

JMMUN 2001

the university of michigan model united nations



**the international
court of justice**

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c o n t a c t i n f o r m a t i o n

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political committee

Dear Delegates,

As director of UMMUN's International Court of Justice, I would like to welcome you to UMMUN 2001! I am looking forward to making ICJ 2001 the best legal debate possible while also having a lot of fun learning about international law.

Let me introduce myself. My name is Jenn Carlson and I am a junior in the School of Natural Resources and the Environment; I am double majoring in Resource Ecology Management and Environmental Policy and Behavior. In what spare time I have, I teach gymnastics and play the viola. This is my seventh year involved in MUN and my third year in UMMUN. I have been part of UMMUN's ICJ for the last two years, first as a member of the task force and then as the assistant director. Working closely with me this year are Nabeel Ahmad, ICJ's assistant director, and Rashmi Gehani and Julie Chinn, members of ICJ's task force.

UMMUN 2001's ICJ will hear two cases; Qatar v. Bahrain: Maritime delimitation and territorial questions and The Democratic Republic of the Congo v. Burundi: Armed activities on the territory of the Congo. The real ICJ is currently hearing Qatar v. Bahrain; however, the exact international laws in question are not well defined. The Democratic Republic of the Congo v. Burundi case clearly outlines the believed breaches of international law, but is currently pending on the real ICJ docket. Hopefully, this combination of defined and undefined international law and proceedings will allow you to apply your knowledge as a delegate from one case to the other to develop strong legal arguments.

Since its start four years ago, UMMUN's ICJ has gone through a lot of changes. Provided with the background papers are a description of exactly what to expect of UMMUN 2001's ICJ. This description is being provided so that you understand how ICJ will run as a committee and what you need to do to prepare to make this year's ICJ legal debate the most intense yet.

If you or your advisors have any questions, please feel free to contact me by phone (734) 763-2875 or by email at jlcarlso@umich.edu. In fact, I encourage you to get in contact with me before the conference, even if you don't have any specific questions. I am looking forward to meeting you at UMMUN 2001!

Sincerely,

Jenn Carlson, Director

RULES AND PROCEDURES

UMMUN's International Court of Justice runs much different than other UMMUN committees. The UMMUN conference handbook does not apply to ICJ: we do not follow the same rules of procedure, caucus, have speakers lists, write resolutions, or have the same country assignments as the rest of UMMUN. The following is provided so that as an ICJ delegate, you know how ICJ will function as a committee and what you need to do to prepare for the conference.

FUNCTION OF THE INTERNATIONAL COURT OF JUSTICE

According to the official ICJ homepage, "the Court has a dual role: to settle in accordance with international law the legal disputes submitted to it by States, and to give advisory opinions on legal questions referred to it by duly authorized international organs and agencies." The decisions made by the Court are "in accordance with international treaties and conventions in force, international custom, the general principles of law and, as subsidiary means, judicial decisions and the teachings of the most highly qualified publicists" – in other words, international law.

UMMUN'S INTERNATIONAL COURT OF JUSTICE

Your goal as a delegate in UMMUN's ICJ is to defend whether or not the respondent is guilty of breaking international law. This will be done by considering what form of international law dominates and the reputability of sources. *We are assuming that the Court has established jurisdiction in these cases and that both parties have agreed to this jurisdiction.* Therefore, although in reality the parties may not have accepted the jurisdiction of the Court in these cases, this is not an acceptable argument at UMMUN.

UMMUN'S INTERNATIONAL COURT OF JUSTICE ROLES:

Applicant

Comprised of half the delegates, the Applicant roughly fills the same role as the plaintiff in American tort law. This is the country bringing the case before the Court. It is the mission of the Applicant to form a convincing case by presenting persuasive arguments for their side and to provide evidence to support their claim. UMMUN ICJ staff will advise the Applicants in their role and provide other insight into the case as necessary.

Respondent

The respondent also comprises half of the delegates and UMMUN ICJ staff as advisees. This is the country being charged with breaking international law. The Respondent must construct a case defending the actions of their country by any means that might persuade the Justices to vote in their favor.

