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International Court of Justice
Chair Report

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1. Rules of International Court Justice Procedure

Acknowledgments: This Procedure was written with the help of IASAS ICJ 2020 President Zeki Tan.

The purpose of this court affiliated committee is to settle disputes of international conflict relating directly to international law. These disputes commonly refer to an ongoing or continued disagreement between two or more international states or regions.

Any judgment made by the ICJ is binding to both representing parties and international law henceforth.

The ICJ is independent of other such court based and irregular committees such as the International Criminal Court of the United Nations where certain individuals are accused of a crime as opposed to a matter between states.

The Statute of the International Court of Justice works similarly to that of the United Nations Charter, establishing and specifying the workings and proceedings of the ICJ.

Committee Roles

Presidents *(Chair):*

The role of the president is similar to that held by the head chair. Like other committees, there is only one head chair, or in this case, one President. The President is responsible for implementing Rules of Procedure as per the Statute of the International Court of Justice. They will outline and implement the proceedings of the court. The President in any ICJ case is referred to, simply as President <<Last Name>>.

Advocates:

Each case in the ICJ consists of two teams of advocates. Each team is composed of two advocates each - a total of 4 advocates for a case. One of these two groups will play the role of the Applicant. This is the team who initiated the proceedings at the court. The other team will play as the Respondent. This is the team of advocates who will defend the allegation of the applicant team. The Advocates act as a counsel providing legal representation for their representing state to the court. Each team of advocates draft a memorandum, a list of evidence, a combined list of stipulations, and will examine witnesses. (These documents will be elaborated on later in the guidebook.) The advocates are the core center of the proceeding case. Any advocate in the ICJ is referred to as Advocate <<last name>> of <<country they are representing>>. For the purposes of THAIMUN please do not submit less than 4 and no more than 8 pieces of evidence per advocate team.

Judges:

"The ICJ also comprises a panel of 15 judges. They are responsible for ruling on the case. ICJ Judges will assess the arguments and evidence presented by each team of advocates and deliberate on a final verdict regarding the case. In general, there are three broad outcomes that Judges can conclude. 1) The ICJ does not have jurisdiction to rule on the case, and the case is dismissed. 2) The Applicant Party has met their burden of proof, thus Judges will create a verdict accordingly as "punishment" for the Respondent Party. 3) The Applicant Party has not met their burden of proof, thus the Respondent Party is free of applicant from all counts."Judges are referred to as Judge <<last name>>.

Procedure

1. Introduction: The Presidency introduces themselves, sets out an agenda, and asks each advocate and judge to present and introduce themselves to the court.

2. Opening Statements: The advocates present their opening speech and position on the case. This document will be elaborated on later in the guidebook; however, it primarily consists of the main arguments from each side giving the judges a brief overview of the case. Each team of advocates will have a minimum of 10 minutes and a maximum of 15 minutes to present this statement, with the applicant going first and then the respondent.

3. Judges' Questioning: After both teams of advocates have completed their opening statements, the Presidents will go around the room, asking every individual judge if they have any questions regarding the advocates' stance or their opening statements. Presidents have discretion as to how long this process will go on. Preferably, they will choose to make as many rounds as needed until all questions are exhausted, however they can also end questioning for time constraints.
*Unlike other committees where a delegate can choose to refrain from being asked a point of information or can choose to answer in note form, this is not the case for advocates, who have to be able to answer any questions posed to them.

4. Stipulations: This document will also be elaborated on later in the guidebook but it is essentially a list of facts agreed on by both parties. This list should be created prior to the conference and at this stage, is read out to the court by the Presidents. There is no time limit for this step.

5. Presentation of Evidence: Both teams of advocates present their pieces of evidence in the form of an evidence manifest, which must be shared with the opposing advocates before the trial starts. This document will be elaborated on later in the guidebook. For this as well, with the applicant going first, both teams of advocates have to individually present each piece of evidence to the court by stating its origin, a brief description of the piece, the date published, and a way for the judges to access this evidence. There is no time limit for this step.

