SRMUN Charlotte 2017
Assessing the Challenges and Opportunities of Globalism in the 21st Century
March 30 - April 1, 2017
ICJ_charlotte@srmun.org

Esteemed Delegates,

It is with great excitement that I welcome you to SRMUN Charlotte 2017 and the International Court of Justice (ICJ)! My name is Desiree Kennedy, and it is my honor to serve as your Chief Justice. I have collaborated with my Assistant Chief Justice Lindsay Pendleton to create a document for your utilization throughout the process of committee preparation. Lindsay and I have high hopes for each of you, and we are looking forward to a committee filled with prepared delegates, or justices, dedicated to creative arguments and solutions regarding the cases at hand.

The ICJ was founded in 1945 as the principal legal entity for the United Nations (UN), with the express purpose of solving legal disputes at the request of Member States and other UN entities. Keeping in line with the SRMUN theme, "Assessing the Challenges and Opportunities of Globalism in the 21st Century," throughout the conference, delegates will be responsible for arguing the assigned case on behalf of their Member State, as well as serving as a Justice of the ICJ for the remaining cases. The following cases will be debated at SRMUN-Charlotte 2017:

I. Aerial Herbicide Spraying (Ecuador v. Colombia)
II. Nuclear Proliferation and Disarmament (Marshall Islands v. India)
III. Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)
IV. Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

As a member in 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 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 must be submitted via email to ICJ_Charlotte@srmun.org and dg_charlotte@srmun.org by 11:59pm EST on March 3, 2017. All Memorials will then be shared to all justices. Next, after reviewing the memorials, the justices will have the opportunity to independently write Counter-Memorials, which are also to be emailed to ICJ_Charlotte@srmun.org and dg_charlotte@srmun.org by 11:59pm EST on Friday, March 24, 2017.**

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.

We wish you the best of luck in your preparation for SRMUN-Charlotte 2017 and look forward to seeing your work come to life in committee. We look forward to meeting you this coming March! Please feel free to reach out to Director-General Michael Oleaga, Deputy Director-General Brittany Cabrera-Trujillo, or myself should you have any questions or concerns.

Desiree Kennedy	Lindsay Pendleton	Michael Oleaga	Brittany Cabrera-Trujillo
Chief Justice	Assistant Chief Justice	Director-General	Deputy Director-General
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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 or the Statute of the ICJ. The SRMUN ICJ Rules of Procedure take precedence over other rules of procedure, include the ICJ Rules of Procedures. 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 twelve 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.

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."

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 or not the Advocate or Justice agrees or disagrees with a statement.

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-CHARLOTTE V

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-CHARLOTTE V

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*)

Committee History of the International Court of Justice

The International Court of Justice (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] Advisory opinions differ from contentious cases; whereas contentious cases are between two willing Member States bringing suit against one another for many different reasons, advisory opinions only require one party and are opinions in regards to 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, no Member State can be included in any arbitration or case without consent.[16] Therefore, no Member State is

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[1] "Practical Information," International Court of Justice, http://www.icj-cij.org/information/index.php?p1=7&p2=2 (accessed June 14, 2016).
[2] "The Court," International Court of Justice, http://www.icj-cij.org/court/index.php?p1=1&p2=1 (accessed June 14, 2016).
[3] Ibid.
[4] Ibid.
[5] Ibid.
[6] Ibid.
[7] "United Nations (UN)," Encyclopedia Britannica, http://www.britannica.com/topic/United-Nations/Principal-organs#ref368940 (accessed June 14, 2016).
[8] "Practical Information," International Court of Justice, http://www.icj-cij.org/information/index.php?p1=7&p2=2 (accessed June 14, 2016).
[9] "Statute of The International Court of Justice," The United Nations, http://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf (accessed July 9, 2016).
[10] "Cases," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=2 (accessed July 9, 2016).
[11] "The International Court of Justice," Global Directions, http://www.globaldirections.com/Articles/Global%20Politics/InternationalCourtofJustice.pdf (accessed July 6, 2016).
[12] Ibid.
[13] Ibid.
[14] "Jurisdiction," International Court of Justice, http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=2 (accessed July 6, 2016).
[15] "The International Court of Justice," Global Directions, http://www.globaldirections.com/Articles/Global%20Politics/InternationalCourtofJustice.pdf (accessed July 6, 2016)
[16] "Practical Information," International Court of Justice, http://www.icj-cij.org/information/index.php?p1=7&p2=2 (accessed June 14, 2016).

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 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

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[17] Ibid.
[18] "The International Court of Justice," Global Directions, http://www.globaldirections.com/Articles/Global%20Politics/InternationalCourtofJustice.pdf (accessed July 6, 2016).
[19] Ibid.
[20] Ibid.
[21] Ibid.
[22] "Dispute Settlement," United Nations Conference on Trade and Development, http://unctad.org/en/docs/edmmisc232add19_en.pdf (accessed July 6 2016).
[23] "The Court," International Court of Justice, http://www.icj-cij.org/court/index.php?p1=1&p2=1 (accessed June 14, 2016).
[24] Ibid.
[25] "The International Court of Justice," Global Directions, http://www.globaldirections.com/Articles/Global%20Politics/InternationalCourtofJustice.pdf (accessed July 6, 2016).
[26] Ibid.
[27] "Practical Information," International Court of Justice, http://www.icj-cij.org/information/index.php?p1=7&p2=2 (accessed June 14, 2016).
[28] "The International Court of Justice," Global Directions, http://www.globaldirections.com/Articles/Global%20Politics/InternationalCourtofJustice.pdf (accessed July 6, 2016).
[29] Ibid.
[30] Ibid.
[31] Ibid.
[32] Ibid.
[33] "Dispute Settlement," United Nations Conference on Trade and Development, http://unctad.org/en/docs/edmmisc232add19_en.pdf (accessed July 6, 2016).
[34] Ibid.
[35] Ibid.
[36] "United Nations Funding," Federal Department of Foreign Affairs,

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, such as border disputes between various Member States in the South American continent.[41] However, Member States have been reluctant to defer "sensitive issues," such as politically embarrassing events or policies 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.

https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-organizations/un/un-funding.html (accessed July 6 2016).

[37] Ibid.

[38] Ibid.

[39] "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 July 6 2016).

[40] "Practical Information," International Court of Justice, http://www.icj-cij.org/information/index.php?p1=7&p2=2 (accessed June 14, 2016).

[41] Ibid.

[42] Ibid.

I: Aerial Herbicide Spraying
(Ecuador v. Colombia)

Introduction

The case presented to the International Court of Justice (ICJ) raises allegations of transboundary harm by the Republic of Ecuador (Ecuador) against the Republic of Colombia (Colombia). Specifically, Ecuador claims damages to Ecuadorian crops and communities by aerial herbicide sprayed by Colombia along the Ecuadorian border.[43] Colombia, dealing with a long history of internal violence and civil war, defends its herbicide use as a national strategy to limit illicit drug trade.[44] Ecuador, while acknowledging this fact, requests reparations for the damage caused by the herbicide to the Ecuadorian people and economy.[45] The ICJ agreed to hear the case in 2008.

