

ICC and ICJ 2011

Changes for 2011 conference:

- Each team for ICJ and ICC must be comprised of students from the same school. This will cut down on communication problems between delegates from different schools and facilitate teamwork on briefs and conference preparation.
- ICJ and ICC students will be required to participate in two conference call/webinars during the fall. This will serve as a replacement for mock session, which students from the courts really needed to coordinate and share information prior to arrival at the conference.

Timeline for ICC and ICJ Preparation:

Mid-March 2010:	Cases selected at officer's retreat.
[Date determined by officers]:	Sample memo and brief (from last year) selected and revised; brief writing handbooks updated.
June 1, 2010:	Final case summaries and resources completed by program staff and shared with officers.
[Date determined by officers]:	Final list of links, resources, etc. for website emailed to program staff.
August 15, 2010:	Information ready to post to website, with final pre-court conference schedule/agendas and memo/brief due dates.
Sunday, October 17, 2010:	First Pre-Court conference (one hour each court, Sunday PM): discuss overview of court, delegate responsibilities, memo writing, intro to brief writing, questions.
November 1, 2010:	Memorandums due to ICC/ICJ inboxes by 11:59pm – any late submissions will be taken out of consideration for awards; case assignments posted to website and emailed to delegates.
Sunday, November 14 or 21, 2010:	Second Pre-Court conference (one hour each court, Sunday PM): discuss brief writing, procedure at conference, preparation for arguments and hearing other team cases, questions.
December 1, 2010:	Briefs due to ICC/ICJ inboxes by 11:59pm – any late submissions will be taken out of consideration for awards.
December 10, 2010:	Briefs posted to website for opposing teams to review.

International Court of Justice (ICJ)

Case 1: Uruguay v. Argentina – Pulp Mills on the River Uruguay

Background

In October 2003, the Spanish company ENCE received permission from the Uruguayan government to build a pulp mill in Fray Bentos, on the Uruguay River (which forms the natural border between Uruguay and Argentina). Argentinians complained that the pulp mill would pollute the river. After ENCE received its permit, another company, the Finnish Botnia, made public their intention to consider the same area for another pulp mill. Botnia received the environmental authorization to build a mill in February 2005. The Uruguay River is shared by the two countries and is protected by a treaty, which requires both parties to inform the other of any project that might affect the river. Besides the issue of pollution, Argentina claimed that the Uruguayan government had not asked for permission to build the mills. Uruguayan authorities counter that the Treaty does not require that permission be obtained, but merely that the other part be appropriately informed, and that conversations had indeed been held and filed, without objections by Argentina. In addition, they claim that the Argentinians exaggerated the extent to which the area would become polluted as the mill would use new technology to limit pollution. Furthermore, Botnia argues the mill will in fact have a positive impact on the river's waters as the factory's state-of-the-art waste cleansing equipment is going to be used for local sewage treatment as well. Currently sewage from the city of Fray Bentos is not treated. Botnia's claims are backed by neutral expert statements given to the International Finance Corporation.

Issue

Argentina instituted proceedings against Uruguay after the latter allegedly breached obligations under the Statute of the River Uruguay, a treaty signed by both nations with respect to the construction and future commissioning of pulp mills on the River Uruguay due to the effects on water quality and navigation resulting from such construction. Specifically, Argentina stated that Uruguay failed to seek Argentina's permission in order to build the pulp mills because both shared the river, as Argentina believes is required per the treaty. Uruguay countered that its projects met standards of environmental law generally accepted by the ICJ and that they are only required to notify Argentina- which Uruguay did.

Questions

Did Uruguay fulfill its procedural and substantive obligations under the Statute?

Are Argentina's environmental concerns valid?

What types and levels of pollution can be regulated and ruled upon under international law in this case?

Is Uruguay's claim to have opted-out legal?

What is the role of scientific evidence in this case? What is valid and what is not?

