



COLUMBUS STATE
UNIVERSITY

MODEL UNITED NATIONS

DELEGATE HANDBOOK

A preparation guide for participation in the annual Columbus State University Model United Nations Conference.

Glossary

(obtained from www.mnum.org)

Abstention	<p>An option for Member States during substantive votes. Member States may abstain only if they are “Present” during formal roll call. To abstain means a State is formally counted, but does not vote in favor of or against a substantive motion. Abstentions do not affect the result of voting, as the final total only considers votes for and against the motion.</p> <p>Example: A draft resolution that received 30 votes in favor, 10 votes against, and 40 abstentions would pass because it the votes in favor outnumber the votes against.</p>
Adjournment of Debate	<p>Ends debate on a topic, and on all draft resolutions for that topic, without voting on any proposed draft resolutions. A motion for reconsideration can reopen debate on this topic.</p>
Adjournment of the Meeting	<p>Ends the meeting until the next conference.</p>
Appeal of the Chair	<p>A motion to challenge the decision of the Chair on a specific CSUMUN rule.</p>
Chair	<p>Person who is in charge of leading the committee’s formal debate in accordance with the CSUMUN Rules of Procedure.</p>
Dais	<p>A raised platform or table at the front of the room where the Chair, Co-Chair, and/or Rapporteur(s), are seated. Often, the term “the Dais” is also utilized to refer to these individuals collectively.</p>
Decorum	<p>Overall respect for the formal committee process and speakers.</p>
Dilatory	<p>A motion is dilatory if it may obstruct or delay the will of the committee (e.g. motions to suspend the meeting proposed immediately after several previous suspension motions failed).</p>
Draft Resolution	<p>A working paper that has been accepted by the Dais and is discussed and voted on by the body.</p>
Economic and Social Council (ECOSOC)	<p>The principal organ of the United Nations, responsible for the economic and social work of the organization, in an effort to advance sustainable development.</p>
Explanation of Vote	<p>Allows a sponsor of a draft resolution to explain why they voted against the draft resolution, after it had been amended or changed by a division of the question.</p>
Functional Commissions	<p>Functional commissions are established pursuant to Article 68 of the <i>Charter of the United Nations</i> and report to the Economic and Social Council. They are also considered a subsidiary organ/body. Examples include the Commission on the Status of Women (CSW) and the</p>

	Commission on Narcotic Drugs (CND).
Friendly Amendments	Amendments proposed by ALL the sponsors of a draft resolution. Once approved by the Dais, these amendments are automatically incorporated.
General Assembly	The main deliberative organ of the UN system, comprised of all Member States of the UN.
Inter-Agency Coordination Mechanisms	On thematic issues that cut across the work of many UN programs, funds, and agencies, an inter-agency coordination mechanism will often be established. These mechanisms are an essential source for information on these thematic issues, as they represent the work of the entire UN system. Examples include UN- Water and the Intergovernmental Panel on Climate Change.
Majority Vote	A threshold at which many motions pass. A motion passes with a simple majority vote if more people vote yes than vote no (in the case of substantive votes, ignoring abstentions). Tie votes fail.
Member State	A country that is a Member of the United Nations, having been granted membership by the General Assembly based upon the Security Council's recommendation.
Model United Nations (MUN)	Educational conferences that simulate the purpose and practices of the United Nations.
Motion	A request to do something during formal debate; motions are voted on by the body. Procedural motions: all Member States and Observers of the committee vote. Substantive motions: only Member States vote.
Motion Out of Order	An invalid motion or a motion used at an incorrect time during the conference.
Non-governmental organization (NGO)	NGOs, also known as civil society organizations or CSOs, are nonprofit groups independent from governments. Normally organized around specific issues, NGOs deliver a variety of public and humanitarian services.
Observer	Non-Member State or organization granted status to participate in deliberations. Observers may not sponsor resolutions or vote on substantive matters, but they may act as a signatory and must vote on procedural matters.
Operative Clause	Information is given about what action the body believes should be taken.
Point of Order	Corrects an error in procedure and refers to a CSUMUN-specific rule.