History of the Conflict

Throughout the 20th Century, Colombia was rivaled with internal conflict and violence.[46] Following a period of time known as *La Violencia*, members of the Colombian Communist Party felt neglected and ignored by the Colombian government and worked to form an organization known as the Revolutionary Armed Forces of Colombia (FARC).[47] This organization became enthralled in a violent conflict with the government of Colombia, battling political exclusion and calling for political reform.[48] Thus began Colombia's civil war in 1964.

In the late 1970s, the FARC began using the illegal growth, sale, and trafficking of cocaine and opium to fund its activities.[49] To combat this, the government of Colombia launched an aerial herbicide program in attempt to limit the illicit drug trade.[50] However, given that the majority of the coca and poppy seed farms are located along the borders of Colombia, Ecuador alleges that the aerial herbicide campaign is not limited to Colombia and has crossed the border into Ecuador, therefore causing harm to the Ecuadorian citizens, agriculture, and economy.[51]

Attempts have been made between Ecuador and Colombia to come to peace agreements on the issue outside of judicial action. Beginning first in 2001, Ecuador requested that the Colombian government refrain from spraying within ten kilometers of the Ecuadorian border.[52] Numerous attempts at a resolution ensued throughout 2003, resulting in the creation of a Scientific and Technical Commission to investigate the effects of the herbicide.[53] However, an agreement was not reached by the Member States as to the effect of the spraying, thus preventing a resolution to the disagreement.[54] In December 2007, the governments of Ecuador and Colombia issued a joint communique, through the Organization of American States (OAS), agreeing to Ecuadorian support of Colombia's war on drugs and Colombian suspension of its herbicide campaign until scientific studies by the United Nations

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[43] "Aerial Herbicide Spraying," The Hague Justice Portal, http://www.haguejusticeportal.net/index.php?id=9285 (accessed January 2, 2017).
[44] "Ecuador institutes proceedings against Colombia with regard to a dispute concerning the alleged aerial spraying by Colombia of toxic herbicides over Ecuadorian territory," The International Court of Justice, April 1, 2008. http://www.icj-cij.org/docket/files/138/14470.pdf (accessed January 2, 2017.
[45] 4-4-3/08. *Ecuadorian Memorial to the Court.* The International Court of Justice. (accessed January 2, 2017).
[46] "Revolutionary Armed Forces of Colombia," Mapping Militant Organizations, Stanford University, August 15, 2015. http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89 (accessed January 2, 2017).
[47] Ibid.
[48] Ibid.
[49] "Revolutionary Armed Forces of Colombia," Stanford University, August 15, 2015. http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89 (accessed January 2, 2017).
[50] 4-4-3/08. *Ecuadorian Memorial to the Court.* The International Court of Justice. (accessed January 2, 2017).
[51] Ibid.
[52] 4-4-3/08. *Ecuadorian Memorial to the Court.* The International Court of Justice. (accessed January 2, 2017).
[53] Ibid.
[54] Ibid.

(UN) were completed.[55] However, Colombia continued its herbicide campaign, thus leading Ecuador to file a case with the Court.[56]

Statement of Facts

Beginning in 2000, the UN became aware that the government of Colombia was engaged in an aerial herbicide campaign, particularly along the Colombian-Ecuadorian border.[57] Numerous failed attempts at peace, accompanied by the disregarding of a joint communique issued by the OAS, have led the governments involved to believe that only judicial proceedings can bring an end to the conflict. In 2008, Ecuador filed complaints in the ICJ, claiming that the herbicide had negative effects on Ecuador, as evidenced by numerous reports of health issues, destruction of crops necessary to Ecuadorian survival, and significant environmental damage.[58]

Independent commissions created by each Member State have, throughout the conflict, been assigned the task of evaluating the effects of the herbicide on Ecuador.[59] However, because the Member States could not agree as to the results of these commissions, they have done little to appease tensions. Ecuador continues to cite immediate health effects, such as diarrhea and fever, as well as prolonged health effects such as increased rates of miscarriage, in addition to environmental pollution in the form of contaminated water, and economic threat in the form of agricultural destruction, while Colombia continues to insist that the spraying is necessary to limit drug trade.[60]

Procedural History

Ecuador argues that it has legal grounds to bring the case to the ICJ based on both the Statute of the Court and the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.[61] Additionally, the case is legally founded upon the allegation made by Ecuador that Colombia violated the American Treaty on Pacific Settlement of Disputes, an agreement signed in 1948 which stipulates that all signatories will attempt to solve all disputes by pacific means.[62] Ultimately, Ecuador argues that Colombia's fumigations along and over the Ecuadorian border violate a number of international conventions, laws, and treaties signed by both parties, and therefore calls for international reparations.[63] Specifically, Ecuador maintains that the effects of the aerial herbicide sprayed by Colombia constitute grievance against international human rights, international environmental law, and the rights of indigenous peoples.[64]

Colombia, in turn, argues that Ecuador's arguments for ICJ jurisdiction of the case are baseless. First, Colombia argues that a reservation made by Ecuador in signing the American Treaty on Pacific Settlement of Disputes renders their argument invalid, as that reservation precludes Ecuador's ability to argue that another Member State has violated the Treaty.[65] Second, Colombia argues that, as the actions taken by Colombia involving the aerial herbicide spray were to kill coca plants, the actions cannot violate the UN Convention Against Illicit Traffic in Narcotic Drugs

[55] "Statement by the Minister of Foreign Affairs of Ecuador, Francisco Carrion Mena, to the OAS Permanent Council," Permanent Mission of Ecuador to the Organization of American States, January 10, 2007, http://scm.oas.org/doc_public/ENGLISH/HIST_07/CP17426E13.doc (accessed January 2, 2017).
[56] 4-4-3/08. *Ecuadorian Memorial to the Court.* The International Court of Justice. (accessed January 2, 2017).
[57] "Aerial Herbicide Spraying – International Court of Justice," Hamun Thirty-Eight. http://www.houstonareamun.org/wp-content/uploads/2013/01/ICJ_topicB.pdf (accessed January 2, 2017).
[58] Ibid.
[59] 4-4-3/08. *Ecuadorian Memorial to the Court.* The International Court of Justice. (accessed January 2, 2017).
[60] Ibid.
[61] "Memorial of Ecuador," International Court of Justice, April 28, 2009, http://www.icj-cij.org/docket/files/138/17540.pdf (accessed January 2, 2017).
[62] *The American Treaty on Pacific Settlement.* The Organization of American States. April 30, 1948. (accessed January 2, 2017).
[63] "Memorial of Ecuador," International Court of Justice, April 28, 2009. http://www.icj-cij.org/docket/files/138/17540.pdf (accessed January 2, 2017).
[64] Ibid.
[65] Ibid.

and Psychotropic Substances because it instead upholds the agreement.[66] Finally, Colombia makes numerous arguments denying the allegations that their actions have infringed on international human rights or the rights of indigenous peoples.[67]

To remedy the situation, Ecuador requests that the ICJ first declare that Colombia has, in fact, violated international law with its spraying of aerial herbicide.[68] Ecuador also seeks that the Court rule that Colombia must indemnify Ecuador for all damages and losses caused by the herbicide and its effects, including but not limited to loss of life, damage to property, violation of human or indigenous rights, environmental damages, and the costs of any future remedies necessary.[69] Finally, Ecuador requests that the Court prohibit Colombia's use of the aerial herbicide on the Ecuadorian border.[70]