6. Deliberation of Evidence: After the advocates have presented all their evidence, the judges will have an opportunity to ask either team of advocates an unlimited amount of questions they may have about any pieces of evidence. There is no time limit on judges' questioning and this round of questioning will only end once there are no more questions in the court. After this round of questioning is finished, the advocates will have to leave the room and the judges will have the opportunity to deliberate on this evidence using the following criteria:
- bias
- relevance
- reliability
- importance

Each judge will be given a different piece of evidence to study from both parties and after a certain amount of

time, the President will go around the room asking each judge for a score out of 20 on the piece they studied by ranking each criteria from 1 (poor) - 5 (satisfactory). After each piece of evidence is presented by any judge, there will be a vote on whether that
particular piece of evidence should be struck out from the manifest or kept, based on its score.

*If a piece of evidence is struck out from any advocate's manifest, that piece of evidence or its contents cannot be brought up in the court again.
**During this round of deliberation, because the advocates are not in the room, they should use this time to prepare their witnesses for witness examination.

7. Direct Witness Examination: Prior to the conference, each team of advocates need to have come up with a list of two - three different real-life people, who can help their case in some way. Examples of the same include foreign ministers, officers, former presidents etc. No witness can be repeated between the applicants or the respondents. Starting with the applicant's first witness and alternating from then on, the counsel who has presented the witness will be given the opportunity to ask their witness any kind of questions as they seem fit. However, if the opposing counsel believes that a certain question isn't appropriate, they can object. Objections will be mentioned later in the guidebook.
*Direct Examination questions are typically open ended, with exception to expert witnesses.
**Advocates should prepare their witness prior to the conference and ask them to have a very thorough knowledge of the person they are going to represent. At times, advocates may also give the witness a script for direct examination and/or bullet points to help guide them for cross examination and judges' questioning.

8. Cross - Witness Examination: After one team of advocates is finished asking their first witness questions, the opposing party will have the opportunity to cross-examine the same witness asking him any questions they see fit. In this case, if the counsel who had presented the witness believes a question is inappropriate, they can object.

9. Judges' Witness Examination: After cross examination, each judge will have the chance to question the witness about anything that has already been said or about anything relating to his area of expertise. However, during the judges' examination, objections are not in order. Again, the judges' questioning has no
time limit and this will go on for as many rounds until no judges have any questions left. After the judges have finished examining a witness, the party who presented this witness will have a final opportunity to ask them any questions after which, the opposing party will then present their witness to the court.

10.Judges' Final Questions to Advocates: After the applicant and the respondent teams have both examined all their witnesses, the judges will have a final opportunity to ask the advocates questions in the same format as has been carried out through the case; however, now, they are able to ask either pair of advocates any question about anything and everything that has been stated throughout the case. Once again, there is no time limit with this step and the President will only stop going around the room asking individual judges if they have questions after no judge wants to ask more questions.

11.Closing Statements: This is the advocates' final opportunity to address the court in the form of a closing argument. The statement should ideally be around 15 - 20 minutes long for each advocate team. This will be elaborated on later in the guidebook but it is essentially the last chance for either advocate team to prove their case and encourage the judges to vote for their side. It is also an opportunity for the advocates to rebut anything that has been broughten up throughout the case or even support and reinstate any of their previous points. It is also a final opportunity to answer or address any of the judges' doubts and requests but no evidence that isn't a part of the evidence manifest can be brought up in this statement. Again, the applicant will speak first following which will come the respondent.

12.Final Deliberation: After both parties have presented their closing statements, the advocates will be made to leave the room so that the judges can have a final opportunity to deliberate on the overall case and reach a verdict. During this time, judges will discuss any points of consideration they have about either side and will also examine the advocates' memorandums and prayer for relief to understand what it is they would be guaranteeing for either side winning. In addition to this, they will also examine the effectiveness of the witnesses and the pros and cons of each. Finally, each judge will express which party has convinced them most and with a majority, reach a verdict. While this process should ideally last for around 30 minutes, the judges should have as long as they need to reach a clear verdict.

13.Verdict: This section will be elaborated on later in the guidebook, but after judges' deliberation, using majority voting structure, the President will conclude which party one and read out their prayer for relief.
*Advocates will not know the verdict until the end of the conference.

14.This process will then be repeated in its entirety for as many cases as are going to be presented.

Memorandum

This is a document that each counsel has to write individually (one for each team of advocates) and acts as a position paper or like a political statement.

The format of a memorandum looks like this:

Memorandum of [Country's name]
International Court of Justice

Submitted by: Advocate (Surname)
On Behalf of: (Country represented by advocates)
Date: (Self Explanatory)

For Applicants only

To the Registrar

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

This document is split up into five sections including:
I. Statement of Jurisdiction: This section is a summary of the case in your country's perspective. Here, rather than talking about all the background information on the case and its historical context, use it as a way of describing the most relevant connections and describing the origins of the case and what led to it being taken to the ICJ.
*This isn't an argumentative section but rather an outline to how both parties are relevant to the case

II. Statement of Law: This section is a legal summary of the case, referring to specific laws (international or domestic) or treaties and how these have been broken by the respondent. This gives the case a legal standpoint to help the judges better understand the judicial points of the case. It also helps provide a legal legitimacy to the case and its grounds. It is this legal legitimacy that the opposing counsel will be defending or trying to prove.
*This is one of the most crucial parts of the memorandum because it is what the whole case is based on.
**Very important that the advocates find and choose the laws or treaties they are going to present in this section wisely in relation to the case and also be sure to list the same in their evidence manifest.

III. Statement of Facts: This being a fairly simple section of the memorandum, the advocates have to provide clear and detailed facts that support their stance and some of these facts should also include any previous attempts made by either side to resolve the issue prior to getting it to the ICJ.

IV. Arguments: This section comprises each party's main points and why they believe they should win relating this back to the specific laws. This section also works as a counterclaim to the other party's viewpoints and rebuts their point of view. Advocates here, will have to apply the principles of the laws and facts to the case and prove legitimacy and validation to their claim.
*This is the most crucial part of a memorandum because it gives your claim validation by being able to connect your points to your position and is what gives your country a stance with reasoning to back this up.
V. Summary and Prayer for Relief: This section is essentially what each party expects from the case and what they would like to achieve from the deliberation of the case. The summary of this section should only be around 1-2 sentences long following the Prayer for Relief which acts as a solution to the case considering that the party who is writing this memorandum has won. Keep in mind that this section is the final basis on what the judges will reach a verdict so this prayer for relief should be as neutral as possible and amount to a solution for both parties rather than holding only one side accountable.

There is no limit on how long a memorandum needs to be but remember that each pair of advocates has to write one memorandum each and both memorandums will be shared with the judges prior to the conference.

Stipulations

This document is a list of written evidence presented by both parties (only one for each case). These pieces of evidence should be points or facts that both counsels agree on and not up for debate during the case. Stipulations are written together by both parties and its main purpose is to establish a basis for the judges on pieces of evidence that are not debatable and prevent disagreement between parties.

*Stipulations are written entirely in bullet points but can also be divided into the following sections that both sides agree on:

I. key terms and their definitions

II. important historical events or a timeline

III. activities by both countries or by an individual country

IV. treaties passed or agreements made

**During the process of writing stipulations, if one side doesn't agree with a particular fact, they have to have a clear reason why this is untrue and the side proposing this stipulation should have evidence to support this to allow it to be a part of the document.

Evidence Manifest

An Evidence Manifest is a compilation of all the evidence you will use to support your argument. One such document must be written by each pair of advocates. Any piece of evidence not included in this evidence manifest cannot be brought up by either side. Any piece of evidence listed in one of the manifests can be used by both sides. The type of evidence in this document is only real evidence and testimonial evidence comes in the form of witness testimonies. Examples of the kinds of evidence in this manifest include:

I. Treaties
II. Resolutions
III. Newspaper articles
IV. Sections from books
V. Audio or video recordings
VI. Letters
VII. Websites

It is this evidence that the judges will be evaluating based on the criteria aforementioned so it is vital to get the most reliable and established pieces of evidence because anything in this manifest can be struck down with a majority vote which would disable the advocates from referring back to the same. Also make sure that this evidence works to support your argument and be sure to explain it as strongly as possible to prevent it from being struck down by the judges.

While presenting the evidence, advocates should read it out (as described in the format) and give a 1-2 sentence summary on the same. Then the next party presents their evidence. Judges' questions are asked after each piece of evidence is introduced, however, the judges do have the option to question any piece of evidence after all the evidence has been submitted as well.

*Remember, applicants always go first and in this case as well, applicants will present their evidence first followed by the respondents.

Format:
The Evidence Manifest is often one of the longest documents in the case because this is what the root of your argument is going to be based on. While not all of your manifest will support your specific position, it does help the judges get a better understanding of it and in some cases, these pieces of evidence could also be points you may want to use in your rebuttal.

For each individual piece of evidence in your manifest, you should have specified the following:

I. The title of the document
II. Date published
III. Source
IV. Author

V. Link or image so the judges can access the evidence

For each piece of evidence, plaintiffs and respondents should both label in a different way (ie, alphabets and numbers) however, if a certain party should go over the allocated maximum (ie, reach Z), they should start labeling as A1, B1 and so on.

Witness and Witness Examination

Witnesses, once again are experts or delegates from other countries who specialise in a certain field related to your case. These witnesses will be played by people at the conference but for each case, both parties have to get 2 witnesses each.

Preparing Witnesses:
The advocates will have to organise for their own witnesses from their schools who are attending the conference in other committees so they can be prepared prior to the conference. They will also have to prepare the script for said people to play witnesses to follow during direct examination.
*Remember judges' questions and cross examination will not be scripted because these questions will be made by the opposition at that time as well as on the spot by the judges so the advocates will have to prepare the witnesses to have prior knowledge - both legal and general on the case.

Order of Proceedings

1. OPENING STATEMENTS
    a. PRESIDENT calls the court to order
        i. ADVOCATES make their opening Statements
            1. In all proceedings the applicants will proceed first, followed by the respondents
2. PRESENTATION OF EVIDENCE – PHYSICAL EVIDENCE
    a. REAL EVIDENCE - The evidence will be presented in an alternating fashion between the opposing parties. Applicants present the first piece of evidence, along with their pleading. Each piece of evidence must assigned a letter and be presented in the following manner:
        i. Advocates present a piece of evidence:
            1. If the applicant is presenting: “Your honor the country of would like to present source (A…)”
            2. If the respondent is presenting: “Your honor the country of would like to present source (1…)”
        ii. A copy of each piece of evidence must then be presented or shared with the JUDGES. Each piece of evidence must be labeled.
        iii. The applicant will then present and might choose to do so by reading the document or text, stating the author, date of publication and the such. The presentation of the evidence is not a pleading.
        iv. ADVOCATE’S pleading: The advocate then explains their interpretation of the credibility and importance of the evidence presented. The pleading is similar to an MUN “For” speech for the evidence you are presenting.
    b. QUESTIONING - After the ADVOCATE has finished presenting, there will be time allocated for points of inquiry regarding the evidence and the pleading made by the applicant.
        i. The Advocate must state that he/she is finished with their pleading and presentation of the evidence.
        ii. The PRESIDENT will open the floor for points of inquiry or points of information to the panel of JUDGES.
        iii. If and only if the judges are finished asking questions, the presidents will open the floor for points of inquiry from the opposing party.
    c. The presentation of the evidence will alternate between the applicant and respondent party, until the trial comes to a suspension in order for the judges to deliberate and weigh the evidence that has been presented to them.

3. FIRST REBUTTAL

a. Rebuttal

i. ADVOCATES have the opportunity to counter the evidence presented by the opposing ADVOCATES during their presentation of evidence.

b. Purpose:

i. Discredit the witnesses or real evidence presented by the opposing ADVOCATES by focusing on its limitations

ii. Provide counter-arguments to the arguments presented by the respondents

iii. No new evidence for their case can be brought up, unless it is used to counter the respondent's evidence which has been presented.

4. TESTIMONY of the WITNESSES:

a. ADVOCATES: "Your honor (country) would like to call to the stand."

i. The applicants then DIRECTLY question the witness

1. Purpose:

a. To establish the credibility of the witness

b. To get the witness to provide evidence to support the charges they have brought to the court.

ii. Opposing ADVOCATES now question the witness

1. Purpose:

a. To call into question the credibility of the witness

b. THIS PROCESS IS REPEATED FOR EACH WITNESS

c. THIS PROCESS IS REPEATED FOR EACH ADVOCACY

d. After ALL witnesses AND evidence has been presented, the ADVOCATES announces the completion of their case

i. "Your Honor, we rest our case"

5. SECOND REBUTTAL

a. There will be a second round of rebuttals to be entertained, which will allow for both the Applicant parties and Respondent parties to counter the newly presented evidence as well as the testimonials given by the witnesses in the trial.

b. Judges will take turns to ask questions of the advocates about their witnesses, evidence, or arguments that will clarify the case for them.

6. LAWYERS SUBMIT EVIDENCE TO THE COURT

a. ADVOCATES rise and ask the court to ADMIT the real or physical evidence they have used to make their case.

i. ADVOCATE: “Your honor, (country) would like to ask the court to admit evidence A through F (for example).”

b. Unless evidence is missing or not labeled, the judges will declare that the evidence presented is in order.

c. THIS PROCESS IS REPEATED FOR BOTH ADVOCACY

7. CLOSING ARGUMENTS

a. The PRESIDENTS invite the ADVOCATES to begin their closing arguments:

i. Applicants then present their closing Arguments in which they should summarize the charges, their main arguments and evidence

1. Visual aids are highly suggested here.

2. Presentation of the “prayer” – what the applicants would like out of the case. This is the time for the applicants to outline the amount of damages they wish for and why.

ii. Respondents then present their closing arguments, in which they should summarise their case for the dismissal of the charges

1. Visual aids are highly suggested here.

8. JUDGES DELIBERATE AND WRITE VERDICT

a. All JUDGES will be asked to state their opinion, along with their reasoning (examples of evidence, their weight, etc.)

i. Speaking for 1-2 minutes in turn without interruption.

ii. At the end of this, JUDGES will inquire into each other’s positions, before reaching a final verdict via vote.

iii. Dissenting and Concurring opinions will be entertained, as such JUDGES will divide into these groups and prepare their statements for a chosen JUDGE to present formally

b. Judges need to be clear about what the verdict is and the reasons why they made the ruling. The amount of damages awarded need to be included (if applicable.)

c. If there is a dissenting opinion, it may also be read (at the PRESIDENTS’ discretion)

9. VERDICT IS PRESENTED (and Damages, if applicable)

2. Case 1: Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)

Introduction:

The primary focus of the case, the Whaling in the Antarctic (Australia v. Japan) is the attempt by Japan to expand its Japanese Whale Research Program under Special Permit in the Antarctic (JARPA II) in November 2005. The expansion was requested by the government of Japan to expand upon the work they had done in JARPA I (1987-2005) to examine the role of whales in the Antarctic marine ecosystem and investigate the effect of climate change on the Antarctic marine ecosystem. However, due to the environmental ramifications of whaling which have carried over since the development of modern whaling techniques in the 19th century (as a response to growing demand for whale oil), the UN subsidiary International Whaling Commision (IWC) created The International Convention for the Regulation of Whaling (ICRW) in 1946. Both Japan and Australia are signatories of the Convention. Moreover, despite the scientific nature of Japan's whaling unde the JARPA II, Japan has killed more than 8,200 whales in the Antarctic since the launch of JARPA I. The combination of the environmental ramifications and Japan's extension of the JARPA program led Australia to file an application with the ICJ contesting the legality of the JARPA II program in the Antarctic on 31 May, 2010.

Key Terms:

The International Convention for the Regulation of Whaling (ICRW)	A 1946 treaty ratified by 88 states. Including a legally binding Schedule the ICRW outlines a legal limit for commercial and aboriginal subsistence whaling. Additionally, the Convention contains a clause regarding the establishment and enforcement of permits enabling Special Permit Whaling.
Ratification	To give formal consent to a treaty.
JARPA	The Japanese Whale Research Program under Special Permit in the Antarctic. Launched in 1987 the program permits the Japanese Institute of Cetacean Research (ICR) to carry out research whaling. Established with the 4 express aims of: stock management of Antarctic minke whales, examination of the role of whales in the Antarctic marine system, observation of the effect of climate change on the role of whales in the Antarctic marine system, and study of the stock structure of Antarctic minke whales. Due to the nature of Special Permits, the onus was on the government of Japan to set the limit and regulate the Program's whaling.
Special Permit Whaling	Enabled under Article VIII of the ICRW, the Article decrees that governments are permitted to kill whales for the express aims of scientific research. However, the Article states regulation of the catches done under scientific permits is the burden of the government not the IWC. Moreover, a nation wishing to issue a special permit must report so to the IWC and present the research gleaned to the IWC at least annually.
Scientific Research	Referring to a certain type of whaling - this whaling deals with gleaning information that is necessary for research and the future of cetacean management.

