

ASU Model International Court of Justice (MICJ)

October 15-16, 2010

ASU Model United Nations Organization
Co-Sponsored by the ASU Moot Court Team

Functions of the MICJ: The primary purpose of the MICJ is to resolve territorial and other disputes between members of the United Nations in accordance with international law and legal precedence. Member-states of the UN that submit disputes to the MICJ agree that the decisions of the court are legally-binding upon both parties to the disputes. The MICJ may also issue advisory opinions on legal issues when asked to do so by committees of the UN General Assembly, the UN Security Council, or agencies affiliated with the UN (member-states of the UN may not request advisory opinions of the MICJ).

Composition of the MICJ: The MICJ is composed of 15 judges represented by high schools participating in the ASU-MUN. In their positions on the MICJ, the judges do not officially represent their respective governments. However, in the event that a case involves the government of one of the judges, that judge is prohibited from participating in case deliberations and opinion writing (although they are allowed to participate in oral arguments, rebuttals, and questions). If a case before the court involves a country which does not have a judge on the ICJ, an *ad hoc* judge from that country may be appointed for that case only. The stipulations in the second previous sentence above will apply to that judge as well. Students representing judges on the MICJ should prepare for their roles by researching the International Court of Justice <http://www.icj-cij.org/homepage/index.php>, [international law and legal precedence](#), and [territorial disputes](#). Student judges should not come to any conclusions regarding a particular case until after hearing the oral arguments regarding the case during the sessions of the MICJ, even if the case is an historical [i.e., already decided] case.

Jurisdiction: The MICJ has jurisdiction over disputes between member-states under one or more of the following conditions:

- (1) when both of the parties to a dispute have agreed to submit the dispute to the MICJ;
- (2) when one of the parties to a dispute has submitted the dispute to the MICJ in cases whereby the dispute involves the interpretation or application of a treaty ratified by two or more parties (and the treaty specifically contains a provision allowing one of the parties to submit a dispute to the MICJ in the event of disagreement over its interpretation or application).
- (3) when the dispute involves two or more member-states that have agreed in advance to accept the compulsory jurisdiction of the MICJ.

Procedures:

- (1) *Election of the President of the MICJ* - the 15 judges elect one of their number to serve as Presiding Officer (or President) of the MICJ. The President of the MICJ will also serve as Rapporteur of the MICJ.
- (2) *Oral Arguments* - each of the parties to the dispute (applicant and respondent) are given 15 minutes each to orally present a summary of their governments' position regarding the case.
- (3) *Rebuttals* - following the oral arguments, the parties to the dispute are given a total of 15 minutes (approximately 7 1/2 minutes each) to present their rebuttals to the opposing party's oral arguments.
- (4) *Questions* - following the oral arguments and rebuttals, the 15 judges of the MICJ have around 40 minutes to ask questions of one or both of the parties to the dispute. The President of the MICJ shall recognize judges to ask questions.
- (5) *Case Deliberation* - following the oral arguments, rebuttals, and questions, the 15 judges of the MICJ meet in the chambers in private for a total of 60 minutes to discuss the case. All observers, applicants, and respondents are required to leave the chambers. Only the MICJ Director and Assistant Director are permitted to remain in the chambers in order to assist the judges in their deliberations. During this period, the judges may choose to take a vote regarding the pending case. A "majority opinion" requires the approval of a majority of the judges participating in the deliberations (e.g. 8 out of 15 judges).
- (6) *Writing of the Opinion* - following the deliberations, the 15 MICJ judges meet in the chambers in private for an additional 60 minutes to write the "majority opinion" regarding the pending case. All of the judges that agree with the "majority opinion" must sign the document on the last page. All of the judges that do not agree with the "majority opinion" may choose to write one or more "dissenting opinions" explaining their reasons for opposing the "majority opinion." Only the ASU-Faculty advisor[s] and the MICJ Registrar are permitted to remain in the chambers in order to assist the judges –if requested-- in their writing of the "majority opinion" and "dissenting opinions."
- (7) *Reading of the Opinion* - following the writing of the opinions, the President of the MICJ publicly reads the "majority opinion" (regardless of whether or not s/he signed the opinion) regarding the pending case. Observers, applicants, and respondents are allowed in the chambers for the reading of the opinions.