Latest Developments

In January of 2011, Ecuador submitted a reply to Colombia, claiming that Colombia not only misrepresents a majority of the facts of the case in their Memorial and Counter Memorial, but also that Colombia's reckless behavior and disregard for the consequences of its actions is enough to make it at fault in the case at hand.[71] Ecuador goes on to argue that Colombia is at fault for violating both its own domestic law, as it did not conduct environmental tests of the effects of the herbicide before it started spraying, and international law, as Ecuador was not consulted in the decision to use aerial herbicide, as well as for a complete disregard of Ecuador's territorial sovereignty, and its duty to protect the environment as laid out in its domestic Environmental Management Plan and numerous international pacts.[72] Finally, Ecuador maintains that the evidence put forth by Colombia does not provide enough information to actually defend Colombia's position, and therefore asserts the case for Ecuador instead.[73]

Colombia, in February of 2012, submitted a Rejoinder to the Court. In this Rejoinder, Colombia claims that the Court cannot rule in favor of Ecuador because Ecuador has not submitted enough proof to the Court to substantiate its claims.[74] Colombia maintains that Ecuador has exaggerated the claims of damage to Ecuadorian land, and provided data that does not coincide with the timetables of when aerial herbicide flights were taken.[75] Additionally, Colombia states that the scientific evidence provided in the case clearly shows that there are no hazardous side effects from the herbicide, and the witness statements claiming the damages from Ecuador are unable to be corroborated, rendering them circumspective at best.[76] Colombia argues that because Ecuador is unable to prove the existence of transboundary harm in the case, there are, in fact, no legal grounds for this case to be argued upon, and therefore the Court cannot issue a remedy.[77]

Conclusion

Ultimately, the case before the ICJ between Ecuador and Colombia involves a number of issues. First, the Court must determine whether or not it maintains jurisdiction over the presiding and issue at hand. Second, the Court must

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[66] "Counter-Memorial of the Republic of Colombia," International Court of Justice, March 29, 2010. http://www.icj-cij.org/docket/files/138/17548.pdf (accessed January 2, 2017).
[67] Ibid.
[68] "Memorial of Ecuador," International Court of Justice, April 28, 2009. http://www.icj-cij.org/docket/files/138/17540.pdf (accessed January 2, 2017).
[69] Ibid.
[70] Ibid.
[71] "Reply of Ecuador," International Court of Justice, January 31, 2011. http://www.icj-cij.org/docket/files/138/17554.pdf (accessed January 2, 2017).
[72] Ibid.
[73] Ibid.
[74] "Rejoinder of the Republic of Colombia," International Court of Justice, February 1, 2012. http://www.icj-cij.org/docket/files/138/17564.pdf (accessed January 2, 2017).
[75] Ibid.
[76] Ibid.
[77] "Rejoinder of the Republic of Colombia," International Court of Justice, February 1, 2012. http://www.icj-cij.org/docket/files/138/17564.pdf (accessed January 2, 2017).

consider whether or not Colombia's use of aerial herbicide violated international law. This becomes more complicated when one considers the reasons behind the spraying of the aerial herbicide, as well as the alleged effects on Ecuador. Third, the Court must determine if Colombia disregarded the territorial and national sovereignty of Ecuador in its efforts to eliminate the coca plants along the border.

Committee Directive

As the delegates representing Ecuador and Colombia, it is up to you to consider the facts at hand and create your own arguments for the case. What do you think your Member State should have considered in presenting its facts and information? Is there more information available that could make it easier for your side to argue injustice? Can you convince the Court that your Member State is correct? Were there, potentially, additional motives for the aerial herbicide and consideration of its effects?

II: Nuclear Proliferation and Disarmament
(Marshall Islands v. India)

Introduction

On 24 April 2016, the Marshall Islands initiated legal proceedings against the Republic of India (India).[78] According to the Marshall Islands, the case, as introduced and summarized, was not initiated to "re-open the question of the legality of nuclear weapons."[79] Instead, the purpose legal grounds of this case according to the Marshall Islands is rely on the alleged failing of India to honor India's alleged violation of the accepted international standard set out by the Nuclear Non-Proliferation Treaty (NPT), that Member States are to surcease any nuclear arms race, and move towards worldwide nuclear non-proliferation.[80]

History of the Conflict

The NPT is an agreement signed in 1968 by the United Kingdom of Great Britain and Northern Ireland (UK), The United States of America (USA), and what is now the Russian Federation (Russia).[81] The purpose of the NPT was to prevent the proliferation of nuclear weapons proliferation worldwide.[82] While, the NPT did not succeed in the sense of ending nuclear proliferation during the Cold War era arms race or for that matter the arms race itself, the NPT did achieve the legal success in that is provided a legal precedent for nuclear and non-nuclear states to prevent proliferation in the future.[83]

The Marshall Islands, believing that fellow United Nations (UN) Member States had failed to uphold their pledged commitment to nuclear nonproliferation, filed a lawsuit with the International Court of Justice (ICJ) against India, People's Republic of China, French Republic, the Islamic Republic of Pakistan, Israel, and the Democratic People's Republic of Korea, Russia, USA, and the UK.[84] However, the ICJ only accepted the cases against India, Pakistan, and the UK, as the other Member States never accepted the compulsory status of the ICJ.[85] The lawsuit was filed by the Marshall Islands because of evidence that the aforementioned Member States had not ended their nuclear weapons programs, contrary to the nonproliferation agreement."[86]

The Marshall Islands, due to extensive nuclear testing off its coast, is one of the few Member States with the situational experience to argue the effects of nuclear weapons before the ICJ on the effects of nuclear weapons.[87] Tony deBrum, a former Marshall Islands Foreign Minister, remarked that several of the islands in his Member State were completely incinerated by nuclear testing, and several others will be inhospitable to life for millennia, and will suffer from long standing birth defects.[88] Furthermore, during the time of 27-30 March 2012, a special UN Special Rapporteur names Calin Georgescu conducted an investigation into the ongoing effects of this nuclear material on

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[78] "Cases," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&case=158&code=miind&p3=0 (accessed January 2, 2017).
[79] Ibid.
[80] "Cases," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&case=158&code=miind&p3=0 (accessed January 2, 2017).
[81] "Treaty on the Non-Proliferation of Nuclear Weapons (NPT)," U.S. Department of State, http://www.state.gov/t/isn/trty/16281.htm (accessed January 2, 2017).
[82] "The Nuclear Non-Proliferation Treaty (NPT), 1968," Office of The Historian, https://history.state.gov/milestones/1961-1968/npt (accessed January 2, 2017).
[83] Ibid.
[84] "Cases," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=2 (accessed January 2, 2017).
[85] Ibid.
[86] Ibid.
[87] "Mixed feelings in Marshalls over epic nuclear case," The Financial Express, http://www.financialexpress.com/india-news/mixed-feelings-in-marshalls-over-epic-nuclear-case/406014/ (accessed January 2, 2017).
[88] "United Nations court order on Marshall Islands case against India set for Wednesday," The International Business Times, http://www.ibtimes.co.in/united-nations-court-order-marshall-islands-case-against-india-set-wednesday-696656 (accessed January 2, 2017).