Justices

UMMUN ICJ staff will serve as justices, with the head justice presiding over the Court. The Justices listen to the arguments and examine the evidence to form an individual opinion. After the case has been rested by both the Applicant and the Respondent, the outcome will be determined based on a majority vote. A majority and dissenting opinion will be stated after the verdict is made known.

The roles of Applicant and Respondent will **not** be assigned before the conference; therefore, delegates should be prepared for both sides in both cases. *By preparing for both sides, you will have a better understanding of the case as a whole and will be better able to represent the side you are assigned to. At the beginning of the conference, all delegates will be split into two teams. Each team will represent the Applicant in one case and the Respondent in the other.*

UMMUN'S INTERNATIONAL COURT OF JUSTICE COURTROOM PROCEDURES

The courtroom procedures are the rules of UMMUN's ICJ. These define the minimum standards for the operation of the ICJ. However, precedents set by the head justice will follow through to the remaining cases. UMMUN ICJ staff reserves the ability to modify the procedures as the simulation runs to smooth over any unforeseen problems that may occur. If any changes are made, they will be noted at the beginning of the second case by the head justice as the other justices are seated.

Article 1:

1. UMMUN staff will serve as justices, with one head justice presiding over the court
2. The head justice will rule on and oversee all matters of procedure

Article 2:

1. The official language of the court is English

Article 3:

1. Both parties, the Applicant and Respondent, will be represented by delegates acting as agents
2. The Applicant and Respondent will each consist of half the agents
3. The Applicant and Respondent will each be assigned UMMUN staff as advisees

Article 4:

1. The procedure consists of two parts; written and oral
2. The written proceedings consist of a list of evidence
3. The oral proceedings consist of the hearings by the Court of the agents

Article 5:

1. Evidence will only be admitted if a hard copy is available
2. Once evidence is admitted, it is available to both parties

Article 6:

1. The Court may at any time, inquire to any agent about facts in the case

Article 7:

1. Order of the trial
 - a. There will be 1 hour of preparation time for both sides
 - b. Evidence will be submitted and an additional 1 hour will be provided for preparation
 - c. Applicant opening statement summarizing their case, must not be argumentative towards the Respondent, time limit 15 minutes
 - d. Respondent opening statement summarizing their case, must not be argumentative towards the Applicant, time limit 15 minutes
 - e. Applicant presents its case against the Respondent, time limit 1 ½ hours
 - f. Respondent defends itself against the Applicant, time limit 1 ½ hours
 - g. Applicant rebuttal, time limit 45 minutes
 - h. Respondent rebuttal, time limit 45 minutes
 - i. Applicant closing statement, summing up the case, time limit 15 minutes
 - j. Respondent closing statement, summing up the case, time limit 15 minutes
 - k. The justices will then deliberate

Article 8:

1. If one party does not appear before the Court, the other party may ask the Court to rule in its favor

Article 9:

1. When the agents finish their presentation of the case, the head justice is the one to close the Court
2. After the closing of the Court, the decision will be made based on the majority opinion of the justices
3. In the case of a tie, the head justice will have the deciding vote
4. If there is not a unanimous decision, the opposing voice(s) may be heard by all members before the Court

Article 10:

1. The head justice has a right to ask anyone who is not following the courtroom procedure to please leave the Court

PREPARATION FOR UMMUN 2001

As an ICJ delegate, you are required to write position papers before the conference. Two position papers should be submitted, one for each case. Each paper should examine both sides and address the questions from the end of the background papers that you find most pertinent. The purpose of position papers is to encourage you to come to the conference with a solid understanding of the cases. Once at the conference, you will then be able to collaborate within your team to develop a strong case to present to the Court. You should also bring documents that you believe will be useful as evidence. Remember, your preparation and participation is needed to make the committee a success.

