Displacement," *Global IDP Database*.
[122] "Former Yugoslavia," *United Nations Peacekeeping Operations*, http://www.un.org/Depts/DPKO/Missions/unprof_b.htm (Accessed July 20 2018).
[123] "Profile of Internal Displacement," *Global IDP Database*.
[124] "Profile of Internal Displacement," *Global IDP Database*.
[125] "Profile of Internal Displacement," *Global IDP Database*.
[126] "Profile of Internal Displacement," *Global IDP Database*.
[127] "Profile of Internal Displacement," *Global IDP Database*.
[128] "Profile of Internal Displacement," *Global IDP Database*.
[129] "Profile of Internal Displacement," *Global IDP Database*.
[130] "Profile of Internal Displacement," *Global IDP Database*.
[131] "Profile of Internal Displacement," *Global IDP Database*.
[132] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*.
[133] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*.
[134] "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)," *The Hague Justice Portal*.

Croatia had committed genocide against the ethnic Serbs in the Serbian Republic of Krajina, rejecting Croatia's claim that Yugoslavia had engaged in genocide as a whole.[135]

Procedural History

Croatia filed an application on July 2, 1999 against the FRY "for violations of the Convention on the Prevention and Punishment of the Crime of Genocide."[136] Croatia filed its Memorial on March 1, 2001 and the FRY filed preliminary objections to the jurisdiction of the Court, as well as to the admissibility of Croatia's claims.[137] The Court's Judgement on the preliminary objections were delivered on November 18, 2008, claiming that the FRY's (now Serbia's) access to the Court was open as of November 1, 2000 and meant that it was well within its jurisdiction to hear the case brought against Serbia.[138] The Court also responded to Serbia's objection that "the claims based on acts and omissions, which took place prior to April 27, 1992," was before Serbia was its own independent state.[139] The Court further said that the objection would be dealt with when the Court had greater evidence to consider.[140] Finally, the Court addressed Serbia's third objection that the requirement to provide evidence about missing Croatian citizens and the requirement to return cultural property was not within the jurisdiction of the Court; the Court fully rejected this preliminary objection because it claimed that it was not appropriate at that time.[141]

The Court then fixed the time-limit for a Counter-Memorial at March 22, 2010, which was filed by Serbia on January 4, 2010.[142] The Court directed the submission of both a Reply from Croatia, as well as a Rejoinder by Serbia; fixing December 20, 2010 and November 4, 2011, respectively, as the time-limits to be filed.[143] On January 23, 2012, the Court authorized a submission by Croatia of an additional written pleading to be sure that there was "strict equality" between the two parties that addressed some of the counter-claims presented by Serbia, which Croatia filed within the August 30, 2012 time limit.[144]

Latest Developments

On February 3, 2015, the Court delivered its Judgement on the case and rejected both Croatia's and Serbia's claims of genocide.[145] The Court's February 3, 2015 judgement declared that it had the jurisdiction to entertain Croatia's claims in whole under Article IX of the Genocide Convention.[146] The Court noted that, according to the Convention, the crime of genocide contained two elements: (1) the physical element, specifically "the acts perpetrated (which are set out in Article II and include, in particular, killing members of the group...and causing serious or bodily or mental harm to members of the group…);" and (2) the mental element, specifically "the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such."[147] However, the Court also declared that even if *actus reus*, or material acts, was present, there also needed to be evidence of a genocidal intent.[148] The Court found that Serbia did commit acts that fell under these two definitions, but that Croatia did not provide enough evidence to prove that there was a genocidal intent present. Therefore, they dismissed Croatia's claims entirely and dismissed Serbia's counterclaim with the same rationale.[149]

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[135] "Overview of the Case," The International Court of Justice, http://www.icj-cij.org/en/case/118 (Accessed May 11, 2018).
[136] "Overview of the Case," The International Court of Justice.
[137] "Overview of the Case," The International Court of Justice.
[138] "Overview of the Case," The International Court of Justice.
[139] "Overview of the Case," The International Court of Justice.
[140] "Overview of the Case," The International Court of Justice.
[141] "Overview of the Case," The International Court of Justice.
[142] "Overview of the Case," The International Court of Justice.
[143] "Overview of the Case," The International Court of Justice.
[144] "Overview of the Case," The International Court of Justice.
[145] "International Court of Justice Dismisses Genocide Claims by Croatia and Serbia," *UN News*, February 3 2015, https://news.un.org/en/story/2015/02/489992-international-court-justice-dismisses-genocide-claims-croatia-and-serbia (Accessed May 12 2018).
[146] "Overview of the Case," The International Court of Justice.
[147] "Overview of the Case," The International Court of Justice.
[148] "International Court of Justice Dismisses Genocide Claims," *UN News*.
[149] "Overview of the Case," The International Court of Justice.

Committee Directive

The Court is tasked with first interpreting the claims and counterclaims of Croatia and Serbia, respectively, and is asked to consider whether the actions that occurred under both parties meet the definition of genocide according the CPPCG. The Court is further asked to analyze the validity of Serbia's claim of the extent of the Court's jurisdiction in terms of the time frame and to decide whether any of Serbia's objections hold enough merit to change the interpretation of the case. Finally, the Court is asked to craft a verdict and a subsequent course of action regarding the outcome of the case, namely, in terms of wartime reparations and other expectations of the guilty party, should there be one named after deliberation.

III. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

Introduction

On June 23, 1999, the Democratic Republic of the Congo (DRC) filed proceedings against Burundi, Uganda, and Rwanda "for acts of armed aggression committed a flagrant breach of the United Nations Charter and the Charter of the Organization of African Unity."[150] DRC also wanted reparation for acts of destruction and looting caused by individuals from these countries.[151] Specifically, with the case of Armed Activities on the Territory of the Congo the DRC filed a request for the indication of measures to be taken to stop all military actions and all violations of human rights by Uganda.[152]

History of Conflict

In 1999, the DRC was involved in a civil war against several rebel groups attempting to overthrow the government of the DRC (with the support of Uganda and Rwanda) and place President Kabila in power.[153] These rebel groups were thought to be hiding along the DRC/Uganda border and launching attacks against the government of Uganda.[154] The DRC was used as the hub for the rebel groups allegedly attacking Uganda.[155] The DRC brought this case to the ICJ claiming that Uganda was involving themselves in an internal DRC conflict.[156] When the DRC made this claim, Uganda argued that they were simply protecting themselves from anti-Ugandan rebel groups.[157] President Kabila requested that Uganda needed to remove their troops from the DRC, but they did not remove them.[158] On July 1, 2000, the Court ruled that all Members involved should not engage in armed conflict and Uganda filed counterclaims against the DRC on November 29, 2001.[159] In April of 2005, oral proceedings began and judgment was handed down December 19, 2005.[160]

Statement of Facts

The DRC filed three claims against Uganda.[161] The first claim stated that the country of Uganda engaged in military actions against the DRC.[162] The second claim stated that Uganda violated human rights during the hostilities between the Ugandan and Rwandan military forces during the DRC's civil war, but specifically in Kisangani.[163] The third claim stated that Uganda engaged in exploiting and looting the natural resources in the DRC.[164] In response to the claims, Uganda filed three counterclaims, but one was declared inadmissible because the Court found the first and second counterclaims to be one in the same.[165] The first/second claim stated that the DRC had used force against Uganda in violation of Article 2(4) of the United Nations Charter and that the DRC allowed attacks and

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[150] "Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)," Latest Developments | Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), International Court of Justice, http://www.icj-cij.org/en/case/116 (Accessed April 10, 2018).
[151] "Armed Activities," International Court of Justice.
[152] "Armed Activities," International Court of Justice.
[153] "Armed Activities," International Court of Justice.
[154] "Armed Activities," International Court of Justice.
[155] "Armed Activities," International Court of Justice.
[156] "Armed Activities," International Court of Justice.
[157] "Armed Activities," International Court of Justice.
[158] "Armed Activities," International Court of Justice.
[159] "Armed Activities," International Court of Justice.
[160] "Armed Activities," International Court of Justice.
[161] "Case Concerning Armed Activities on the Territory of the Congo: The ICJ Finds Uganda Acted Unlawfully and Orders Reparations," ASIL, January 09, 2006, https://www.asil.org/insights/volume/10/issue/1/case-concerning-armed-activities-territory-congo-icj-finds-uganda-acted.
[162] "Case Concerning Armed Activities" ASIL.
[163] "Case Concerning Armed Activities," ASIL.
[164] "Case Concerning Armed Activities," ASIL.
[165] Phoebe N. Okowa "II. Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)," *International and Comparative Law Quarterly* 55, no. 03 (2006): 742-53.

maltreatment of Ugandan nationals by not allowing diplomatic status at Ndjili International Airport.[166] The third counterclaim was the DRC violated certain elements of the 1999 Lusaka Agreement.[167] The Lusaka Agreement was a ceasefire among all forces within the DRC requiring the removal of all forces from the battlefields along the DRC and Uganda border.[168] The argument within the counterclaim is that the DRC allegedly violated the agreement by keeping their own troops in those battlefields.[169]

Procedural History

Once the oral proceedings began in 2005, the Court decided to first deal with the military actions of both Member States. The DRC did not deny the presence of Ugandan troops in the DRC, nor did the DRC deny the agreement to cooperate and ensure security along their shared border.[170] The Court then proceeded to consider any agreements between the two Member States to achieve a ceasefire, finding that none of these instruments constituted consent by the DRC. [171] Next, the Court proceeded to look at the justification for Uganda's use of force for self-defense, ruling Uganda violated the international standard for the use of force for self-defense and referenced Article 51 of the UN Charter; thus Uganda did not meet the requirements for self-defense.[172] The Court also found that the UPDF (Uganda Peoples' Defense Forces) had violated human rights, including torture and rape in the DRC.[173] Finally, looking into the claim of resource exploitation and looting conducted by Uganda, the Court found sufficient evidence that Uganda was looting the resources of the DRC, but not enough evidence to say that it was a governmental policy to exploit and loot the resources of the DRC. [174]

