**RULES OF PROCEDURE**

**ICJ**

**Anything that is not discussed in this booklet, such as Motions and Modes of Address, are discussed in the MUNA booklet and will not be treated differently in the ICJ.**

**The committee**

The ICJ consists of three chairs, filling the roles of the President of the ICJ, the Vice-President and the Head of Judges, and 16 delegates in 8 delegations, filling the roles of judges and representatives. The delegations will rotate these functions, performing one defence, one persecution, and two judge duties.

**The Case**

A case consists of two countries, which are in dispute. The two involved countries are backed up by two other countries, meaning that a total of 4 delegates represents each side in a case. It should be remembered that one country is accusing the other country. The advocates are required to act in the best interest of their own country.

**Preparation**

As preparation for the conference, each delegate should read all research reports and do some follow up research. Each delegation also has to write two charges, one for each case they will be involved in (one charge for their own case, and one for the case of their ally). There will be a dedicated time to merge each charge with that of your ally before the start of the debate.

**The debate**

On the first day, before debating starts, all delegations will get lobbying time to merge their charges with those of their allies, and to write an opening statement for both cases, which consists of a reading of the charge and a short explanation thereof.

At the start of debating a new case, both parties must give their opening statements, after which the debate moves into the first phase of open debate. This phase has a time limit set by the chairs and serves as time for parties to attack each other’s charges, defend their own, and for judges to ask for clarifications and explanations.

After the first open debate phase comes the second phase of closed debate, in which there is time given to argue in favour and against both charges. Countries are expected to argue at least once for their own and at least once against the other charge, in the assigned timeslots.

Judges are also expected to participate in the debates, to ask for clarification on a given clause or entire charge, to get information about the case, or to convince other judges of their opinions, be it in favour or against a charge or clause.

The third phase of voting procedures starts at the end of the closed debate, during which one of the charges is to be selected as the final resolution of the council on a given case. The charge of the accusing country is put to vote, and if the vote does not pass, the charge of the accused country is instead chosen as the final resolution.

After a final charge has been chosen, representatives of the two participating sides get lobbying time to write amendments on the chosen charge. After all amendments are collected, each of them will be discussed in a closed debate.

Amendment debates start with reading and explaining the amendment to the council by the submitting party, after which a closed debate is held, with time for both in favour and against the amendment. If there are no speakers against the amendment, then all parties are assumed to be in favour of the amendment, meaning it passes without a voting procedure. If there is a speaker against, the amendment will instead be voted on at the end of the closed debate, after which these steps are repeated for each amendment.

After all amendments have been approved or tabled, the entire charge is voted on again. If it does not pass, all clauses are voted on individually, and if none pass, the other, previously tabled resolution is brought in for a final voting procedure.

**Summary**

For the charges, once each case:

1. Opening statements
2. Open debate
3. Closed debate, in favour and against, on both charges
4. Voting

For the amendments, several each case:

1. Closed debate
2. Voting

When there are no more amendments, there will be, once again, voted on the charge, and if necessary, the clauses individually. If an agreement is reached, the charge will be signed by each country.

If none of the clauses have passed, there will be voted on the previously tabled charge.

**Example #1, accusing charge**

FORUM: The International Court of Justice

QUESTION OF: Joined case: Certain activities carried out by Nicaragua in the

border area (Costa Rica vs. Nicaragua) (2010) & construction of a road in Costa

Rica along the San Juan River (Nicaragua vs. Costa Rica) (2011).

THE INTERNATIONAL COURT OF JUSTICE;

finds, to uphold the following consequences on the question:

1. The construction of the road being built by Costa Rica is in violation of the 1858 Treaty of Limits, various treaties, and customary rules relating to the protection of the environment, because the construction of the road causes the dumping of trees, debris, and sediments into the San Juan River; furthermore the construction also destroys the surrounding nature, in conclusion the construction of the road destabilises the biodiversity of both countries and the river;
2. The dredging operations of Nicaragua took place on Nicaraguan territory, and did not cause, or risk, irreparable harm to Costa Rica; Nicaragua did not construct an artificial stream on Costa Rican Territory; The Nicaraguan army did not occupy any Costa Rican territory;
3. Costa Rica has been prosecuting Nicaragua for activities, such as but not limited to:
4. the dredging of the San Juan river, however the construction of the road along the San Juan River and the pollution caused by its construction make activities in the area even more necessary;
5. Costa Rica is obligated to reduce the rate of road failure slumps and landslides, especially at steeper parts of the road, where eroded materials could potentially be delivered into the river Rio San Juan; Costa Rica is obligated to deconstruct the road in such a way that it will not cause any more damage to the river;
6. The part of Isla Calero, Isla Portillos, is given to Nicaragua, in order to restore it to the original flow of water, of 1858, and thereby constituting the border between Nicaragua and Costa Rica; Costa Rica is under an obligation to support the Nicaraguan operations, and not to give any resistance.

**Example #2, passed charge**

FORUM: The International Court of Justice

THE QUESTION OF: Legal consequences of the Construction of a Wall in the Occupied Palestinian Territory

THE INTERNATIONAL COURT OF JUSTICE;

finds, with a vote of fourteen to one, to uphold the following consequences on the question:

1. By fourteen votes to one,

The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;

1. By fourteen votes to one,

Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto;

1. By fourteen votes to one,

Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Territory, including in and around East Jerusalem;

1. By Thirteen votes to one,

All states are under and obligation not to recognise the illegal situations resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

1. By fourteen votes to one,

The United Nations, and especially the General Assembly and the Security Council, should consider what further actions is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion.