



International Court of Justice Delegate Guide

I. What is it?

The International Court of Justice (ICJ) is one of six organs of the United Nations (UN) which role is, “[...] to settle, in accordance with international criminal law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by UN organs and specialized agencies.” (ICJ, n.d.). Located in the Netherlands, 15 judges are appointed for nine year terms in order to take on the legal disputes or legal questions under the jurisdiction of the Court. (ICJ, n.d.).

II. How will it be simulated?

In a Model United Nations (MUN), you usually represent a country in which the dias/or chairs will guide you to solve a certain problem—but, in this case you will represent yourself, a Judge. You will be called Judge [insert your last name here], and you will be using international law to formulate your opinion on a certain case. This year, the ICJ will be formulating a judgment, meaning a series of opinions compiled on the case:

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)

In order to be ready for debate, you will be doing an investigation which you will write in a position paper—which will be explained in the next section. You will be able to hand in your position paper through a google form located in the webpage of the ICJ or in-person during the first session of the debate.

Please know that during the first session of the debate, the dias members will be guiding you through the protocol; thus, do not stress out if you feel that you do not understand the protocol completely. The dias will guide you through every step of the Court process.

III. Position paper writing

As previously mentioned, in order for you to be ready for the debate you will need to write your own position paper. We recommend that you read the background paper which is located in the committee webpage for you to investigate, as well as using other sources. It should be written in the following three sections:

I: Topic Background – This section should describe the history of the topic as it would be described in the judge’s opinion. Judges do not need to give an exhaustive account of the topic, but rather focus on the details that are most important to their policy and proposed solutions.

II: Policy – This section should discuss the judge’s personal policy or opinion regarding the topic. Each paper should state the policy in plain terms and include the relevant laws, statements, statistics, and research that support the effectiveness of the policy. Comparisons with other law cases are also appropriate here.

III. Proposed Solutions – This section should detail the judge’s proposed decisions on the case. Descriptions of each solution should be thorough. Each idea should clearly connect to the specific legal issue it aims to solve. The solution should be a natural extension of the delegate’s personal policy.

The position paper should be **no more than 10 pages** long double-spaced with standard margins and font size. **We recommend 2–5 pages as a suitable length.** The paper must be written from your personal perspective and should articulate the policies you will present at the conference.

IV. *What is my role during debate?*

Delegates on the ICJ represent Judges of the Court. They do not represent a country or any specific policy; instead, their opinions are based solely on their own legal experience and moral



compass. They are appointed to the Court as independent jurists, separate from any specific legal policy or national agenda. This means that it is possible for a Judge to make a decision that is contrary to their homeland's legal policies or moral practices. As Judges of the Court, delegates are expected to make decisions based on their own belief system, not that of a specific country. This allows for a more objective decision on matters of international law. It also means that delegates must come to the conference with a well-articulated opinion on the topic and, once at the conference, must remain open to the opinions of other judges.

Because the Court writes one final decision, it is crucial that all Judges participate in discussion and debate. There is no formal speakers list in the ICJ, and communication among judges is conducted much like everyday conversation. If some judges are not participating, the Court may choose to voice their opinions round-robin-style, ensuring that everyone's ideas are heard. This requires that all Judges enter committee well prepared because everyone's knowledge affects the Court's ability to come to a collective decision.

In writing a decision, it is also important that delegates understand the types and applicability of international law, especially international criminal law. International law consists of both customary law and codified law (such as treaty law), and it is crucial that both are understood. Furthermore, it is important that Judges pay close attention to treaty law, judicial precedent, and the Vienna Convention on the Law of Treaties, beyond only those excerpts of international law discussed in the background guide.



V. Court protocol

The first thing that needs to be done in committee is that judges will each be given the opportunity to voice their initial opinion on the verdict of the cases. After each person expresses their views and justifies it with factual background, the committee will move into formal deliberation. However, delegates are more than welcome to change their opinion over the course of the deliberation and do not need to feel tied to their initial opinion. One of the first steps of the deliberations will be to determine if the Court has jurisdiction in the case at hand, consulting the Memorials, the Statute of the Court, as well as other relevant legal instruments.

Unlike other committees, which utilize a speakers list as the default form of debate, the ICJ uses a semi-permanent moderated caucus. This moderated caucus has no set time limit or speaking time and will be reverted to as one would revert to a speakers list in a normal committee. In practice, the Court will often depart from this, and the chair may set speaking times if it determines that some Judges do not have sufficient opportunity to talk.

Judges may depart from the permanent moderated caucus using several motions. All the following are procedural and require a majority vote to pass:

- Motion to add a topic or speaking time to a moderated caucus.
- Motion for an unmoderated caucus.
- Motion for a straw poll—These informal votes are used to assess the Court’s opinion on a given matter to evaluate the Court’s current thoughts and alignments.
- Motion for a roundtable discussion—This is an unmoderated caucus where everyone stays in their seats but is free to discuss issues with each other as if in an unmoderated caucus.



- Motion for a round robin—This means that, for a given issue, each judge may speak one-by-one, proceeding in a circular order around the room with a set speaking time until all Judges have had the opportunity to speak.

The decision that the Court will write is voted on piece by piece. For each subtopic, Judges will submit “findings” as they are resolved during debate. These findings are the Court’s opinion on a given subtopic of the case. Each finding will build upon the previous ones, so that by the end the decision is a comprehensive document outlining the Court’s opinions on all aspects of the case brought before it.

The voting on findings is relatively informal and will usually proceed along the following lines:

1. Judges write up their findings, collaborate on them, and debate them during both moderated and unmoderated caucuses.
2. Once a finding is written, it will be submitted to the dais, who may suggest an edit before allowing it to be introduced.
3. Once the dais has approved the introduction of the finding, a Judge may motion to introduce it to debate. This is a procedural vote. If accepted, Judges may then decide to debate the finding; if not, it will remain un-introduced until the Court decides otherwise.
4. Once Judges feel that the finding has been discussed sufficiently, they may move to vote on the finding. Again, this is a procedural vote.
5. If a majority of the Court votes in favor of a finding, that finding will become part of the “majority opinion” of the Court. The dais will record the names of those Judges who vote in favor of and vote against the majority opinion.



- a. Judges who vote against the majority opinion are encouraged to write up their own, contrary findings and submit them as “dissenting opinions.”
- Furthermore, Judges who vote in favor of the majority opinion are allowed to submit “concurring opinions,” which agree in principle with the majority opinion but may cite somewhat different reasons than expressed in the majority finding or expand or clarify on the majority opinion.
 - Concurring and dissenting opinions will not be subject to vote but will include the names of all the Judges that agree with the respective opinion. In this way, the Court will make sure that every Judge’s opinion is accounted for and represented in the final decision.

When the Court’s decision is final, there will be a formal vote to vote on the decision in its entirety. This is the ICJ’s equivalent of “voting procedure.” Although there is room for both types of opinions in the final decision, it does not mean that both types of opinions have to or will be present in the decision. There is never any pressure to side with the majority, and it is encouraged that all Judges maintain their own views and do so with legitimate reasoning.

VI. References

ICJ (2022). IMUNA. [PDF].

International Court of Justice. (n.d.). ICJ. Retrieved from <https://www.icj-cij.org/en/how-the-court-works>