Latest Developments

The Court came to a decision on each of the claims proposed by the two Member States and ruled on the DRC's claims first. For the first claim, the Court ruled that there was enough evidence to conclude that Uganda had engaged in military actions against the DRC.[175] Then, the Court decided that there was enough evidence to rule that Uganda was engaging in acts of looting and plundering of the resources of the DRC.[176] The Democratic Republic of the Congo has alleged that Uganda violated Article 2, paragraph 4, of the Charter of the United Nations. Judge Elaraby stated: "It claims that armed activities of Uganda constitute a breach of this general prohibition of the use of force. It alleges furthermore that these armed activities constitute aggression."[177] For the third claim, the Court ruled there was enough evidence to say Uganda was engaging in practices that violate human rights.[178] The Court then decided on Uganda's counterclaims. For the first counterclaim, the Court rejected the claim that Uganda was the victim of military actions by the DRC.[179] For the second counterclaim, there was enough evidence to uphold the claim that the DRC has mistreated Ugandan nationals and diplomats.[180] The Court then made an overall ruling that the two Member States must develop an agreement to resolve this issue based on the Court's judgment. [181]After years of failed talks, the Court decided to reopen the case.[182] On May 13, 2015, the Court deemed that the talks between the two countries failed and ruled that Uganda owed the DRC reparations.[183]

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[166] Okowa, "II. Case Concerning," *International and Comparative Law Quarterly*.
[167] Okowa, "II. Case Concerning," *International and Comparative Law Quarterly.*
[168] Okowa, "II. Case Concerning," *International and Comparative Law Quarterly.*
[169] Okowa, "II. Case Concerning," *International and Comparative Law Quarterly.*
[170] "Judgements." Judgments | Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), International Court of Justice, http://www.icj-cij.org/en/case/116/judgments (Accessed April 10, 2018)
[171] "Judgements," International Court of Justice.
[172] "Judgements," International Court of Justice.
[173] "Judgements," International Court of Justice.
[174] "Judgements," International Court of Justice.
[175] "Judgements," International Court of Justice.
[176] "Judgements," International Court of Justice.
[177] "Judgements," International Court of Justice.
[178] "Judgments," International Court of Justice.
[179] "Judgements," International Court of Justice.
[180] "Judgements," International Court of Justice.
[181] "Judgements," International Court of Justice.
[182] "Judgements," International Court of Justice.
[183] "Judgements," International Court of Justice.

Committee Directive

The ICJ aims to settle all disputes without escalation of the conflict from both sides. The goal of this session of the ICJ is to fully understand why the DRC thought Uganda was involving themselves in an internal DRC conflict. Did Uganda violate principles by failing to respect international humanitarian law in occupied areas? Were there specific violations concerning the UN Charter, the Charter of the Organization of African Unity, and the Lusaka Agreement? How can a military operation from either side be avoided? Finally, is Uganda making reasonable counterclaims or should they just be dismissed?

IV. Alleged Violations of Sovereign Right and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)

Introduction

Nicaragua filed a claim with the ICJ on November 26, 2013 against Colombia for violating Nicaragua's sovereign rights and maritime zones, as set by the ICJ the prior year, and the threat of use of force by Colombia in order to implement the violations.[184] On November 19, 2012, the ICJ ruled in favor of Nicaragua, drawing a demarcation line in the Caribbean Sea that increased the size of Nicaragua's continental shelf and economic exclusion zone.[185] However, top Colombian officials, including President Juan Manuel Santos, rejected the ruling.[186] The ICJ ruled that it did have jurisdiction over Nicaragua's first claim of Colombia's violation of its sovereign rights and maritime zones.[187] Nevertheless, the ICJ decided it did not have jurisdiction over the second claim of Colombia using threatening force due to a lack of evidence.[188]

History of Conflict

In 1928, Nicaragua and Colombia signed the Barcenas-Esguerra Treaty, which addressed the sovereignty of islands around Nicaragua and Colombia.[189] For decades after signing, there was no dispute between the States and Colombia maintained control over several islands that were geographically closer to Nicaragua than Colombia.[190] The validity of the Treaty was first questioned by Nicaragua in 1980.[191] At this point, Nicaragua claimed to have been under duress when it signed, which would make the Treaty null and void.[192] Nevertheless, Colombia continued to defend the validity of the Treaty.[193] One of the main reasons for the questioning of the Treaty after decades of silence is due to the discovery of oil near the islands.[194] After the discovery, Nicaragua viewed itself to be disadvantaged by the 1928 treaty.[195] Nicaragua's main disadvantage was losing sovereignty rights over three island groups—San Andrés (100 nautical miles from Nicaragua), Providencia (125 nautical miles from Nicaragua), and Santa Catalina (125 nautical miles from Nicaragua)—and the physical features of Quitasueño and Serrana.[196] Meanwhile, Colombia seemed to gain more control over the region with the United States renouncing sovereignty over Quitasueño, Roncador, and the Serrana territories after signing the Vasquez-Saccio Treaty with Colombia in 1972.[197]

On December 9, 1984, Nicaragua signed the United Nations Convention on the Law of the Sea (UNCOLS) treaty. On May 3, 2000, Nicaragua ratified the treaty.[198] While Colombia signed the treaty on December 10, 1982,