Major Actors:

Name	Role
Australia	The applicant of this case, and historically an anti-whaling nation, Australia posits that Japan's JARPA program is a direct violation of Japan's

	obligations under the ICRW and other legally binding documents regarding marine conservation. Australia alleges that the JARPA program enables Japan to circumvent commercial whaling restrictions and ethical obligations.
Japan	The respondent in the case, Japan believes that because the moderation and limits of the Special Permit Whaling is at its discretion and it is collaborating with the IWC on reporting the JARPA findingings the expansion of JARPA II is within the bounds of international law.
The International of Court Justice	Australia believes the ICJ is the judicial body with the authority to settle this case, as Australia views the case as a dispute over an alleged breach of international law carried out by Japan.

Timeline:

Event Date	Synopsis
1931	Due to the rise of popularity of Antarctic pelagic whaling, as a result of the development of slip-way in 1921, in the 1927 to 1931 period and subsequent collapse of the whaling industry following the Great Depression, the Geneva Convention for Regulation of Whaling is signed.The Convention applies to all waters. The Convention only came into force on January 16 of 1935.
1937	Under the League of Nations, nine states signed a new agreement for the regulation of commercial whaling to rectify the flaws of the 1931 convention. The International Agreement for the Regulation of Whaling was not ratified by Japan.
1938	An additional protocol on whaling is passed.
1946	The International Convention for the Regulation of Whaling is ratified in the UN. The Convention establishes the IWC. Australia is one of the initial 15 signatories.
1956	Withdrawing its objections due to political pressure from the US, Japan became a signatory of the ICRW.
1961	The IWC established the first science based

	committee to examine the ethics and effects of whaling in the Antarctic.
1987	Japan began the JARPA I program as a response to a lack of data surrounding whale stocks.
November 2005	Japan announces plans to the IWC to expand its JARPA program into JARPA II. The proposal is approved.
31 May, 2010	Australia begins proceedings against Japan in the ICJ on the grounds of JARPA breaching the initial obligations of the ICRW.

Important Rulings:

Case	Pertinence
Anglo-Iranian Oil Co. (United Kingdom v. Iran)	The case set a precedent that in the deliberations of the Court's jurisdiction the Court must "must seek the interpretation which is in harmony with a natural and reasonable way of reading the text, having due regard to the intention".

Jurisdiction within the International Court Justice:

According to the Statute of the International Court Justice, particularly Artictle 36, sub-article 2, the Court is eligible to dispense compulsory rulings regarding any disputes concerning:

- Interpretations of treaties;
- Interpretations of international law;
- The alleged breaches of an international obligation;
- The extent and nature of the reparations a party must produce for the breach.

Advocate's Roles:

These are the rudimentary guidelines for what each set of advocates must prove when making their case. The guidelines are meant to serve as a rudimentary basis for each case, noting the major contentions; advocates are to expand upon them or make whatever additional points they see fit.

The Advocates of Australia should:

- Prove the case falls within the jurisdiction of the ICJ;
- Prove all external remedies had been applied and exhausted;

- Provide specific clauses within both the ICRW and external maritime conservation lawe that Japan has violated;
- Prove the violations occurred under the JARPA II program;
- Request specific rectifications from the ICJ

The Advocates of the Japan should:

- Prove the nature of Australia's complaint is such which require direct bilateral resolution, hence doesn't require the ICJ;
- Demonstrate that not all prior remedies had been exhausted, ergo the case is not within the jurisdiction of the Court;
- Prove Japan has not violated its obligations under the ICRW via the JARPA II program;
- Illustrate that JARPA II any actions within the program are bounded by the Special Permit, hence are within the bounds of the ICRW;
- Prove JARPA II had exclusive scientific merit as recognized by the IWC.

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Procedural Note:

This is a past case. However, since this is a simulation, the Court is still eligible to debate the Court's jurisdiction over the case, and whether the Statute concerns the nature of the dispute or if the nature of Australia's complaint is to be resolved bilaterally between the two parties. Moreover, the Court assumes it begins proceedings on 31st of May 2010 as that is when the case was submitted. **As such, because the Court weighs evidence admissibility any evidence produced in real life post the starting date will be inadmissible.** Additionally, even though the original case had New Zealand as an intervening party THAIMUN's IX ICJ chose to omit New Zealand's participation as New Zealand intervened incase proceedings two years after they began in November of 2012. Moreover, as the case is debated as a real-time simulation, **the fact that Japan has withdrawn from the ICRW as of 2019 has no effect on the case, as the withdrawal occurred after the beginning of proceedings.**

Further Resources:

- The International Convention for the Regulation of Whaling (ICRW)
- Plan for the Second Phase of the Japanese Whale Research Program under Special Permit in the Antarctic (JARPA II)
- International Management of Whales and Whaling: An Historical Review of the Regulation of Commercial and Aboriginal Subsistence Whaling

Works Cited:

Fitzmaurice, Malgosia. *INTERNATIONAL CONVENTION for the REGULATION of WHALING*.