the Marshallese people.[89] The Special Rapporteur's report states that the international community should learn from the experiences of the Marshallese people on the long-term effects of nuclear weapons and waste, and its "relationship" of multiple hereditary health and human rights implications.[90] India, having failed to ratify the NPT and its continual nuclear weapons program, and the Marshall Islands alleged unique experience with nuclear weapons is what caused the initiation of this international legal dispute.[91]

Statement of the Facts

On 24 April 2014, the Marshall Islands instituted proceedings against India for the alleged failure of India to honor their obligation to pursue in good faith and conclude negotiations leading to nuclear disarmament to honor the NPT.[92] Following this initiation of proceedings, The Marshall Islands then filed a memorial on 16 December 2014 providing their legal argument for the ICJ having the jurisdiction to adjudicate this case.[93] The remainder of the Marshall Islands presented case state The Marshall Islands argue that India has failed in its commitment to engage as a nuclear power with non-nuclear powers in the cessation of nuclear armament.[94] The Marshall Islands also argues that India has failed to "in good faith" end the nuclear arms race.[95] The Marshall Islands also submitted cases against eight other Member States, and not all agree to appear at the proceedings and The Marshall Islands argue that this cannot be "deemed an obstacle" to the right of the Marshall Islands to present its case against India.[96] The remainder of their claim is that they as the Marshall Islands due claims that, due to their history with of being faced with side effects of nuclear testing, nuclear side effects give them a unique ability to present this case to the ICJ.[97]

India submitted a counter memorial to the court ICJ on 16 September 2015, and argued that there is no real dispute between India and the Marshall Islands, which is an element that is vital in the Court's ability to declare jurisdiction over the proceedings.[98] Quoting the Marshall Islands memorial, India said it (India) has always been a strong supporter of nuclear disarmaments, and that the Marshall Islands has never tried to engage in bilateral talks with India on the topic of nuclear disarmament.[99]

On 23 March 2016, the Marshall Islands responded to a question presented by Judge Cancado Trindade on the existence of a dispute between India and The Marshall Islands stating the following evidence of a dispute thus demonstrating the jurisdiction of the ICJ.[100] The Marshall Islands present a previous ruling by the ICJ that based on "attitudes" on certain General Assembly (GA) resolutions, the GA can establish the emergence of "opinio juris" or a legally binding custom. This essentially allows for international customs that are not codified law, to be enforced

[89] A/HRC/21/48/Add.1 *Report of the Special Rapporteur on the Implications for Human Rights of the environmentally sound management and disposal of hazardous substances and wastes*. United Nations General Assembly. (accessed January 2, 2017).
[90] Ibid.
[91] "Treaty on the Non-Proliferation of Nuclear Weapons (NPT)," U.S. Department of State, http://www.state.gov/t/isn/trty/16281.htm (accessed January 2, 2017).
[92] "Application Instituting Proceedings Against the Republic Of India," International Court of Justice, http://www.icj-cij.org/docket/files/158/18292.pdf (accessed January 2, 2017).
[93] "Cases," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&case=158&code=miind&p3=1 (accessed January 2, 2017).
[94] "Memorial of The Marshall Islands," International Court of Justice, http://www.icj-cij.org/docket/files/158/18896.pdf (accessed January 2, 2017).
[95] Ibid.
[96] Ibid.
[97] "Memorial of The Marshall Islands," International Court of Justice, http://www.icj-cij.org/docket/files/158/18896.pdf (accessed January 2, 2017).
[98] "Counter- Memorial of The Republic of India," International Court of Justice, http://www.icj-cij.org/docket/files/158/18900.pdf (accessed January 2, 2017).
[99] Ibid.
[100] "Reply of the Marshall Islands to the question put by Judge Cancado Trindade at the end of the public sitting of 16 March 2016 at 10 a.m.," International Court of Justice, http://www.icj-cij.org/docket/files/158/19108.pdf (accessed January 2, 2017).

and internationally accepted.[101] With the attitude of resolutions passed by the GA from the early 1980s to 1995 in regards to furthering the NPT's goals, those resolutions are now a legally binding custom.[102]

Procedural History

After the initial proceedings were filed by the Marshall Islands on 24 April 2014, the case proceeded in the following order.[103] In May and June 2014, the Marshall Islands were granted additional time for their memorial and counter memorials.[104] Seven months later, the Marshall Islands filed their memorial and India then responded with a counter memorial nine months later.[105] Following the initiation and the memorials, oral proceedings were conducted between 7 March 2016 and 16 March 2016, where both Member States were able to make their prospective cases.[106] The third phase of the cases involved the responses to questions from Judges of the ICJ, both India and the Marshall Islands submitted two responses each.[107]

Latest Developments

On 30 March 2016, the Marshall Islands submitted to the court a response to India's questions presented to the ICJ.[108] According to the Marshall Islands, India's main defense is that UN General Assembly (GA) resolutions do not represent "opinio jusris."[109] The Marshall Islands also points out that India's government has not accepted the ICJ's 1996 advisory opinion that the UNGA resolutions can be considered international custom, based off the Member States attitudes towards any resolution.[110] The Marshall Islands also contends that even as India claims that they do not recognize "opinio juris," that based off their voting record in the UNGA is evidence that it is an unsubstantiated claim.[111]

Conclusion

Both India and the Marshall Islands have expressed their opinions, and presented evidence to support their position. The primary arguments presented by the Marshall Islands are as follows: Firstly, according to the Marshall Islands, their experience with the effects of nuclear waste as a result of nuclear weapons and its longstanding dilemmas on the environment, and the people. Secondly, that depending on the attitude of the majority of GA Member States

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[101] Ibid.
[102] "Reply of the Marshall Islands to the question put by Judge Cancado Trindade at the end of the public sitting of 16 March 2016 at 10 a.m.," International Court of Justice, http://www.icj-cij.org/docket/files/158/19108.pdf (accessed January 2, 2017).
[103] "Cases," International Court Of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&case=158&code=miind&p3=1 (accessed January 2, 2017).
[104] "Written Proceedings," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=2a&case=158&code=miind&p3=1 (accessed January 2, 2017).
[105] "Oral Proceedings," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=2a&case=158&code=miind&p3=2 (accessed January 2, 2017).
[106] "Other Documents," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=2a&case=158&code=miind&p3=10 (accessed January 2, 2017).
[107] "Orders," International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=2a&case=158&code=miind&p3=3 (accessed January 2, 2017).
[108] "Comments on the written reply to the question put by Judge Cancado Trindade submitted by India, RMI v. India," International Court of Justice, http://www.icj-cij.org/docket/files/158/19114.pdf (accessed January 2, 2017).
[109] Ibid.
[110] "Comments on the written reply to the question put by Judge Cancado Trindade submitted by India, RMI v. India," International Court of Justice, http://www.icj-cij.org/docket/files/158/19114.pdf (accessed January 2, 2017).
[111] Ibid.

regarding a GA resolution can, according to the ICJ, establish an international custom. Third, India and its "No" votes constitute a dispute between the Marshall Islands and India.

India presents evidence to the contrary of that from the Marshall Islands. First, India claims that there is no dispute between the Marshall Islands and India. Second, India also claims that it is already very actively involved with and in support of nuclear disarmament and nuclear non-proliferation. Third, that the Marshall Islands never attempted to enter into diplomatic exchange on the topics at hand.