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[184] "Application Instituting Proceedings," International Court of Justice, November 26, 2013, http://www.icj-cij.org/files/case-related/155/17978.pdf (Accessed May 11 2018).
[185] "Application Instituting Proceedings," International Court of Justice, 2013.
[186] "World Court to Draw up Nicaragua-Colombia Maritime Boundary," *Reuters*, March 17, 2016, https://www.reuters.com/article/us-nicaragua-colombia-border/world-court-to-draw-up-nicaragua-colombia-maritime-boundary-idUSKCN0WJ2F2 (Accessed May 11 2018).
[187] "Summary of the Judgment of 17 March 2016," International Court of Justice, March 17, 2016, http://www.icj-cij.org/files/case-related/155/18950.pdf (Accessed May 11 2018).
[188] "Summary of the Judgment," International Court of Justice, 2016.
[189] Steven Haines, "A Note on the ICJ Judgment in Nicaragua v Colombia and its Relevance to International Crime and Criminal Law," *A Contratio ICL*, January 2, 2013, https://acontrarioicl.com/2013/01/02/a-note-on-the-international-court-of-justice-judgement-in-nicaragua-v-colombia-and-its-relevance-to-international-crime-and-criminal-law/#_ftn1 (Accessed June 23 2018)
[190] Haines, "A Note on the ICJ," *A Contratio ICL*.
[191] Mariano Ospina Mayor, "Nicaragua v Colombia: A Stalemate in the Caribbean," *Así Sucdeió*, September 4, 2014, http://www.asisucedio.co/nicaragua-v-colombia/ (Accessed June 11 2018).
[192] Mayor, "Nicaragua v. Colombia," *Así Sucdeió*.
[193] Mayor, "Nicaragua v. Colombia," *Así Sucdeió*.
[194] Mayor, "Nicaragua v. Colombia," *Así Sucdeió*.
[195] Haines, "A Note on the ICJ," *A Contratio*.
[196] Haines, "A Note on the ICJ," *A Contratio*.
[197] Mayor, "Nicaragua v. Colombia," *Así Sucdeió*.
[198] "United Nations Convention on the Law of the Sea: Montego Bay," United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en (Accessed September 3 2018).

Colombia to this day has yet to ratify this treaty.[199] The UNCLOS recognizes the exclusive economic zone (EEZ) and continental shelf of each participating party.[200] The EEZ gives a coastal Sate jurisdiction over an area extending 200 miles from its shores.[201] This jurisdiction allows States to manage, conserve, develop, or exploit all of the resources—such as fish, oil, minerals, metals, natural gas, etc.—found in this area.[202] The continental shelf is the seabed and subsoil that extends from a coastal State's natural prolongation of its land territory to the outer edge of the continental margin (not to exceed 200 miles). Since Nicaragua is a party to the UNCLOS, its EEZ and continental shelf would include San Andrés, Providencia, Santa Catalina, Quitasueño, and Serrana.[203] However, Colombia, not a party to the UNCLOS, has historic claims to these islands and land masses.[204] As such, Colombia claims that the disputed area has remained part of Colombia's jurisdiction since 1928, giving Colombia exclusive economic rights over the area.[205]

On December 6, 2001, Nicaragua filed allegations against Colombia with the ICJ, which Nicaragua stated had jurisdiction under the Pact of Bogota.[206] The Pact of Bogota, which both Nicaragua and Colombia ratified, states that the ICJ has jurisdiction to resolve disputes between States that could not reach an agreement otherwise.[207]

Statement of Facts

Nicaragua first instituted proceedings against Colombia for a territorial and maritime dispute on December 6, 2001.[208] The Court decided that the Barcenas-Esguerra Treaty signed by Nicaragua and Colombia did not adequately determine the maritime areas between the two States.[209] In its December 13, 2007 decision, the Court found it did not have jurisdiction over the sovereignty dispute over San Andrés, Providencia, and Santa Catalina.[210] However, it did have jurisdiction over the other maritime features being disputed.[211] Then in its November 19, 2012, decision, the Court drew a boundary line that would not create disproportionality, relating to the States' continental shelves and economic zones.[212]

Colombia openly rejected the decision of the ICJ. Colombian President Juan Manuel Santos stated in a televised address, "Bilateral issues between Nicaragua and Colombia will not be subjected to decisions made by third parties and should be handled via direct negotiations in conformity with international law."[213] A little over a year after the ICJ's first ruling. Nicaragua filed a claim, which the Court accepted, against Colombia for violating the maritime zone established by the Court in the first case.[214]

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[199] "United Nations Convention," United Nations Treaty Collection.
[200] "United Nations Convention on the Law of the Sea (A Historical Perspective)," Oceans and Law of the Sea, 1998, https://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm (Accessed September 3 2018).
[201] "United Nations Convention (Historical), Oceans and Law of the Sea.
[202] "United Nations Convention (Historical), Oceans and Law of the Sea.
[203] Haines, "A Note on the ICJ," *A Contratio*.
[204] Haines, "A Note on the ICJ," *A Contratio*.
[205] Haines, "A Note on the ICJ," *A Contratio*.
[206] Mayor, "Nicaragua v. Colombia," *Así Sucdeió*.
[207] Mayor, "Nicaragua v. Colombia," *Así Sucdeió*.
[208] "Application Instituting Proceedings," International Court of Justice, December 6, 2001, http://www.icj-cij.org/files/case-related/124/7079.pdf (Accessed May 11 2018).
[209] "Territorial and Maritime Dispute (Nicaragua v. Colombia)," *The Hague Justice Portal*, http://www.haguejusticeportal.net/index.php?id=6192 (Accessed May 12 2008).
[210] "Territorial and Maritime," *The Hague Justice Portal*.
[211] "Territorial and Maritime," *The Hague Justice Portal*.
[212] "Summary of the Judgment of 19 November 2012," International Court of Justice, November 19, 2012, http://www.icj-cij.org/files/case-related/124/17180.pdf (Accessed May 12 2018).
[213] "World Court," *Reuters*.
[214] "Application Instituting Proceedings," 2013.

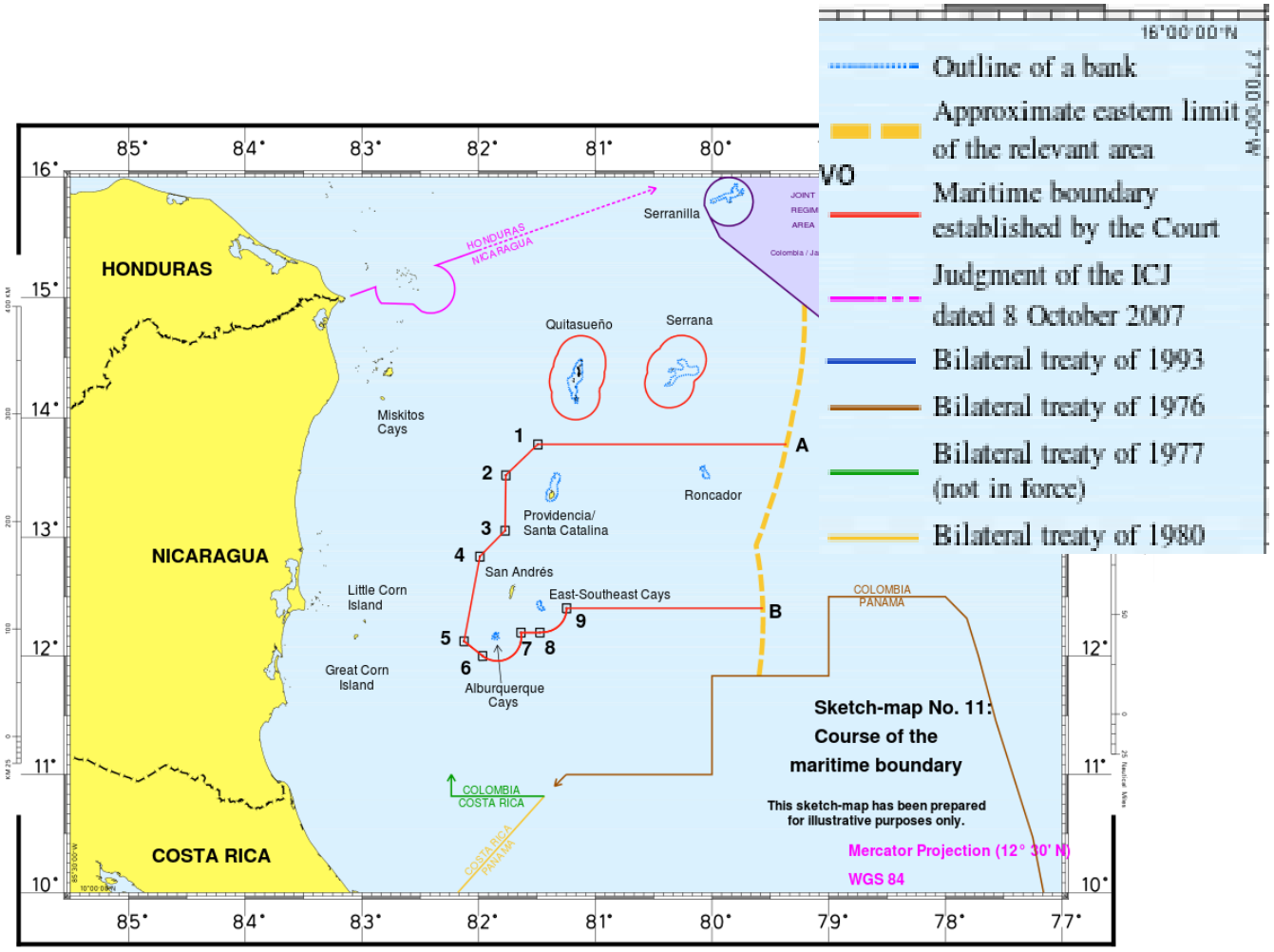

Figure 2. Map of Maritime Boundary as decided by the ICJ (Sketch-map No. 11 in Annex 2).
Source: "Summary of the Judgement of 19 November 2012" International Court of Justice, November 19, 2012, http://www.icj-cij.org/files/case-related/124/17180.pdf (Accessed May 12 2018).

