



# ICJ

## International Court of Justice

**Committee:** International Court of Justice (ICJ)

**Case:** Relocation of the United States Embassy to Jerusalem (Palestine v. the United States of America)

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## I. Committee Information

### a) What is the ICJ?

The International Court of Justice (ICJ) is the main judicial organ of the United Nations (UN). Its primary purpose is to settle disputes between UN member states and provide advisory opinions on international legal issues. Its findings and rulings help form the basis of international law. The court was formed in 1945 and is based in The Hague. Its formation was largely based on its predecessor, the Permanent Court of International Justice (PCIJ), which was established by the League of Nations in 1920. All of the court's proceedings are governed by the Statute of the International Court of Justice. This document is part of the UN Charter and outlines key procedures that all cases and decisions issued by the court must follow. The ICJ is comprised of 15 judges elected by the General Assembly and Security Council every nine years (The Court, ICJ, 2020).

### b) How does the committee work?

The ICJ differs greatly from traditional MUN committees; it follows a different protocol and participants are provided with information related to the case through witnesses and different types of evidence. Typically, the ICJ consists of 25 participants and is led by two Chairs who are responsible for monitoring the flow of the debate. During ISRMUN, participants in the ICJ are referred to as judges. The case is presented

by one representative of each country, called an advocate. The advocates explain their country's arguments through speeches, witnesses and evidence.

The ICJ is divided into three types of sessions: case presentation, moderated caucus and unmoderated caucus. The case is introduced and built upon during the case presentation. Judges have the opportunity to view and question witnesses and evidence during this time. This section of the committee is moderated by the Chair and judges must raise their placards to speak. Similarly, during a moderated caucus, judges can share their opinions about the case through a debate moderated by the Chair. The final judgment and legal opinions are decided upon during the unmoderated caucus. This section of the debate is timed but allows judges to speak freely amongst themselves in order to reach a fair judgment for the countries involved in the conflict.

## II. Overview of the Case

During the Second World War, Palestine was a colonial holding of the British Empire. However, in 1947, the United Nations voted to split the territory into three parts: "one for Jews, one for Arabs, and an international trusteeship regime in Jerusalem." The Arabs in Palestine rejected this division and war broke out, forcing thousands out of their homes. By 1948, Israel gained control of most of the land except for the Gaza Strip (which was controlled by Egypt) and the West Bank and Jerusalem's eastern quarter (which was controlled by Jordan). Another armed conflict followed in 1967 caused and Israel took control of Jordan's Palestinian territories. Since then, the land has been heavily disputed. Palestinians consider the territory to be occupied, while Israel refutes this by saying they were acting in self-defence (SBS, 2019).

There have been several attempts to resolve the situation, however, all have failed. One of the main reasons for this is the issue of Jerusalem. Both Israel and Palestine claim Jerusalem as their capital. This became a major barrier to peace in 2018 when the United States moved its embassy in Israel from Tel Aviv to Jerusalem. This move essentially recognized Jerusalem as Israel's official capital city. The Palestinians viewed it as the United States choosing a side in the conflict and declared the country to "no longer be regarded as an honest broker in any peace talks" (Farrell, Reuters, 2018). Since then, Palestine has filed a complaint against the United States with the ICJ. The territory argues the 1961 Vienna Convention of Diplomatic Relations "requires a country to locate its embassy on the territory of a host state" (World Court, Reuters, 2018).

### III. Preparation

Formal position papers are not required of ICJ participants. However, in order to prepare for the simulation, judges are encouraged to research the following topics:

- The Israeli-Palestinian conflict
- The United States' relationship with Israel and Palestine
- The Statute of the International Court of Justice
- The Vienna Convention of Diplomatic Relations

## IV. Quorum

- Abdul G. Koroma
- Abdulqawi Ahmed Yusuf
- Antônio Augusto Cançado Trindade
- Awn Al-Khasawneh
- Bernardo Sepúlveda Amor
- Bruno Simma
- Christopher Greenwood
- Dalveer Bhandari
- Giorgio Gaja
- Gonzalo Parra-Aranguren
- James Crawford
- Joan E. Donoghue
- Julia Sebutinde
- Kenneth Keith
- Kirill Gevorgian
- Mohamed Bennouna
- Nabil El Araby
- Nawaf Salam
- Patrick Lipton Robinson
- Peter Tomka
- Philippe Gautier
- Pieter Kooijmans
- Ronny Abraham
- Yuji Iwasawa
- Xue Hanqin

## IV. Resources

Farrell, Stephen. "Why is the U.S. moving its embassy to Jerusalem?" Reuters. Reuters, 2018. Web. 20 Feb. 2020. <<https://www.reuters.com/article/us-usa-israel-diplomacy-jerusalem-explai/why-is-the-u-s-moving-its-embassy-to-jerusalem-idUSKBN11811N>>.

"Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)" International Court of Justice (ICJ). United Nations, 2020. Web. 20 Feb. 2020. <<https://www.icj-cij.org/en/case/176>>.

"The Court." International Court of Justice (ICJ). United Nations, 2020. Web. 20 Feb. 2020. <<https://www.icj-cij.org/en/court>>.

"The Israeli-Palestinian conflict explained." SBS News. Special Broadcasting Service, 2019. Web. 20 Feb. 2020. <[https://www.sbs.com.au/news/the-israeli-palestinian-conflict-explained\\_2](https://www.sbs.com.au/news/the-israeli-palestinian-conflict-explained_2)>.

"World Court: Palestine files complaint over U.S. Embassy in Jerusalem." Reuters. Reuters, 2018. Web. 20 Feb. 2020. <<https://www.reuters.com/article/us-palestinians-usa-worldcourt/world-court-palestine-files-complaint-over-u-s-embassy-in-jerusalem-idUSKCN1M82SL>>.