Committee Directive

As justices and advocates, it is up to you to both judge and present, respectively, this case as if you have no knowledge of the outside verdict. Is this case within the jurisdiction of the ICJ? Does the fact that the Marshall Islands is forever changed, due to nuclear bomb testing, affirm that the Marshall Islands have a legitimate legal dispute with all nuclear-arms-bearing Member States? As the advocates, you are tasked with representing your perspective Member State to the best of your ability by understanding the resolutions and agreements each Member State identified. It is up to you delegates to decide if the ICJ made the correct decision. You are to research and examine this case, formulate your own arguments on behalf of your Member State, and finally, represent your Member State and its views at conference.

III: Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)

Introduction

After more than a century of intense negotiations between neighboring the Republic of Chile (Chile) and the Plurinational State of Bolivia (Bolivia), in April 2013, La Paz, which is the seat of government of Bolivia, brought its quest to gain sovereign access to the Pacific Ocean before the International Court of Justice (ICJ) at The Hague.[112] The Truce Pact of 1884 recognized the coastline as an occupied territory and subsequently ended the War of the Pacific that existed between these two Member States by allowing Chile sovereignty over the coastline that had previously belonged to Bolivia. Chile legally recognized that the piece of land belonged to Bolivia, but this small strip of coastal territory, which includes the ports of Varenica and Arica, was re-occupied by Chile in 1879. Chile, however, conceded the right for Bolivia to continue commercial access to Chilean ports as governed by "special agreements."[113]

According to Bolivia, the legal dispute exists because "Chile denies its obligation to enter into negotiations regarding Bolivia's fully sovereign access to the Pacific Ocean."[114] However, Chile argues that Bolivia lost access to the coast in the 19th century war. Chile also maintains that Bolivia's territorial claims have no historical or legal grounds to fight for the territories.[115]

The Bolivian decision to turn to the ICJ for the first time in Bolivian history highlighted the futility of additional bilateral talks with Chile as well as rapidly changing economic realities in the region. In its April 2013 application to the Court, Bolivia demanded the obligatory cooperation of Chile to reach an agreement with Bolivia in granting La Paz sovereign access to the Pacific Ocean. After the ICJ agreed to rule on its jurisdiction in the case, Bolivia and Chile presented oral arguments during the first week of May 2015.[116]

History of the Conflict

In 1904, Chile and Bolivia signed the Treaty of Peace and Friendship, which allowed Chile to continue to maintain the occupied territories which includes the Silala River watercourse. This watercourse is important because is an international watercourse governed by customary international law. In 1975, Bolivia and Chile signed the Joint Declaration of Charaña, guaranteeing that each Member State would continue dialogue, as iterated in the declaration's Fourth Principle as follows:

> Both Presidents, within a spirit of mutual understanding and a constructive mindset, have resolved to continue with the dialogue on different levels to find formulas for solving the vital issues which both countries face, such as the one relating to the confinement affecting Bolivia, on the basis of reciprocal benefits and considering the aspirations of the Bolivian and Chilean people.[117]

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[112] Bruce, Ronald, "Bolivia v. Chile: Old Story, New Chapter," *Council on Hemispheric Affairs*, 5 June 2015, http://www.coha.org/bolivia-v-chile-old-story-new-chapter/ (accessed January 2, 2017).

[113] "International Boundary Study No. 67 – March 15, 1966 Bolivia – Chile Boundary," United States of America Department of State, http://www.law.fsu.edu/library/collection/LimitsinSeas/IBS067.pdf (accessed January 2, 2017).

[114] Ku, Julian, "Bolivia's Weak ICJ Case Against Chile," *Opinio Juris*, 29 April 2013, http://opiniojuris.org/2013/04/29/bolivias-ridiculously-weak-icj-case-against-chile/ (accessed January 2, 2017).

[115] Rodriguez-Ferrand, Graciela, "Bolivia; Chile; International Court of Justice: Access to the Sea Case," *The Library of Congress*, 25 April 2014, http://www.loc.gov/law/foreign-news/article/bolivia-chile-international-court-of-justice-access-to-the-sea-case/ (accessed January 2, 2017).

[116] Ibid.

[117] "Application Instituting Proceedings Obligation to Negociate Access to the Pacific Ocean Bolivia v. Chile: Annex 13 Joint Declaration of Charaña," Derechos, http://www.derechos.org/nizkor/bolivia/doc/chlbol42.html (accessed March 2, 2017).

The statement was taken in good faith and followed by exchanges of diplomatic notes between the two parties regarding the region between the port of Arica and the Linea de la Concordia.

In 1979, the Organization of American States (OAS), which promotes international, social, and economic development, issued Resolution 426, which recommended the opening of negotiations between Bolivia and Chile for the purposes of providing Bolivia with a free and sovereign territorial connection with the Pacific Ocean.[118] Ten other subsequent resolutions during the following decade were issued by the same organ confirming such Resolution, whereby it was determined that Bolivia's maritime problem would be kept permanently on the agenda of the General Assembly of the OAS until a solution could be reached. Resolution 686 of 1983 urges Bolivia and Chile to find a formula to give Bolivia a sovereign outlet to the Pacific Ocean, on the basis that mutual conveniences and the rights and interest of all parties involved are considered.[119]

Chile and Bolivia reopened negotiations in 1986, but talks reached a stalemate due to Chile's rejection of Bolivia's proposals for a solution. In its defense, Chile argues that it is not bound by any legal obligations whatsoever to negotiate with the Applicant to grant the latter sovereign access to the Pacific Ocean, and that Bolivia lacks any legal grounds to claim a sovereign right of access. Both foreign ministries drafted and submitted a joint communiqué that reaffirmed their commitment to establishing a stronger bilateral relationship. Territorial sovereignty was affirmed as part of the "Agenda of the 13," but Chile called off all negotiations in 2010. Bolivia continues to petition the Chilean government for a restart of talks, and in 2012, Bolivia submitted its case with all supporting evidence to the ICJ for hearing and arbitration.[120]

Statement of Facts

On 15 April 2014, Bolivia submitted to the ICJ a memorandum with arguments supporting its lawsuit filed against Chile for the purpose of reclaiming access to the Pacific Ocean.[121] Bolivia bases its claims on legal, historical, and economic arguments. It demands that the ICJ consider two main points: the recognition of Bolivia's sovereign right to access to the Pacific Ocean and the requirement that Chile negotiate the issue with Bolivia.[122] Bolivia considers the economic damage caused by its lack of sea access to be extensive. Chile has benefited from the exploitation of natural fertilizers, sulfur, and salt by British companies interested in the profits derived from these materials. The richest copper deposits are located in the land that Bolivia lost to Chile and are key to the prosperity of the Chilean economy.[123]

Procedural History

Based on Article XXXI of the Pact of Bogotá, Bolivia argued that the ICJ had jurisdiction in the case. Also, Bolivia noted that in 1884, Chile signed a Truce Pact with Bolivia guaranteeing Bolivia sovereign access to the sea.[124] According to Bolivia, this understanding did not end with the 1904 Treaty; on the contrary, Chile repeatedly affirmed thereafter that it would negotiate Bolivia's sovereign access.[125] In making this argument, Bolivia stressed that it had not come before the Court to reject the 1904 treaty or to reopen agreed upon issues.[126] Instead, Bolivia came before the ICJ because it had rights under international law, including the right for Chile to complete its obligation to negotiate sovereign access to the sea.[127] More specifically, Chile argues that there is no dispute to be