Gambell, Ray. "International Management of Whales and Whaling: An Historical Review of the Regulation of Commercial and Aboriginal Subsistence Whaling." *Arctic*, vol. 46, no. 2, 1993, pp. 97–107, www.jstor.org/stable/40511500?seq=8#metadata_info_tab_contents. Accessed 14 Feb. 2022.

"Global Protection of Whales - DAWE." *Www.awe.gov.au*, www.awe.gov.au/environment/marine/marine-species/cetaceans/international#:~:text=To%20address%20this%2C%20in%201946. Accessed 14 Feb. 2022.

"ICR : Japan's Research Whaling in the Antarctic (JARPA)." *Www.icrwhale.org*, www.icrwhale.org/QandA1.html.

"ICR : The Second Phase of Japan's Whale Research Program Unde..." *Www.icrwhale.org*, www.icrwhale.org/QandA2.html. Accessed 14 Feb. 2022.

International Court of Justice. "Latest Developments | Whaling in the Antarctic (Australia v. Japan: New Zealand Intervening) | International Court of Justice." *Icj-Cij.org*, 2010, www.icj-cij.org/en/case/148.

"IWC | Archive." *Iwc.int*, 2014, archive.iwc.int/pages/view.php?ref=3607&k=

"Key Documents." *Iwc.int*, iwc.int/convention#:~:text=The%20Convention. Accessed 14 Feb. 2022.

"MOFA: International Convention for the Regulation of Whaling." *Www.mofa.go.jp*, www.mofa.go.jp/policy/economy/fishery/whales/convention.html. Accessed 14 Feb. 2022.

Plan for the Second Phase of the Japanese Whale Research Program under Special Permit in the Antarctic (JARPA II) - Monitoring of the Antarctic Ecosystem and Development of New Management Objectives for Whale Resources.

"Scientific Permit Whaling." *Iwc.int*, iwc.int/permits.

"Whaling." *Panda.org*, 2020, wwf.panda.org/discover/knowledge_hub/endangered_species/cetaceans/threats/whaling/.

III. Case 2 : Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination.
(Ukraine vs The Russian Federation)

Introduction

On the 16th of January 2017 Ukrainian represenatives filed a lawsuit at the International Court of Justice to hold the Russian Federation liable for committing acts of **terrorism and discrimination** against Ukraine.

The lawsuit alleges violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 ('Terrorism Financing Convention') and the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 ('CERD'). Both Ukraine and Russia are parties to these two instruments.

Ukraine also filed on the same day, 16th January 2017, a Request for the indication of provisional measures, maintaining that such measures were necessary to protect its rights, pending the determination of the case on the merits.

This case concerns events in the Crimea, annexed by Russia in 2014, an act maintained as unlawful by Ukraine, and in Eastern Ukraine where, it alleges, Russian influence and support has been wrongfully given to military insurgency groups.

After four days of public submissions held in March 2017, a preliminary decision was announced on 19th April 2017. The court ruled by a 13 to 3 majority that with regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under CERD, refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis; and unanimously decided that, the Russian Federation must ensure the availability of education in the Ukrainian language. Furthermore it was also unanimously decided that both Parties must refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

On November 8th, 2019, the court found that it has jurisdiction to hear the case on the basis of anti - terrorism and anti discriminartion treaties over Russias alleged support for separatists in Crimea and Eastern Ukraine, also the ICJ rejected Moscows call on preliminary objections.

Ukraine requests the court to adjudge and declare the Russian Federation regarding the violation of its obligations under the **Terrorism Financing Convention** and the **violation** of the **CERD**. With regard to CERD, that the Russian Federation has violated its obligations under the instrument by systematically discriminating against and mistreating the Crimean Tatar and ethnic Ukrainian communities in Crimea.