Procedural History

Nicaragua filed its application to institute proceedings against Colombia on November 26, 2013, for violating Nicaragua's sovereign rights and maritime zones declared by the Court's Judgment of November 19, 2012.[215] On December 19, 2013, Colombia filed its preliminary objections, stating that the Court lacked jurisdiction over Nicaragua's claims.[216] Colombia stated five claims of the Court lacking jurisdiction.[217] The Court held public hearings on the preliminary objections raised by Colombia from September 28, 2015 to October 2, 2015.[218] After the close of the hearing, the Court began its deliberations on preliminary objections raised by Colombia.[219] On March 17, 2016, the Court released Judgment finding that it does have jurisdiction, on the basis of Article XXXI of the Pact of Bogota, to adjudicate upon the dispute regarding the alleged violations by Colombia of Nicaragua's rights in the maritime zones declared by previous Judgment.[220] Colombia submitted a Counter-Memorial within the time-limit

[215] "Application Instituting Proceedings," International Court of Justice, 2013
[216] "Preliminary Objections of Colombia," International Court of Justice, December 19, 2014, http://www.icj-cij.org/files/case-related/155/18788.pdf (Accessed May 12 2018).
[217] "Preliminary Objections," International Court of Justice.
[218] "Oral Proceedings," International Court of Justice, http://www.icj-cij.org/en/case/155/preliminary-objections (Accessed May 12 2018).
[219] "Oral Proceedings," International Court of Justice.
[220] "Summary of the Judgment of 17 March 2016," International Court of Justice, March 17, 2016, http://www.icj-cij.org/files/case-related/155/18950.pdf (Accessed May 12 2018).

following the Order finding jurisdiction.[221] Colombia asserted four counter-claims.[222] The Court found the first two claims to be inadmissible.[223] However, the Court found the third and fourth claims to be admissible.[224] In the third claim, Colombia requested the Court declare that Nicaragua infringed on customary artisanal fishing rights.[225] In the fourth claim, Colombia requested the Court to declare Nicaragua had extending its internal waters and maritime zones beyond what international law permits, violating Colombia's sovereign rights.[226] The Court set the Reply of Nicaragua for May 15, 2018, and the Rejoinder of Colombia for November 15, 2018.[227]

Committee Directive

The Court needs to conclude whether Colombia violated the prior Judgment decided by this Court. Furthermore, if the Court finds that Colombia did violate the prior Judgment, this Court must consider what actions the Court should take against Colombia for violating the Judgment. However, if the Court finds that Colombia did not violate the prior Judgment, this Court must consider if there is any additional action the Court needs to take to conclude all proceedings on this issue. Lastly, the Court needs to consider whether the maritime boundary line needs to be redrawn.

[221] "Order of 15 November 2017: Counter-Claims," International Court of Justice, November 15, 2017, http://www.icj-cij.org/files/case-related/155/155-20171115-ORD-01-00-EN.pdf (Accessed May 12 2018).
[222] "Order of 15 November 2017," International Court of Justice.
[223] "Order of 15 November 2017," International Court of Justice.
[224] "Order of 15 November 2017," International Court of Justice.
[225] "Order of 15 November 2017," International Court of Justice.
[226] "Order of 15 November 2017," International Court of Justice.
[227] "Order of 15 November 2017," International Court of Justice.

Annotated Bibliography

Case I: 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 (Ukraine v. Russian Federation)

"ICJ Case: Ukraine vs. Russian Federation, Explained." *Hromadske International*. Last modified March 7, 2017. https://en.hromadske.ua/posts/icj_ukraine_russia.

> This article provides an excellent introduction into the court case as well as the history behind it. It explains Ukraine's reasoning behind bringing this case before the ICJ as well as the parallels to previous cases, such as the case between Bosnia and Herzegovina vs. Serbia and Montenegro in 1993. This article introduces the readers to the history between Russia and Ukraine in terms of the violations that Ukraine has brought before the Court and helps prepare the reader to understand the basis of these accusations and why the proceedings have occurred in the manner that they have.

"ICJ Says it Won't Impose Measures Against Russia In Case Brought By Kyiv." *Radio Free Europe*. Last modified April 19, 2017. https://www.rferl.org/a/icj-to-issue-ruling-on-ukraine-case-against-russia/28438420.html.

> This is one of the more recently updated articles regarding the case between Russia and Ukraine and includes the 19 April 2017 decision. It is quite detailed, focusing predominantly on the conflict between Russia and Ukraine since Euromaidan and highlighting the background that led Ukraine to bring this case before the ICJ. It outlines what Ukraine is seeking from this case, why Russia is denying the validity of the case, and outside intervention from other states regarding the conflict between Russia and Ukraine. This source is especially helpful in terms of understanding the history between these two states and how that history has brought this case before the Court.

"International Court of Justice Press Release No. 2017/15." *International Court of Justice.* Last modified April 19, 2017. http://www.icj-cij.org/files/case-related/166/19412.pdf.

> This is one of the many relevant press releases regarding this case. This one in particular is especially significant, as it outlines the Court's decision to declare that Russian cannot impose limitations on the Crimean Tatar community, and explains the reasoning of the Court in coming to that decision. It is also one of the last major actions of the Court at this point, and demonstrates one of the more significant actions of the Court since the proceedings were introduced.

"Press releases." *International Court of Justice.* Last modified June 14, 2017. http://www.icj-cij.org/en/case/166/press-releases.