[118] "Resolution 426," Organization of American States, 1979, http://www.oas.org/en/sla/docs/ag03793E01.pdf (accessed January 2, 2017).
[119] Ibid.
[120] Ibid.
[121] Ibid.
[122] Ibid.
[123] Azcui, Mabel, "Evo Morales Reclaims Chile for a Bolivian Maritime Exit," El Pais, 24 March 2014, http://internacional.elpais.com/internacional/2014/03/23/actualidad/1395599928_320776.html.
[124] "ICJ: Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)," The Hague Justice Portal, http://www.haguejusticeportal.net/index.php?id=13613 (accessed January 2, 2017).
[125] Ibid.
[126] Ibid.
[127] Guzman Escobari, Andres, "Bolivia's Reasonably Strong ICJ Case Against Chile," Opinio Juris, 21 March 2014,

settled between the parties, since both have signed the aforementioned treaty of Peace and Friendship.[128] Chile contends that the said treaty has been observed and implemented by both parties for over a century, and that Bolivia has been granted the widest possible right of commercial transit across its territory and ports on the Pacific. [129]

While Chile spent considerable time laying out the merits of its own claim, including the applicability of the 1904 treaty to the case, Bolivia focused on the matter at hand, which is the challenge posed by Chile for the jurisdiction of the ICJ to hear and resolve the claim of Bolivia.[130] Bolivia asked the Court to find that Chile was obligated to negotiate sovereign access to the sea and that this obligation must be performed in good faith.[131]

Other Developments

In addition to diverting the course of the Lauca River, which led to a break in relations between both Member States in 1962, Chilean businesses have been accused by Bolivian entities of exploiting water derived from the Silala River to sell to the population in northern Chile, without any compensation to Bolivia in more than 100 years.[132] The Bolivian government has also denounced, in its complaint before the ICJ, the violation by Chile of the bilateral treaties entered into since 1904 with regard to the import and export of cargo by Bolivia through Chilean ports.[133]

Committee Directive

The Court should take into consideration the information provided to determine territoriality. The Court should consider the importance of the role of mechanisms such as the Treaties of Westphalia, the Treaty of Peace and Friendship, and the Joint Declaration of Charaña. Furthermore, the Court should be able to prevision the following questions: Does Chile have a legal obligation under the Bogota Declaration to negotiate with Bolivia? Does Bolivia's demand for the courts' jurisdiction to hear the case lacks all basis, or are they in their right to do so?

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http://opiniojuris.org/2014/03/21/bolivias-reasonably-strong-icj-case-chile/ (accessed January 2, 2017).

[128] Bruce, Ronald, "Bolivia v. Chile: Old Story, New Chapter," Council on Hemispheric Affairs, 5 June 2015, http://www.coha.org/bolivia-v-chile-old-story-new-chapter/ (accessed January 2, 2017).

[129] Ibid.

[130] Ibid.

[131] Ibid.

[132] Esquivel, Carmen, "Silala, the waters of discord between Bolivia and Chile," The Prisma, 19 June 2016, http://theprisma.co.uk/2016/06/19/silala-the-waters-of-discord-between-bolivia-and-chile/ (accessed January 2, 2017).

[133] Ibid.

IV. Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

Introduction

The Federal Republic of Somalia (Somalia) and the Republic of Kenya (Kenya) have shared concerns regarding maritime delimitation in the Indian Ocean.[134] Although both African Member States have tried to settle their disagreements through diplomatic negotiations, Somalia and Kenya have "disagree[d] about the location of the maritime boundary in the area where their maritime entitlements overlap"[135] On 28 August 2014, Somalia submitted an application to the International Court of Justice (ICJ) to settle the maritime dispute. Kenya had raised objections on whether the maritime dispute fell upon the ICJ's jurisdiction, however, the case progressed.[136]

History of Conflict

Described as "a narrow triangle off the coast of Africa," the Indian Ocean is home to approximately 62,000 square miles, or 100,000 square kilometers, of water that Kenya and Somalia each claimed ownership.[137] According to Kenya, the maritime boundary lines are parallel to the line of latitude, which would give it a significant share of the disputed maritime area.[138] Somalia disputed Kenya's claims. The Somalis and Kenyans agreed to have the United Nations (UN) mediate the maritime border dilemma.[139] Both Member States reportedly agreed on diplomatic dialogues to avoid the issue going to court but a settlement was not reached.[140] By 2014, Somalia was given the greenlight to have the case potentially settled in the ICJ. Somalia called for the ICJ, utilizing existing international law, to determine the "precise geographical co-ordinates of the single maritime boundary in the Indian Ocean."

Statement of Facts

According to the UN Commission on the Limits of the Continental Shelf (CLCS), Somalia and Kenya's issue has been regarded as a "maritime dispute" as Kenya's asserted claims "includes maritime areas claimed by the Federal Republic of Somalia, thereby resulting in an overlapping area which, for the same purposes, constitutes 'the area under dispute.'"[141] Somalia stated its maritime boundary had been established in accordance of UN Convention on

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[134] "Somalia institutes proceedings against Kenya with regard to 'a dispute concerning maritime delimitation in the Indian Ocean,'" The International Court of Justice, 28 August 2014, http://www.icj-cij.org/docket/files/161/18360.pdf (accessed January 1, 2017).

[135] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya): Fixing of time-limit for the filing by Somalia of a written statement of its observations and submissions on the preliminary objections raised by Kenya," The International Court of Justice, 12 October 2015, http://www.icj-cij.org/docket/files/161/18810.pdf (accessed January 1, 2017).

[136] Ibid.

[137] "Kenya or Somalia: Who owns the sea and what lies beneath?" Deutsche Welle, 19 September 2016, http://www.dw.com/en/kenya-or-somalia-who-owns-the-sea-and-what-lies-beneath/a-19557277 (accessed January 1, 2017).

[138] Ibid.

[139] Ibid.

[140] "Somalia institutes proceedings against Kenya with regard to 'a dispute concerning maritime delimitation in the Indian Ocean,'" The International Court of Justice, 28 August 2014, http://www.icj-cij.org/docket/files/161/18360.pdf (accessed January 1, 2017).

[141] "Continental Shelf Submission of the Federal Republic of Somalia Executive Summary," United Nations Commission on the Limits of the Continental Shelf, https://www.un.org/depts/los/clcs_new/submissions_files/som74_14/Somalia_Executive_Summary_2014.pdf (accessed January 1, 2017).

the Law of the Sea (UNCLOS) Articles 15, 74, and 83.[142] Somalia stated there are no special conditions that would allow its maritime boundary, as specified in UNCLOS Article 15, to shift elsewhere.[143] Somalia believes the ICJ has jurisdiction on the dispute, citing UNCLOS Article 282, which was ratified by both African Member States in 1989.[144]

UNCLOS Article 282 states:

> "If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in this Part, unless the parties to the dispute otherwise agree."[145]