Key Terms

International Court of Justice	The International Court of Justice, one of the six principal organs of the UN, settles disputes between states in accordance with international law and gives advisory opinions on international legal issues. The ICJ is the only international court that adjudicates general disputes between countries, with its rulings and opinions serving as primary sources of international law.
Terrorism Financing Convention	The Terrorism Financing Convention is a 1999 United Nations treaty designed to criminalize acts of financing acts of terrorism. The convention also seeks to promote police and judicial co-operation to prevent, investigate and punish the financing of such acts.
International Convention on the Elimination of All Forms of Racial Discrimination	A 3rd generation human rights instrument, the Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races.The Convention also requires its parties to criminalize hate speech and criminalize membership in racist organizations
Mejlis of the Crimean Tartar People	Is the single highest executive-representative body of the Crimean Tatars in the period between sessions of the Qurultay of the Crimean Tartar People . The Mejlis is a member institution of the Platform of European Memory and Conscience
Crimea	**Crimea** is a Peninsula along the northern coast of the Black Sea in Eastern Europe. It has a population of 2.4 million,made up mostly of ethnic Russians but with significant Ukrainian and Crimean minorities. It was annexed by the Russian Federation in 2014.

Racial Discrimination	Racial Discrimination is the unfair or prejudicial treatment of people and groups based on their race/ethnicity and heritage.
To Annex	annexation, **a formal act whereby a state proclaims its sovereignty over territory hitherto outside its domain**. Unlike cession, whereby territory is given or sold through treaty, annexation is a unilateral act made effective by actual possession and legitimized by general recognition.
Terrorism	the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives

Timeline

Pre 20th century	The Crimea has always been a much desired territory due to its location on the Black Sea and forming the ease of access to the Mediterranean it was successively fought over and controlled by the Ottomans, Greeks and Romans before being annexed to the Russian empire in 1783.
October 18th 1921	The Crimean Autonomous Soviet Socialist Republic was created as part of the Russian SFSR which, in turn, became part of the new Soviet Union. However, this did not protect the Crimean Tatars, who constituted about 25% of the Crimean population, from Joseph Stalin's repressions of the 1930s.
1945-54	The deportation officially was intended as collective punishment for the perceived collaboration of some Crimean Tatars with Nazi Germany; modern sources theorize that the deportation was part of the Soviet **plan to gain access to the Dardanelles and acquire territory in Turkey** where the Tatars had Turkic ethnic kin
1954 - 1991	The transfer of the Crimean Oblast in 1954 was an administrative action of the Presidium of the Supreme Soviet of the Soviet Union, which transferred the government of the Crimean Peninsula from the Russian Soviet Federative Socialist Republic to the Ukrainian SSR.
1991	With the collapse of the Soviet Union in 1991, Ukraine became an independent state, formalized with a referendum in December 1991. On 21 January 1990, over 300,000 Ukrainians organized a human chain for Ukrainian independence between Kyiv and Lviv.
2014	In February and March 2014, Russia invaded and subsequently Annexed the Cremian Peninsula from Ukraine. This event took place in the aftermath of the Revolution of Dignity and is part of the wider Russo Ukrainian conflict.

Jurisdiction within the International Court Justice:

According to the Statute of the International Court Justice, particularly Artictle 36, sub-article 2, the Court is eligible to dispense compulsory rulings regarding any disputes concerning:

- Interpretations of treaties;
- Interpretations of international law;
- The alleged breaches of an international obligation;
- The extent and nature of the reparations a party must produce for the breach.

Advocate's Roles:

These are the rudimentary guidelines for what each set of advocates must prove when making their case. The guidelines are meant to serve as a rudimentary; basis for each case, noting the major contentions; advocates are to expand upon them or make whatever additional points they see fit.

The Advocates of Ukraine should:

- Prove that the Russian Federation has violated an international obligation to Ukraine with the violation of the Terrorism Financing Convention and the Internatational Convention on the Elimination of all Forms of Racial Discrimination.
- Demand and quantify the extent of reparations the Russian Federation must give to Ukraine.

The Advocates of the Russian Federation should:

- Prove that there has been no breach of Terrorism Financing.
- Prove that there has been no breach of the CERD.
- Deny all costs and reparations that have been demanded from Ukraine.

Further Resources:

- https://www.icj-cij.org/en/case/166
- https://www.un.org/law/cod/finterr.htm