



Committee: International Court of Justice

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Topic A:

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

Topic B:

Crisis

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Introduction to the Committee:

The history of the ICJ is a rich and interesting one. Created in San Francisco on the 26th of June, 1945, the Court has since been the most prominent international mediation institution in the world.

It has overseen crucial international disputes that range from the legality of military interventions to sovereignty over fishing waters. Being one of the UN's six principal organs, the International Court of Justice is one of the most important institutions within the organization, sharing the distinct status with the likes of the Security Council, the General Assembly, the UN Secretariat, and the Economic and Social Council. As such, its business has been divided into subsidiary chambers comprised of both sitting and/or ad hoc judges, which more effectively and efficiently resolve all manner of conflict that may be detrimental to the secure development of world peace. This is all facilitated by the fact that according to Article 93 of the United Nations charter, all 193 UN member states are automatically a party to the court's statutes and are held within its jurisdiction. Under subsection 2 of the same article, non-member states can opt to become party to the court's jurisdiction. Within the context of this vast jurisdiction, powers are extensive and wide-ranging. The ICJ has the ability to exercise its judgment freely so long as it is subject to its two primary functions: the resolution of international disputes per international law and providing legal advice on matters referred to it by other UN organs.

Finally, the resolutions proposed by the International Court of Justice are passed as verdicts on cases made by the judges, and not as multilateral agreements due to the binding nature of the court's decisions. For this to be the case, the Judges must deliberate on the matter in such a way that allows for the arguments proposed by both sides to be considered in a just and equitable manner.

In what pertains to our MUN recreation of the proceedings, the way that the ICJ will operate will be through a scheme of prosecution versus defense. Judges deliberate on evidence presented by both sides and inquirer until the litigant's arguments are sufficiently clear. As is the case with any modern legal system, our committee will base its various

assessments of the arguments presented on the presumption of innocence, which implies that the burden of proof shall fall upon the prosecution, and the job of the defense will be to deliver a line of reasoning that creates or establishes reasonable doubt on the validity of the prosecution's arguments. Although this may differ from model to model, this particular recreation will look favorably towards the participation of delegates in moderated caucuses following the presentation of evidence by the pertinent parties.

Order of Proceedings for the ICJ Committee:

For the absolution of doubts regarding the running of the committee itself, we have created an order of proceedings in which all delegates will be able to see and better understand how the committee will operate with regards to both of our topics. Do keep in mind that the second case on our docket will be a crisis case, which entails a lack of prior preparation time due to the urgent nature of the situation presented before the court. In order for the court to be able to adequately deliver on the crisis case however, there will be a series of accommodations given to its members: the first and most important of which will be a one hour unmoderated caucus for all delegates to research the topic and prepare for the otherwise standard order of proceedings, with the notable inclusion of the second accommodation which will be general leniency from the chair in terms of time constraints and the approval of additional lobby time during the entirety of the second case.

1. Lobby time for judges, prosecution, and defense to create their joint opening statements
2. Judges will read their joint opening statement
3. Prosecution will read their joint opening statement
4. Defense will read their joint opening statement
5. Lobby time for judges, prosecution, and defense to build their case
 - a. This time should be used for organization of arguments and evidence for the trial to come.
 - i. Keep in mind that all evidence must be compiled in such a way that allows for its joint presentation by all members of the respective party to the court.
6. Prosecution will present their evidence

- a. Questions can be asked by the judges and defense once finished (especially the judges)
7. Moderated debate on the evidence presented in which the members of the court and the counterpart of the presenting party will be able to deliberate
8. Defense will present evidence
 - a. Questions can be asked by the judges and prosecution once finished (especially the judges)
9. Moderated debate on the evidence presented in which the members of the court and the counterparts of the presenting party will be able to deliberate
10. Prosecution will present their second evidence
 - a. Questions can be asked by the judges and defense once finished (especially the judges)
11. Moderated debate on the evidence presented in which the members of the court and the counterpart of the presenting party will be able to deliberate
12. Defense will present second evidence
 - a. Questions can be asked by the judges and prosecution once finished (especially the judges)
13. Moderated debate on the evidence presented in which the members of the court and the counterparts of the presenting party will be able to deliberate
14. Lobby time for the preparation of closing statements and for the judges to prepare their verdict with the assistance of the chair
15. Defense will read their closing statement
 - a. Judges can ask questions
16. Prosecution will read their closing statement
 - a. Judges can ask questions
17. Lobby time for the judges to prepare for a speakers list (of the judges) on their voting decisions.
18. Judges participate in a speaker list debate without the advocates present
19. Vote on the charges presented to the court
20. The verdict will be presented to the court by the judges

Topic A: Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)

Introduction:

The ICJ's overarching goals are based on the settling of international disputes in accordance with international law and the procedures established by the United Nations Charter and its subsidiary organs. Following the rules of the court and the international guidelines for the proceedings of the ICJ, the members of the court - judges - are tasked with the monumental challenge of delivering fair verdicts that change the geopolitical landscape of entire continents in a manner that is fair, equitable, expedite, and more importantly, sustainable.

As for the participating parties, the prosecution must facilitate evidence and arguments that are indicative of violations of the pertinent law code beyond a reasonable doubt. It is always important to keep in mind that the prosecution, being the accuser, has to bear the burden of proof. That is, the prosecution is tasked with proving that the defendant is indeed responsible for what is alleged, rather than the defendant having to prove his own innocence. In what regard to the defense, their duties are based around arousing suspicion in the arguments presented by the prosecution. This is to say that the defense attorneys must invalidate the arguments proposed by the prosecution rather than create their own arguments for the defense of their client. Fundamentally, being a member of this committee, in whichever capacity that may be, one must be able to analyze the facts and evidence through the lens of the pertinent code of law that is being applied to the particular case at hand, this may be the UN charter, International Customary Law, Security Council resolutions, or legally binding international treaties or conventions, depending on the matter being discussed.

The resolution of the case submitted by The Commonwealth of Australia against Japan is of the utmost importance for the maintenance of the principles of international cooperation and multilateral decision-making. Throughout the case, you will have to find legal substance and arguments to validate or disprove the claims presented by both the parties while always adhering to the Rules of the Court and the guiding principles of model etiquette as well as parliamentary procedure. In short, Japan is being accused by The Commonwealth of Australia of conducting illegal whaling activities in the Antarctic.

With regards to the running of our model we will be considering all events up until the 13th of February of 2013 to have taken place and will as such be admissible in court.

Timeline of events:

31 May 2012: Australia instituted proceedings against Japan, caused by the large scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic ('JARPA II').

20 November 2012: New Zealand relied on Article 63, paragraph 2, and contended that it had direct interest in the convention by the court in its decision in the proceedings, this is because they part of the ICRW

13 February 2013: Taking into account that New Zealand had met the requirements that had been set out in the statute and the rules of the court, it was found that the declaration of intervention was admissible.

(All press releases court orders and other published court documents may be found [here](#))