In Somalia's application to the ICJ, the Somalian government acknowledges where the Kenyan government claims the latter's maritime boundary rests, which is a parallel line extending east.[146] Somalia, however, claims Kenya's position has not been consistent. Citing the Territorial Waters Act of 1972, Kenya claimed its maritime boundary with Somalia as "'a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters' are measured."[147] Somalia also cited Kenya's 1989 Maritime Zones Act, which reportedly reiterated the boundary lines from the 1972 Territorial Waters Act.[148] Both Members States tried to solve their disputes through meetings. The Somalian government claimed the Kenyan delegation failed to meet at an August 2014 meeting in Mogadishu, and as a result, led to Somalia to ask the ICJ for a judicial resolution.[149]

Procedural History

Kenyan officials objected to Somalia's ICJ application, as the former believed the dispute could be settled outside the courts.[150, 151] Kenya's objection to the ICJ noted that both Member States had previously agreed to solve the dispute, "By means of a negotiated agreement, not by recourse of the Court," and had agreed for the CLCS to provide recommendations to help solve the maritime issue.[152] With Somalia going to the ICJ for a resolution, Kenya stated Somalia is in "plain violation" of previously agreed obligations including a 2009 Memorial of Understanding, or MOU, both Member States negotiated.[153]

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[142] "Somalia institutes proceedings against Kenya with regard to 'a dispute concerning maritime delimitation in the Indian Ocean,'" The International Court of Justice, 28 August 2014, http://www.icj-cij.org/docket/files/161/18360.pdf (accessed January 1, 2017).

[143] Ibid.

[144] Ibid.

[145] "Part XV: Settlement of Disputes - Section 1. General Provisions: Article 282," United Nations Convention on the Law of the Sea, http://www.un.org/depts/los/convention_agreements/texts/unclos/part15.htm (accessed January 1, 2017).

[146] "Application: Dispute Concerning Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)," The International Court of Justice, 28 August 2014, http://www.icj-cij.org/docket/files/161/18362.pdf (accessed January 1, 2017).

[147] Ibid.

[148] Ibid.

[149] Ibid.

[150] Kenya or Somalia: Who owns the sea and what lies beneath?" Deutsche Welle, 19 September 2016, http://www.dw.com/en/kenya-or-somalia-who-owns-the-sea-and-what-lies-beneath/a-19557277 (accessed January 1, 2017).

[151] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)," The International Court of Justice, 9 October 2015, http://www.icj-cij.org/docket/files/161/18880.pdf (accessed January 1, 2017).

[152] "Preliminary Objections of the Republic of Kenya," The International Court of Justice, 7 October 2015, www.icj-cij.org/docket/files/161/19074.pdf (accessed January 1, 2017).

[153] Ibid.

The ICJ proceeded with Somalia's application and had set 5 February 2016 as the time-limit within which Somalia must present written statements in response to Kenya's objections.[154] In its written statement, Somalia alluded that the ICJ was necessary to settle the dispute since negotiations between the two Member States "failed to yield any prospect of resolving this long-running dispute."[155] Somalia also wrote that there is "no textual, contextual or logical foundation" for Kenya's argument.[156] Somalia does acknowledge the MOU was signed by both Member States in Nairobi on 7 April 2009, which was developed by the Norwegian government. According to Somalia, the MOU was "intended to ensure that the CLCS could issue recommendations concerning the outer limits of the shelf appurtenant to the Parties' coasts," but the Somalian government never ratified the MOU.[157]

Latest Developments

The ICJ arranged public hearings, held between 19 September and 23 September 2016, solely for the preliminary objections made by Kenya, at The Hague.[158] Following the public hearings, the ICJ entered deliberations to determine Kenya's objections. The ICJ's deliberations were privately held.[159] The ICJ did not immediately provide a date which it would render its verdict regarding Kenya's objection. By 20 January 2017, the ICJ announced it will deliver its judgment on Kenya's preliminary objection on 2 February 2017.[160]

Conclusion

Somalia and Kenya have recognized each other as having conducted diplomatic negotiations to settle their maritime boundary disputes, which should be commended despite domestic hurdles both Member States have encountered during the past decades. The two Member States, however, disagree on where their maritime line rests, which has hampered on potential business deals with international entities, since the disputed area supposedly has gas and oil deposits.[161] Kenya believes the dispute can be solved between both Member States, but Somalia's stance is that discussions have reached a stalemate, and a judicial resolution may be needed to settle who owns the 62,000 square miles of maritime area on the Indian Ocean.

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[154] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) Fixing of time-limit for the filing by Somalia of a written statement of its observations and submissions on the preliminary objections raised by Kenya," The International Court of Justice, 12 October 2015, http://www.icj-cij.org/docket/files/161/18810.pdf (accessed January 1, 2017).

[155] "Written Statement of Somalia Concerning the Preliminary Objections of Kenya: Volume I," The International Court of Justice, 5 February 2016, http://www.icj-cij.org/docket/files/161/19076.pdf (accessed January 1, 2017).

[156] Ibid.

[157] Ibid.

[158] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) Preliminary Objections," The International Court of Justice, 26 May 2016, http://www.icj-cij.org/docket/files/161/19014.pdf (January 1, 2017).

[159] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) Conclusion of public hearings on the preliminary objections raised by the Republic of Kenya," The International Court of Justice, 23 September 2016, http://www.icj-cij.org/docket/files/161/19098.pdf (accessed January 1, 2017).

[160] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) Preliminary Objections The Court to deliver its Judgment on Thursday 2 February 2017," The International Court of Justice, 20 January 2017, http://www.icj-cij.org/docket/files/161/19318.pdf (accessed January 22, 2017).

[161] "Kenya or Somalia: Who owns the sea and what lies beneath?" Deutsche Welle, 19 September 2016, http://www.dw.com/en/kenya-or-somalia-who-owns-the-sea-and-what-lies-beneath/a-19557277 (accessed January 1, 2017).

Committee Directive

The ICJ is set to render a judgment on the validity of Kenya's preliminary objection in early February. Delegates should monitor and be familiar with the February judgment provided the ICJ. Furthermore, delegates are to be acquainted with the additional written proceedings provided by both Kenyan and Somalian officials and oral proceedings that concluded in September 2016. Somalia claims its maritime boundary has been established based on previous UN conventions, while Kenya also cited previous agreements that may identify its territorial waters. Justices ought to familiarize with the conventions and agreements to determine if it's worth standing. Furthermore, Kenya believes their dispute with Somalia could be settled outside the courts. Justices may consider if the dispute may be settled outside of the ICJ. The ICJ also provided questions for Kenya and Somalia to answer that may boost each Member State's defense at the conference in Charlotte, North Carolina.[162]

[162] "Maritime Delimitation in the Indian Ocean (Somalia v. Kenya): Other Documents," The International Court of Justice, http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=00&case=161&code=SK&p3=10 (accessed January 1, 2017).

Technical Appendix Guide

I: Aerial Herbicide Spraying (Ecuador v. Colombia)

Anton, Donald and Dinah, Shelton, "Case Study I: Transboundary Pollution," Cambridge University Press, 2011. http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2054&context=faculty_publications

This source provides a general overview of the case of *Ecuador v Colombia,* as well as discussion regarding the case and the potential environmental and human rights impacts. A simple listing of the facts, judgement requested, and key factors gives readers a better understanding of the essential information regarding the case.

Esposito, Robert, "The ICJ and the Future of Transboundary Harm Disputes: A Preliminary Analysis of the Case Concerning Aerial Herbicide Spraying (Ecuador v. Colombia)," Pace University International Law Review, August 1, 2010. http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1014&context=pilronline

Esposito analyzes the case of *Ecuador v Colombia* with the intent to determine the impact of the case on the International Court of Justice, transboundary disputes, and specifically international law regarding border disputes. Esposito provides a summary of the case, explains the components of international law involved in the case, and determines what he believes will be the outcome of the case and its impact on the future of similar cases.

Rutledge, Jessica. "The ICJ's Potential Analysis in Aerial Herbicide Spraying and an Epic Choice Between the Environment and Human Rights," Wake Forest University Law Review. http://wakeforestlawreview.com/2012/02/comment-wait-a-second-is-that-rain-or-herbicide-the-icjs-potential-analysis-in-aerial-herbicide-spraying-and-an-epic-choice-between-the-environment-and-human-rights/

In this analysis of *Ecuador v Colombia,* Rutledge considers a number of factors regarding the potential impacts of the case on the future of international law. Primary areas of focus include the jurisdiction of the ICJ, the appropriateness of the ICJ hearing the case, the history of the Colombian government with similar issues, and the potential impact of the case on future boundary disputes.

"Aerial spraying of herbicides in Colombia and Ecuador: environmental and human rights impacts," The Center for International Environmental Law, October 11, 2011. http://www.ciel.org/news/october-2011-aerial-spraying-of-herbicides-in-colombia-and-ecuador-environmental-and-human-rights-impacts/

This press release details the *amicus curiae* brief filed by the Center for International Environmental Law in the case of *Ecuador v. Colombia,* encouraging the International Court of Justice to consider the responsibility of international law in promoting sovereignty and preventing the violation of boundaries by Member States. The brief goes on to detail the impacts of the case on environmental and human rights, and explains what remedies should be taken and statutes put in place to mitigate the chances that a similar issue would occur in the future.

II: Nuclear Proliferation and Disarmament (Marshall Islands v. India)

"Cases," Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands *v.* United Kingdom), http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=miuk&case=160&k=ef&p3=0

This website is an additional case that the Marshall Islands filed with the ICJ with the same accusation alleged towards India. Instead this case is filed against the United Kingdom of Great Britain and Northern Ireland (UK). It has a very similar procedural history to Marshall Islands v. India, and the Marshall Islands are levying essentially the same argument against the UK.

"Cases," Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands *v.* Pakistan), http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=mipak&case=159&k=fc&p3=0

This is another example of a case filed by the Marshall Islands versus another Member State with the same alleged violation of international law. This case is also incredibly similar procedurally, and has virtually the same evidence used.

"Marshall Islands v. United Kingdom, India and Pakistan," Association of Swiss Lawyers for Nuclear Disarmament, https://safna.org/2016/03/22/marshall-islands-v-united-kingdom-india-and-pakistan/

This is a blog written by lawyer Sergei Golubok, and describes and effectively summarizes the entire case history along with his legal opinion. Due to his expertise he provides a comprehendible insight into a very complicated case.

"Case 1: Marshall Islands v. India (Jurisdiction): opening of case," UN WEB TV, http://webtv.un.org/watch/case-1-marshall-islands-v.-india-jurisdiction-opening-of-case/4786069895001

This is the actual case proceeding in real time. It will give delegates a unique opportunity to see the process described at length in this Background Guide in action. You will also be able to hear the opening arguments and other procedures real time. For those that are more visual learners this should prove extra useful.

III: Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)

Treaty of Peace and Friendship, *"Papers relating to the foreign relations of the United States, with the annual message of the president transmitted to Congress December 5, 1905."* United States Department of State. (1905) https://history.state.gov/historicaldocuments/frus1905

This is the translated version of the 1905 Treaty of Peace and Friendship between Bolivia and Chile. The details of the treaty and the designated territory are outlined specifically. This is a necessary document for an advocate preparing an argument involving the Treaty of Peace and Friendship and should be beneficial to have it available during committee.

Woody, Christopher, *Chile and Bolivia are still arguing over the outcome of a war they fought 131 years ago*. (2015). http://www.businessinsider.com/chile-bolivia-sea-access-land-dispute-2015-10

This is a good starting point when trying to understand the overall situation in Bolivia in Chile. It helps one understand the context on why the Bolivian government wanted to reopen the case. It includes helpful information regarding the current political situation of each country.

Vargas, Elizabeth, "Bolivia's Centenarian Maritime Claim before the International Court of Justice." *Peace Palace Library*. (2013). https://www.peacepalacelibrary.nl/2013/05/bolivias-centenarian-maritime-claim-before-the-international-court-of-justice/

This article was written by a member of Bolivia's legal team at Dirección Estratégica de Reivindicación Marítima (Diremar). This article gives an interesting perspective on the entire conflict between the two Member States while utilizing cases of similar circumstances to explore the validity of the international justice.

"The Truce Between Chile and Bolivia." The Nation, https://books.google.com/books?id=AvkxAQAAIAAJ&pg=PA113&lpg=PA113&dq=truce+pact+1884+be%20tween+bolivia+and+chile&source=bl&ots=nlhoH3U8pJ&sig=7DAcqA8dkzNAn_ZEQojcKEStRHE&hl=e%20n&sa=X&ei=8o3wUsvdD8K0ygGpw4CoDQ#v=onepage&q=truce%20pact%201884%20between%20boli%20via%20and%20chile&f=false

The Truce Between Chile and Bolivia is a short article describing the first mechanism of peace developed between the two Member States. This article outlines the contents of the pact including the terms of consent and obligation. This is an interesting source because it allows one to see the progressive evolution of the first agreement.

IV. Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

"Maritime Delimitation in the Indian Ocean (Somalia v. Kenya): Preliminary Objections of the Republic of Kenya Volume II," The International Court of Justice, http://www.icj-cij.org/docket/files/161/19084.pdf

While Somalia filed to settle its maritime boundary dispute against Kenya to the ICJ, Kenya believes their disputes should be settled outside of the courts. Kenya filed a preliminary objection, and a "second volume" has been available on the ICJ website, detailing why the ICJ should not proceed with the maritime boundary case.

"ICJ - Somalia v. Kenya Case," The United Nations, http://webtv.un.org/watch/somalia-v.-kenya-case-19092016/5131432513001#full-text

During late September 2016, the ICJ held hearings between Somalia v. Kenya, which were broadcast live through the United Nations' WEB TV platform. From The Hague, delegates are able to see how the public hearings were held during the multi-day hearing regarding its maritime boundary disputes and Kenya's preliminary objection.

"Written reply of Kenya to the questions put by Judge Crawford at the public sitting held on the morning of 23 September 2016," The International Court of Justice, http://www.icj-cij.org/docket/files/161/19236.pdf

ICJ Judge James Crawford, a member of the international court since February 2015, posed two questions for Kenyan officials to respond to pertaining to the Maritime Delimitation in the Indian Ocean case. Kenya responded by 27 September 2016.

"Written reply of Somalia to the questions put by Judge Crawford at the public sitting held on the morning of 23 September 2016," The International Court of Justice, http://www.icj-cij.org/docket/files/161/19238.pdf

ICJ Judge James Crawford, a member of the international court since February 2015, posed two questions for Somalian officials to respond to pertaining to the Maritime Delimitation in the Indian Ocean case. Somalia's responses, available as of 27 September 2016 are found in the link above.

Footnote 117 Updated March 02, 2017