Resources

Summary of the Order of 13 July 2006 (*Note: Delegates may only refer to pages 1 – 5 of the PDF document when writing briefs or memoranda)

<http://www.icj-cij.org/docket/files/135/11237.pdf>

Counter-memorial of Uruguay

<http://www.icj-cij.org/docket/files/135/15427.pdf>

Statute of the River Uruguay

http://untreaty.un.org/unts/60001_120000/10/4/00018191.pdf

United Nations Convention on the Law of the Non-navigable Uses of International Watercourses

http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf

Compendium of Judicial Decisions on Matters related to the Environment:
(includes *Trail Smelter Case*, *Case Concerning the Gabčíkovo-Nagymoros Project*, and *Lake Lanoux Case*)

[http://www.unep.org/Padalia/publications/Jud.dec.%20pre\(Int%20.pdf](http://www.unep.org/Padalia/publications/Jud.dec.%20pre(Int%20.pdf)

Corfu Channel Case (United Kingdom v. Albania – 1947)

<http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=cc&case=1&k=cd>

International Court of Justice (ICJ)

Case 2: Advisory Opinion – Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

Background

The Israeli West Bank barrier is a physical structure being built by the Israeli government to encompass the entire border between Israel and the West Bank. Israel claims it is a necessary measure to ensure the security of its citizens. Opponents claim that construction of the wall deviates from the official green zone border and is an attempt on the part of Israel to assume authority over occupied territory.

Issue

On December 8, 2003, the General Assembly via resolution sought the help of the International Court of Justice in answering 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 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?”

Questions

Do humanitarian rights play a role in this case?

Is the construction of a wall legal under international law, the Geneva Conventions, and the Hague Conventions?

Is the location of the wall legal?

Are security threats a valid justification for construction of a wall?

What are the complicating political factors? Do or should they play a role?

If construction of the wall is decided to be legal, what, if any are the restrictions and obligations that will be placed on the wall and its usage?

Resources

Conference of High Contracting Parties to the Fourth Geneva Convention: Declaration

<http://unispal.un.org/UNISPAL.NSF/0/8FC4F064B9BE5BAD85256C1400722951>

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967

<http://unispal.un.org/UNISPAL.NSF/0/8976BE248C8E02AE85256DB1004DD7CC>

Annex to Hague Convention Respecting Laws and Customs of War on Land (1907)

<http://www.icj-cij.org/docket/files/131/1671.pdf>

General Assembly Resolution 194 (III) – *Palestine-Progress Report of the United Nations Mediator* (1948)

<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/65/IMG/NR004365.pdf?OpenElement>

Oslo Accords (1993)

<http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Declaration+of+Principles.htm>

Written Statements – *Legal Consequences of the Construction of a Wall...*

<http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=1>

International Court of Justice (ICJ)

Case 3: Democratic Republic of Congo v. Uganda - Armed Activities on the Territory of the Congo

Background

Many socio-political problems have plagued the “Great Lakes” region of Sub-Saharan Africa, where The Democratic Republic of Congo (DRC) and Uganda are situated. The complicated border statuses, non-state actors, and varying degrees of authority in the area do not make conflict easier. Furthermore, there are several levels of legal status that must be considered, such as African Union agreements and International Law.

Issue

In June 1999, the DRC filed an application with the ICJ claiming acts of aggression were committed by Uganda on DRC territory. The DRC found these acts to violate the United Nations Charter and the principles of the African Union. The DRC also accused Uganda of abusing Congolese natural resources and engaging in military and paramilitary activity. Uganda countered that the DRC had used force against Uganda and allowed attacks on Ugandan diplomatic property. There are three major issues at hand. First, is the unlawful use of force. Use of arms is one of the most regulated practices in international law and common law. The second issue is the violation of territorial jurisdiction. Every state has the right to regulate the territory and actions within its own borders. Third, is the violation of human rights associated with the above actions. The court must decide which parties are at fault and for what actions and then design any necessary reparations.

Questions

Which, if any, international laws were violated?

Are the claims of each party valid?

What reparations can prevent this type of conflict from happening again?

Resources

DRC v. Uganda: Application Instituting Proceedings and Uganda Counter-memorial

<http://www.icj-cij.org/docket/files/116/7151.pdf>

<http://www.icj-cij.org/docket/files/116/8320.pdf>

Resolution on the Definition of aggression: G.A. Res. 3314 (XXIX) (1974)

<http://www.iilj.org/courses/documents/Resolution3314.pdf>

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. U.S. – 1986)

<http://www.icj-cij.org/docket/files/70/6503.pdf>

<http://74.125.47.132/search?q=cache:efQaTyfBhFcJ:www2.uakron.edu/low/Nicaragua.doc+Military+and+Paramilitary+activities+Nicaragua&cd=4&hl=en&ct=clnk&gl=us>

United Nations Charter (Articles 2, 42, 51, 96)

<http://www.un.org/en/documents/charter/>

The Caroline Case (1837)

http://avalon.law.yale.edu/19th_century/br-1842d.asp