Preambular Clause	Sets up the historical context and cites relevant international law or policies for a resolution, which justifies future action.
Present	Attendance status that establishes a delegation as present in the committee, with the opportunity to abstain during substantive votes.
Present and Voting	Attendance status that establishes a delegation as present in the committee without the opportunity to abstain during substantive votes; delegations must vote “yes” or “no.”
Principal Organs	Principal organs are established pursuant to the Charter of the United Nations. There are six principal organs of the UN: the General Assembly (Art. 9), the Security Council (Art. 23), the Economic and Social Council (Art. 61), the Trusteeship Council (Art. 86), the International Court of Justice (Art. 92), and the Secretariat (Art. 97). Each organ maintains its own area of responsibility from international peace and security (Security Council) to human rights and economic affairs (ECOSOC). The only organ that is currently inactive is the Trusteeship Council.
Procedural Vote	A vote that takes place on a motion before the body; all delegations present must vote.
Programmes and Funds	Programmes and Funds are established pursuant to Article 22 of the Charter of the United Nations in order to meet needs not envisaged in the founding of the UN, such as addressing the needs of Palestinian refugees, development assistance, food aid, or the environment. They are subordinate to the UN, immediately controlled by distinct intergovernmental bodies, and financed through voluntary contributions rather than assessed contributions.
Quorum	A minimum of one-third of the members of the body, based on the total number of Member States attending the first session.
Rapporteur	Person responsible for maintaining the speakers list, order of the resolutions on the floor, verifying vote counts, and other administrative matters.
Reconsideration	Reopens debate on a topic that was previously adjourned (ended without a substantive vote), including any draft resolutions segments on the floor for that topic.
Regional Commissions	Regional commissions are established pursuant to Article 68 of the Charter of the United Nations and report to the Economic and Social Council. They are also considered a subsidiary organ/body. Examples include the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Economic Commission for Africa (ECA).

Research and Training Institutes	The various research and training institutes were established by the General Assembly to perform independent research and training. The UN Institute for Disarmament Research (UNIDIR) is an example of this type of entity.
Right of Reply	Response to comments that have disparaged the sovereign integrity of a delegate's state.
Secretariat	The Directors, Assistant Directors, Conference Services staff, Under-Secretaries- General, Assistant Secretaries-General, Chiefs of Staff, and Assistant Chiefs of Staff are designates and agents of the Secretary-General and Deputy Secretary- General, and they are collectively referred to as the "Secretariat."
Secretary-General	Member of the CSUMUN Secretariat. Chief logistics officer of the conference.
Security Council	The Security Council is the primary organ of the UN mandated to maintain international peace and security.
Signatories	Member States or Observers who are interested in bringing a working paper forward for consideration.
Specialized Agencies	Specialized agencies are established pursuant to Articles 57 and 63 of the Charter of the United Nations. There are currently more than 14 specialized agencies that have an agreement with the UN that work under the auspices of ECOSOC. Each agency has a separate function it carries out on behalf of the UN; they have their own principles, goals, and rules. In addition, they control their own budgets and have their own governance structure.
Sponsors	Member States who created the content of a working paper and will be most responsible for ensuring that it will be voted on as a draft resolution. There must be at least one sponsor.
Subsidiary Organs	Subsidiary organs (or bodies) are established pursuant to Articles 22 and 29 of the Charter of the United Nations. A subsidiary body falls under the purview of the principal UN organ it reports to and was created by (the General Assembly, the Economic and Social Council, or the Security Council). The subsidiary bodies fluctuate in number from year to year, according to the changing requirements of the main organ concerned. Both the General Assembly and the Economic and Social Council, for instance, often create subsidiary bodies to assist them in new fields of concern and dissolve others. Examples include the Human Rights Council (HRC) and the UN Human Settlements Programme (UN-Habitat).
Substantive Vote	Votes taken during voting procedure to accept a draft resolution, an unfriendly amendment, and/or the annex to a draft resolution (division of the question); results are disclosed after counting by the Dais.

Suspension of the Meeting	Informal debate for a brief period of time. Often incorrectly referred to as “caucusing.” Delegates do not need to state a purpose for suspending the meeting.
United Nations (UN)	An intergovernmental organization, coined in 1942 and officially established in 1945, designed to promote international cooperation.
United Nations Bibliographic Information System (UNBISNET)	This source lists all UN documents archived by the UN Dag Hammarskjöld Library and includes landmark UN documents, resolutions of UN bodies, meeting and voting records, and press releases.
United Nations Official Documents System (UNODS)	A database provided by the UN System, covering all types of official UN documentation after 1993.
United Nations System Chief Executives Board for Coordination (CEB)	The UN System Chief Executives Board for Coordination is the longest-standing and highest-level coordination forum of the UN system. While not a policymaking body, the CEB supports and reinforces the coordinating role of intergovernmental bodies of the UN system on social, economic, and related matters. Most importantly, the CEB facilitates the UN system's collective response to global challenges, such as climate change and the global financial crisis.