UMMUN 2001 INTERNATIONAL COURT OF JUSTICE CASES:

Qatar v. Bahrain

Maritime delimitation and territorial questions: <http://www.icj-cij.org/icjwww/idocket/iqb/iqbframe.htm>

The Democratic Republic of the Congo v. Burundi

Armed activities on the territory of the Congo: <http://www.icj-cij.org/icjwww/idocket/icb/icbframe.htm>

QATAR VS. BAHRAIN:

A CASE CONCERNING MARITIME DELIMITATION AND TERRITORIAL QUESTIONS BETWEEN QATAR AND BAHRAIN

INTRODUCTION

In July of 1991, the nation of Qatar filed an application beginning proceedings in the Court against Bahrain with respect to disputes between the two states. The disputes deal with sovereignty over the Hawar Islands, the sovereign rights over the shoals of Dilbal and Qit'at Jaradah and the delimitation of their maritime areas.

HISTORY

The nations of Qatar and Bahrain have long been at conflict over the Hawar Islands. This all began in 1936 when the United Kingdom ruled that the islands belonged to Bahrain. Qatar adamantly protested, yet Britain's decision was declared final. In 1947, a map was drawn of Qatar and Bahrain showing the Hawar Islands as Bahraini territory. The dispute heightened in 1972 when the Shell Company discovered the huge Qatari gas field, which was the largest in the world. Speculations were made that the islands of Hawar might also contain natural gas deposits. In response, the Bahraini government began military maneuvers in Fasht Al-Deable, near the disputed islands. Eventually, Bahrain began working in this area and Qatar responded by attacking and arresting the workers. In 1990, the matter was brought up in front of the Gulf Cooperation Council (GCC), which seeks to establish a European Union like trading bloc in the Gulf area. The GCC forwarded the matter to Saudi Arabia for arbitration. If the mediation failed, the matter would be brought to the International Court of Justice. In July of 1991, Qatar went to the International Court of Justice claiming the mediation didn't work. The next year, Qatar issued a decree of its borders in the sea showing that the Hawar islands now belong to Qatar.

THE CASE

Qatar, the Applicant, states the following based on agreements made between itself and Bahrain and general international law:*

"The State of Qatar respectfully requests the Court, rejecting all contrary claims and submissions:

1. To adjudge and declare in accordance with international law:
 - a. (1) that the State of Qatar has sovereignty over the Hawar Islands;
(2) The Dibal and Qit'at Jaradah shoals are low tide elevations which are Qatar's sovereignty;
 - b. (1) that the State of Bahrain has no sovereignty over the island of Janan;
(2) that the State of Bahrain has no sovereignty over Zubarah;
(3) that any claim by Bahrain concerning archipelagic baselines and areas for fishing for pearls and swimming fish would be irrelevant for the purpose of maritime delimitation in the present case;
2. To draw a single maritime boundary between the maritime areas of seabed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain on the basis that Zubarah, the Hawar Islands and the island of Janan appertain to the State of Qatar and not to the State of Bahrain, that boundary starting from point 2 of the delimitation agreement concluded between Bahrain and Iran in 1971 (51° 05' 54" E and 27° 02' 47" N), thence proceeding in a southerly direction up to BLV (50° 57' 30" E and 26° 33' 35" N), then following the line of the British decision of 23 December 1947 up to NSLB (50° 49' 48" E and 26° 21' 24" N) and up to point L (50° 43' 00" E and 25° 47' 27" N), thence proceeding to point S1 of the delimitation agreement concluded by Bahrain and Saudi Arabia in 1958 (50° 31' 45" E and 25° 35' 38" N)."

*Taken from Qatar's application to the Court

Bahrain, the Respondent, states:*

"May it please the Court, rejecting all contrary claims and submissions, to adjudge and declare that:

1. Bahrain is sovereign Zubarah.
2. Bahrain is sovereign over the Hawar Islands, including Janan and Hadd Janan.

**Taken from the pleadings of Bahrain*

In view of Bahrain's sovereignty over all the insular and other features, including Fasht ad Dibal and Qit'at Jaradah, comprising the Bahraini archipelago, the maritime boundary between Bahrain and Qatar is as described in Part Two of Bahrain's Memorial."

QUESTIONS TO CONSIDER

1. What particular international laws support the Applicant's claims?
2. What particular international laws support the Respondent?
3. What types of international law have the most validity?
4. What are the weaknesses and strengths in both Qatar and Bahrain's claims?
5. Is the fact that the Hawar Islands are potentially oil rich important in the dispute between Qatar and Bahrain? Why or why not?
6. Should the GCC have a role in these deliberations? Why or why not?

RESEARCH SOURCES

In addition to the references provided in the bibliography, these are some websites and documents that will help you begin your research.

United Nations Home Page: <http://www.un.org>

ICJ Home Page: <http://www.icj-cij.org>

Gulf welcomes end of border dispute Qatar and Bahrain: <http://www.arabicnews.com/ansub/Daily/Day/991230/1999123062.html>

Maritime limitation and territorial questions between Qatar and Bahrain: <http://www.icj-cij.org/icjwww/generalinformation/ibbook/Bbook8-1.66.htm>

Qatar vs. Bahrain: http://www.lawschool.cornell.edu/library/cijwww/icjwww/idocket/iqb/iqbcr/iqb_icr2000-13.html

The UN Charter: <http://www1.umn.edu/humanrts/instate/aunchart.htm>

BIBLIOGRAPHY

The ultimate Middle East business info, Qatar Country Guide: <http://www.ameinfo.com/guide/qatar/history.htm>

The ultimate Middle East business info, Bahrain Country Guide: <http://www.ameinfo.com/guide/bahrain/history.htm>

Background information on the dispute between Bahrain and Qatar over the islands of Hawar: <http://www.vob.org/english/hawar.htm>

ICJ Homepage: Maritime Delimitation and Territorial Questions between Qatar and Bahrain: <http://www.icj-cij.org/icjwww/idocket/iqb/iqbframe.htm>

THE DEMOCRATIC REPUBLIC OF THE CONGO V. BURUNDI: *CASE CONCERNING ARMED ACTIVITIES AGAINST THE CONGO*

HISTORY

The conflict arises because of land disputes that have plagued African nations in the post-World War II period. Because of the ambiguity of the division of colonies and land after World War II, factions have been warring for land that they think is rightfully theirs ever since. On August 2, 1998 Burundian soldiers in army trucks occupied the eastern Congolese cities of Goma and Bukavu. At the same time, in the Congolese city of Kinshasa, 1,000 Burundian soldiers, having evaded the repatriation operation ordered by the Congolese Government and acting with the support of "Banyamulenge" units, attacked the military camps of Tshatsi and Kokolo. On August 4, 1998, three Boeing aircrafts belonging to Congolese companies (Congo Airlines, Blues Airlines, Lignes aeriennes congolaises) were forced to reroute from Goma to the military base of Kitona, because of 600 to 800 Burundian soldiers aboard the aircrafts. In conjunction with Uganda and Rwanda, the purposes of Burundi invasion were to capture Kinshasa through Bas-Congo, in order to overthrow the Government of National Salvation and assassinate President Laurent Désiré Kabila, with the object of establishing a Tutsi régime or a régime under Tutsi control. Acts of aggression perpetrated by Burundi, Uganda and Rwanda towards Congo include the abduction and murder of members of the Associative Movement of Sud-Kivu, the murdering of 38 officers and 100 unarmed soldiers of the Congolese Armed Forces at Kavumu airport in Congo, and the 856 persons and 633 persons massacres at Kasika and Makobola. Also murders and massacres of the civilian population, as well as abductions, arbitrary arrests, illegal detentions, rape, extortion and torture have been witnessed in and around Bukavu.

THE CASE

Congo, as the Applicant, claims that Burundi has:*

Breached Article 2, paragraph 4, of the United Nations Charter, which states "All members of the organization shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations."

Violated Articles 3 et seq. of the Charter of the Organization of African Unity that enshrines the principles of non-intervention and non-interference in the internal affairs of States, of respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence. Also, Article 3, paragraph 5 of the charter condemns unreservedly all subversive activities on the part of opponents of the existing political regime in any state.

Violated rules set out in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights of 1966; Violation of the Geneva Conventions of 1949 and the Additional Protocols of 1977 by taking forcible possession of the Inga hydroelectric dam and deliberately and regularly causing massive electric power cuts, making themselves responsible "for very heavy losses of life [in] the city of Kinshasa and the surrounding area

Violated the New York Convention of December 10, 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Violated the Montreal Convention of September 23, 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation by shooting down a Congolese Boeing 727 on October 9, 1998 that was taking off from Kindu airport causing the deaths of 37 women and children and of the crewmembers.

**Taken from Congo's application to the Court*

The respondent, Burundi believes that the land is rightfully theirs and denies these accusations of violating the obligations of international law.

QUESTIONS TO CONSIDER:

1. Does Burundi have any basis to the claim that the land is theirs?
2. What international laws support the Respondents and, conversely, what international laws support the Applicant other than the ones stated?
3. In what ways does one justify invasion? Do historical and cultural roots and traditions have any weight in this case?
4. If Burundi is found guilty of breaching international law, what should the consequences be?

RESEARCH SOURCES

These are some places and documents where you might begin your research:

Application Instituting Proceedings Filed By Congo: http://www.icj-cij.org/icjwww/idocket/icb/icbapplication/icb_iapplication_19990623.pdf

The UN Charter: <http://www1.umn.edu/humanrts/instree/aunchart.htm>

Geneva Convention of 1949 (<http://www.asociety.com/geneva1.html>) and the Additional Protocol No. 1 of 1977

International Covenant on Civil and Political Rights of 1966: <http://www.tufts.edu/departments/fletcher/multi/texts/BH498.txt>

Montreal Convention of September 23, 1971: <http://www.austlii.edu.au/au/other/dfat/treaties/1973/24.html>

United Nations Home Page: <http://www.un.org>

ICJ Home Page: <http://www.icj-cij.org>

October 20, 2000 Press Release Congo V. Burundi and Congo V. Rwanda: http://www.icj-cij.org/icjwww/ipresscom/IPress2000/ipresscom200034_CB_CoRw_20001020.htm

BIBLIOGRAPHY

Application Instituting Proceedings Filed By Congo.: http://www.icj-cij.org/icjwww/idocket/icb/icbapplication/icb_iapplication_19990623.pdf

POSITION PAPER SUBMISSION GUIDELINES - ICJ

The position paper is the way in which the delegates demonstrate their understanding of the topics being discussed by their respective committee and how the nations they represent react to those topics. The paper also serves to inform the committee chairperson of both how sincerely the delegate will represent their nation during the conference and how to pace discussion and direction of debate. For these reasons, it is very important to the success of the conference for the position paper to be written in an informed manner and submitted to the committee chairperson on time.

CONTENT:

*As an ICJ delegate, you are required to write position papers before the conference. Two position papers should be submitted, one for each case. Each paper should examine **both** sides and address the questions from the end of the background papers that you find most pertinent. The purpose of position papers is to encourage you to come to the conference with a solid understanding of the cases. Once at the conference, you will then be able to collaborate within your team to develop a strong case to present to the Court. You should also bring documents that you believe will be useful as evidence. Remember, your preparation and participation is needed to make the committee a success.*

PHYSICAL GUIDELINES:

Please adhere to the following guidelines when writing your position papers:

1. Each paper should be **one (1)** page, single-spaced (or two (2) pages double spaced)
2. Please use a standard font on 8 1/2" x 11" plain paper with 1 inch margins on all sides. Multiple pages should be stapled in the upper left corner in the margin area.
3. A plain cover sheet should contain the following in large print:
 - a. delegate's name & representative country
 - b. committee
 - c. high school name
 - d. date written.

Please submit a separate position paper for each case.

Position Paper Due Date: January 3rd, 2001 to the UMMUN office:

University of Michigan Model United Nations
c/o Michigan Student Assembly
3909 Michigan Union
Ann Arbor, MI 48109

If you have any questions or problems please contact the director of your committee (contact information can be found in the front of this document), or the UMMUN secretariat at ummun-sec@umich.edu.

Good luck with your research, and we look forward to seeing you in January!