



# INTERNATIONAL COURT OF JUSTICE

## Background Guide

University of Colorado Boulder Model United Nations

Committee Chairs: Phoebe Iguchi and Cody Joe Jackson

- **To maintain international peace and security**
- **To develop friendly relations among nations**
- **To cooperate in solving international problems and in promoting respect for human rights**
- **To be a center for harmonizing the actions of nations**



Dear Delegates,

I am delighted to welcome you to the 2016 University of Colorado Boulder Model United Nations Conference.



The three topics that will be covered under Intermediate UNESCO are:

- I. Media Accountability in the Information Age
- II. Protecting World Heritage Sites in Zones of Conflict
- III. Genetic Research in Humans

In this guide, background information will be provided on the topics presented as well as other resources to reference while researching for your delegation. We fully hope that you will explore member states positions and policies further. Many items will be brought up in the guide that may be a valuable starting point for your research. Prior to the conference each delegation should submit a position paper representing the views of their delegation on the issues in the agenda. Please review the guidelines for Model United Nations before attending and be familiar with policies on conduct and guidelines.

We hope to see you soon,

Phoebe Iguchi

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The ICJ committee at this conference will have a slightly modified format in respect to the actual ICJ. In our committee room we will only have the Justices, and there will be no Counsel or Advocates present. Each delegate will be representing themselves, but as a Justice (i.e. Hugh Morris would be Justice Morris).

Ideally, council time will be spent coming to a decision/verdict free of the bias from the actual ICJ verdict. Delegates will discuss and debate throughout the day about the topic and are encouraged to collaborate with one another to write 'Judgments'. These 'Judgments' will follow the same guidelines as standard resolution papers but will be referred to as 'Judgments' throughout the council sessions. At the end of the day, we'd like to see only two 'Judgments' ; one being passed as the majority opinion and one (if any) being passed as the minority/dissenting opinion. In this particular version of the council, we will require 2/3 majority to pass a majority opinion. (In this simulation we require 2/3 majority in order to encourage more debate and deliberation.)

The most distinct change in this council will be that Justices will not be representing the policies of Member States, but forwarding their own (unbiased) opinion on the evidence presented in court as well as their own prior research. Delegates are strongly urged to research their topic well, this is a very small committee and delegates will be speaking very frequently in the Court's proceedings and deliberations.

The chair and the judge would look favorably upon delegates whose opinion statements and debate in council look into the shortcomings and faults of both parties involved and look upon the entire simulation without bias.

### Function

As a significant contributor to world peace, the future of the International Court of Justice lies within the cooperation of the international community. By developing the principles of international law, which provide nations of the world with a framework for coping with potential disputes, the International Court of Justice leads the way to providing greater resolutions to international conflicts. Potential challenges of the Court include the enforcement of its judgments and that the decisions made by Court may result in catastrophic events.



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Only specific agencies and organs within the United Nations may ask the ICJ for an advisory opinion. Advisory opinions are under jurisdiction of Article 65 of the ICJ Statute which states that the Court may give an advisory opinion on any legal question at the request of whatever UN body. The proceedings are similar for advisory opinions as they are for court cases. Advisory opinions include written and oral statements. After completion and deliberations, the Opinion is released to the Secretary General, members of the United Nations, and Member States or international organizations. Decisions of the Court have no binding force unless the parties agree to this beforehand.

### Preparation

A delegate's best resource for this committee will be the ICJ website at <http://www.icj-cij.org/> . This should be a great place to find information to write the Preliminary Opinion Statements. On this website delegates will be able to find transcripts, arguments of real Counsel for this case, memorials, and counter-memorials from both sides. We encourage great caution and care when it comes to using information from sources, plagiarism is not taken lightly in MUN.

Preparing a list of treaties and useful international laws will help tremendously in deliberation in this council. There will also be a few noteworthy conventions (such as The Genocide Convention) to read through. It might be useful to print these off and keep in a binder so you can easily refer to them in committee. It is also highly recommended that delegates use the aforementioned treaties and such in their Preliminary Opinion Statements to factually back their opinions.

## **Israeli Construction in Palestinian Territory**

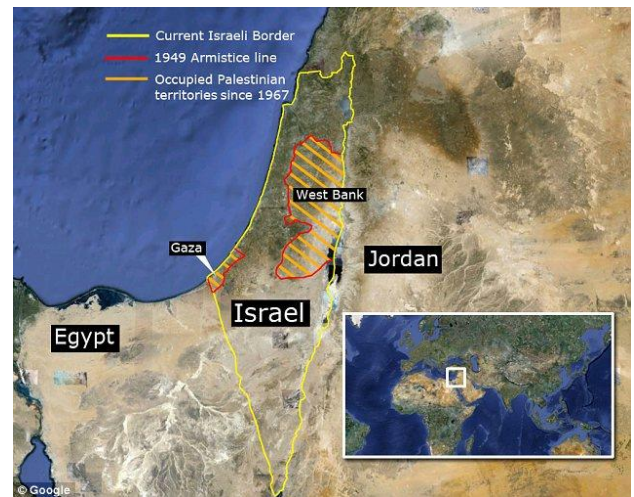
### Introduction

Following World War II, in 1947 the UN General Assembly adopted Resolution 181, which called for the creation of two separate Jewish and Arab states. Israel declared itself independent in May 1948, causing Jordan, Egypt, Lebanon, Syria and Iraq to attempt an invasion. Israel was able to counter and take some land originally intended for Arab Palestinians in the process, thus creating a large-scale Palestinian refugee crisis.

There is also a territory dispute over where the boarder is. This conflict has been ongoing since with little advancement in action to decrease conflict between the two states and the militants in them.

### UN Advisory Opinion

On 10 December 2003, the General Assembly of the United Nations requested an advisory opinion from the Court on the legal consequences from the construction of an Israeli wall on occupied Palestinian Territory. This was adopted in resolution A/RES/ES-10/14 in which it requested the International Court of Justice to "urgently render an advisory opinion on the following question: What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?"



The Court will then gather relevant information from States or organizations that are prevalent in the conflict and organize wither written or oral proceedings in accordance to Articles 66 of its Statute and 105 of its Rules. Unlike cases, in terms of an advisory opinion, there is no binding effect. However, the credibility of the court validates the ruling.

### Court Ruling

On 9 July 2004, the ICJ issued the official advisory opinion. The Court concluded that, "Israel's building of a barrier in the occupied Palestinian territory is illegal and said construction must stop immediately and Israel should make reparations for any damage caused." The majority of the Judges found that the construction of the wall is in violation of international law as well as principles from the UN Charter. Subsequently, the General Assembly and Security Council considered methods of action to this opinion, especially relating to settlement disputes. The wall allowed more Israeli settlers to occupy Palestinian territory therefore altering "the demographic composition of the occupied Palestinian territory and impedes the Palestinians' right to self-

determination". The judges also ruled that "Israel is obliged to stop construction immediately and dismantle the sections of the barrier that have already been built" along with nullifying any legislation relating to the construction.

### Bibliography

ICJ Case Ruling (advisory opinion):

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[cij.org/docket/index.php?pr=167&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a](http://www.icj-cij.org/docket/index.php?pr=167&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a)

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