> This page references all of the press releases put out so far by the ICJ regarding this court case. It serves a similar function as the "Overview of the case" section, but is this time strictly limited to the specific press releases that outline the decisions of the Court as well as the actions taken by the two parties involved. As it uses the direct language of the Court, it is an important primary source for the researchers as well as a good source for delegates to verse themselves in for the key points and important changes in the progression of this court case.

"Provisional measures." *International Court of Justice*. Last modified January 16, 2017. http://www.icj-cij.org/en/case/166/provisional-measures.

> This ICJ page offers a central location to look at the specific provisional measures that have occurred in the court proceedings. At this point, there is only one provisional measure listed, but should there be more before SRMUN Atlanta begins, this is a central location where delegates can go to find the exact language that created the provisional measures that they will need to verse themselves in while preparing for the conference.

"Summaries of Judgements and Orders." *International Court of Justice*. Last modified April 19, 2017. http://www.icj-cij.org/en/case/166/summaries.

This link provides a central point to access the summaries of the various orders that the ICJ has released regarding this case. At the present, only the 19 April 2017 order summary is present, but should the proceedings continue between now and the start of SRMUN Atlanta, this will present a good central location for delegates to find the summaries of documents to keep handy and to look through as they are trying to develop their strategies regarding this case.

"Overview of the case." *International Court of Justice*. Last modified June 14, 2017. http://www.icj-cij.org/en/case/166.

The ICJ's overview of the case provides an introductory guide through the case, the proceedings, the verbatim records, and the updates that have happened since Ukraine brought the case before the ICJ. It is full of potential sources for delegates to use to strengthen their knowledge of the case. It ranges from the very beginning of the case to the most updated progressions in the Court itself, and provides documentation to expand on each updated change in the case proceedings.

Case II: Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)

"Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)." *Hague Justice Portal*. Accessed April 14, 2018. http://www.haguejusticeportal.net/index.php?id=6198.

The Hague Justice Portal's page, an extension of The Hague itself, offers considerable information regarding this case. It hosts links to commentaries, news, research tools, publications, court documents, and other resources, and provides a brief yet thorough introduction to the case, its history, and the proceedings as they occurred. As it is part of The Hague, the information that is shared here is trustworthy and well-researched, making it an excellent central location for delegates to find the research that they need from all different angles.

"Croatia; International Court of Justice; Serbia; Judgement in a Case on the Application of the Convention on Genocide." *Library of Congress*. Last modified February 6, 2015. http://www.loc.gov/law/foreign-news/article/croatia-international-court-of-justice-serbia-judgment-in-a-case-on-the-application-of-the-convention-on-genocide/.

This source is a part of the Library of Congress and offers information on the court case. While providing a brief background into the case and explaining the arguments and suits on both sides, it is significant in that it analyzes and explains the steps that the ICJ had to go through to reach their consensus on the judgement that they passed. It focuses on the responses to both sides' specific claims and breaks down why the Court responded to them the way that they did, demonstrating the legal support that guided the Courts in a concise manner. It is another excellent preliminary source to read to introduce oneself to the complexities of this case.

"International Court of Justice dismisses genocide claims by Croatia and Serbia." *UN News*. Last modified February 3, 2015. https://news.un.org/en/story/2015/02/489992-international-court-justice-dismisses-genocide-claims-croatia-and-serbia.

This UN News article serves as an explanation of the conclusion that the Court reached regarding this case. It focuses predominantly on the ultimate judgementand pays special attention to why the justices voted the way that they did by intertwining both the history of the case's base as well as the positions of Croatia and Serbia. Further, this source offers a good preliminary introduction to why the case concluded as it did. This is helpful in that it provides the general information in an accessible way before delegates continue to research beyond it, and prepares them for the conclusions that they will ultimately find as they continue to research.

"Judgements." *International Court of Justice*. Last modified February 3, 2015. http://www.icj-cij.org/en/case/118/judgments.

The judgements offer insight into why the various justices of the Court came to the respective conclusions that they did in this case. By reading both the opinions as well as the dissenting opinions, delegates can find both the justification for the decisions of the Court as well as the potential different approaches that they can take during their court simulation based on the legal arguments of the dissenting opinions provided here. While this source is not necessarily useful as a direct history of the case, it offers insight into the way the justices thought through the case, which will ultimately help the delegates better prepare themselves to act as these justices at the conference.

"Overview of the case." *International Court of Justice*. Last modified February 3, 2015. http://www.icj-cij.org/en/case/118.

This is by far the most comprehensive source listed here, in that it includes every single aspect of the Court case. It provides an extensive breakdown of the case brought before the ICJ and the bases on which the two states brought their claims. It details every claim, counterclaim, jurisdictional objection, decision in the court, and procedural matters like time changes, and holds a plethora of resources including the actual documents that each state provided, including the memorials, counter-memorials, and full documentation on the conclusion of the case. This is one of the best central resources for delegates.

Case III: Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

"Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)." Latest Developments | Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) | International Court of Justice. Accessed April 10, 2018. http://www.icj-cij.org/en/case/116.

This source is critical for understanding how and why the Democratic Republic of the Congo filed charges against Uganda. For the ICJ, it is not only relevant to know the current proceedings of a case, but it is also important to understand why a state would want to bring proceedings in the international court in the first place. While this source only provides a brief overview of the case, from which delegates will need to conduct further inquiries, this overview is a good starting place to understanding such a complex issue.

"Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)." *Hague Justic Portal*. Accessed April 15, 2018. https://reliefweb.int/report/democratic- republic-congo/armed-activities-territory-congo-democratic-republic-congo-v-uganda.

This source provides delegates with a plethora of information relating to the case. In addition to including all of the relevant court documents and decisions, the site also provides a court calendar, commentary, and academic research on the case at hand. Additionally, the site includes information about how the legal proceedings at the ICJ work, especially in a case like this. This site is a great place to start researching both sides of the case.

"Case Concerning Armed Activities on the Territory of the Congo: The ICJ Finds Uganda Acted Unlawfully and Orders Reparations." Case Concerning Armed Activities on the Territory of the Congo: The ICJ Finds Uganda Acted Unlawfully and Orders Reparations | ASIL. January 09, 2006. https://www.asil.org/insights/volume/10/issue/1/case-concerning-armed-activities-territory-congo-icj-finds-uganda-acted.

This source further breaks down the actual charges that each state has alleged in their respective Memorials or Counter-Memorials. In this case, the Court decided not to consider every allegation that was filed. Therefore, this source explains what charges were filed and what charges the Court will actually hear arguments on and, ultimately, make a decision about. Delegates will benefit from reading this source in order to better differentiate between the structural legal issues of the case and the factual legal issues.

"Judgements." Judgments | Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) | International Court of Justice. Accessed April 10, 2018. http://www.icj-cij.org/en/case/116/judgments.

The judgments are useful for understanding what the Court has already decided on the case, and what they anticipate will be argued later. This case can be particularly complex, but by reading all of the separate opinions of the different judges, delegates can begin to understand why the Court decided to go in a certain direction with further proceedings. Reading the opinions will also be useful to delegates in learning what issues to avoid bringing up in their Memorials and Counter-Memorials.

Okowa, Phoebe N. "II. Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)." *International and Comparative Law Quarterly* 55, no. 03 (2006): 742-53. doi:10.1093/iclq/lei116.

This journal article provides an academic prospective to the case. It explores what events led to the case being filed in court, and the steps the Court has taken with the case since it was originally filed. The article examines the significance of a case of this type being decided by the International Court of Justice and the effects such a decision may have on other proceedings. This article is also useful for delegates to gather sources that emphasize the stances of all parties involved.

Case IV: Alleged Violations of Sovereign Rights and Maritime spaces in the Caribbean Sea (Nicaragua v. Colombia)

"Colombia and Nicaragua's Maritime Dispute Intensifies." *Worldview: Stratfor*. Last modified August 9, 2013. https://worldview.stratfor.com/article/colombia-and-nicaraguas-maritime-dispute-intensifies.

This article begins to explain the tension growing between Nicaragua and Colombia following the Judgment of the ICJ. This article explores the notion that the new tension between Nicaragua and Colombia stems from the possibility of oil and natural gas production in the disputed area. This source is a good starting point for delegates to understanding maritime disputes.

"Summary of the Order of 15 November 2017." *International Court of Justice*. Last modified November 20, 2017. http://www.icj-cij.org/files/case-related/155/155-20171120-SUM-01-00-EN.pdf.

This source sets up the counter-claims that the Court will actually be hearing arguments for a second time. Of the four counter-claims that Colombia put forth, only two were accepted by the Court. This summary explains why the Court only allowed two of the four to be further in the case proceedings. This source also states the jurisdiction that the Court has over the claim.

"Territorial and Maritime Dispute (Nicaragua v. Colombia): Map from Judgment" *The Hague Justice Portal*. Last modified December 13, 2007. http://www.haguejusticeportal.net/Images/ICJ/Nic v Colombia vertical.pdf.

This source is a map of the geographical region that was disputed for the first case between Nicaragua and Colombia. This map gives a visual of what the dispute was; however, it does not show the new boundary that was drawn by the Court at the conclusion of the case. The map is a good place for delegates to look to understand what region is under dispute.

"Territorial and Maritime Dispute (Nicaragua v. Colombia): Overview of the Case." *International Court of Justice*. Last modified November 19, 2012. http://www.icj-cij.org/en/case/124.

This source provides an excellent overview of the previous case that led to the proceedings in the current case. This should serve as a starting point for delegates to understand the fundamental problem with the current case. This source includes all of the preliminary proceedings, oral and written proceedings, and judgments. Since the Court in *Territorial and Maritime Dispute* (Nicaragua v. Colombia) reached a

decision about the dispute, it is essential for understanding the current conflict.

Wills, Santiago. "A Territorial Dispute Prompts Colombia and Nicaragua to Beef Up their Navies." *ABC News*. Last modified August 19, 2013. http://abcnews.go.com/ABC_Univision/ABC_Univision/territorial-disputeprompts-colombia-nicaragua-beef-navies/story?id=20000089.

This article gives insight into the tensions that exist between Nicaragua and Colombia following the first decision by the Court. In addition to giving a quick overview of the previous case, this article gives information to the actions and statements that led Nicaragua to filing the second case with the ICJ over its maritime zoning dispute with Colombia. The top of the article also includes a map that shows where the ICJ drew the maritime boundary following the Judgment from the first case.