Preparing for the Conference

Participating in a Model UN conference can be very overwhelming if you are not properly prepared. According to the United Nations, there are certain steps taken to ensure that delegates are properly prepared for a conference. You may refer to their MUN Guide GA ([Model United Nations Page](#)) for full details. Below is a shortened list on how to properly prepare for the CSUMUN Conference.

1. Become familiar with the [UN Charter](#).
2. Research the United Nations system, particularly the six [Main Organs](#) of the United Nations and how they relate to the General Assembly.
3. Research the history, culture, political structure, current issues, and statistical data of the countries you have been assigned to for the Conference. You are a delegate from your assigned country. You need to be able to accurately represent the viewpoints of your respective country.
4. Have an understanding of the viewpoints of the other countries participating in the Conference. This will come in handy when attempting to decipher which countries will be in agreement with your position and which countries will be opposed.
5. Research the background of the assigned topics (i.e. history of topic, your country's position, other countries' positions, statistical data, etc.)
6. Familiarize yourself with [Robert's Rules of Order](#).
7. Know [Parliamentary Procedure](#).
8. Create a binder of all of your research and bring it with you.
9. Understand how to write a [Draft Resolution](#).
10. Know the difference between [Moderated Caucusing](#) and [Unmoderated Caucusing](#).

Below are some useful resources to better help you in preparing for the Conference:

[The CIA World Factbook](#): a good resource for obtaining information about the history, people, government, economy, energy, geography, communications, transportation, military, and transnational issues for over 200 countries.

[The BBC Country Profiles Archive](#): provides a quick insight to a country's political history and economic background.

[The Library of Congress Country Studies Collection](#): a good resource for researching the detailed historical data of a country. Some of the books in this collection are on countries that no longer exist in their original configurations (such as East Germany and the Soviet Union) and include studies on successor states in some cases.

The CSUMUN Rules of Parliamentary Procedure

“Parliamentary procedure” is a set of rules intended to guide debates towards ordered, inclusive, and respectful compromise. For CSU Model UN, our intention is to utilize only a handful of motions that are used in the official United Nations. There are multiple reasons for this:

1. *CSUMUN is intended to be an introduction for Model UN*
2. *The reduced rules are more inviting for new schools to get involved in CSUMUN*
3. *The reduced rules allow the delegates to focus more on the issues of the topics and working with one another, rather than spending unnecessary time debating the rules.*

Beginning the Debate

- At the beginning of the session, the chair shall simply call the session to open and open debate.
- A delegate should then “move to set the agenda”, and a second delegate should “second the motion”. This debate is over which topic should be debated first. For each of the four topics, the chair will call on two delegates to argue why the topic should be debated first.
- After these eight arguments have been made, the chair will move for a vote on the agenda. The topic that receives the most votes will be debated first, the motion that receives the second most votes will be debated second. There can be another debate to set the agenda regarding the remaining two topics after the conclusion of the first two topics.

During a Debate

What is it	What do you say	What does it mean	Does it need a second	Is it debatable	What vote is needed to pass
Correction	“Point of information...”	There’s something we should all know about.	No	No	No Vote
Complaint	“I raise a point of personal privilege.”	We need to resolve the following problem.	No	No	No Vote
Confusion	“Point of clarification...”	I’m confused...explain this situation more clearly.	No	No	No Vote
Order	“I raise a point of order.”	Calling someone / committee out for not following the rules	No	No	No Vote

Dilatory	Chair: "I rule that motion dilatory"	Chair believes motions are unnecessarily delaying the process	No	No	Chair's Decision
Moderated Caucus	"I move for a moderated caucus of ___ minutes"	Discussion, one-by-one at the microphone for ___ minutes	Yes	No	50% + 1 (majority)
Unmoderated caucus	"I move for an unmoderated caucus of ___ minutes"	Discussion in small groups for ___ minutes	Yes	No	50% + 1 (majority)

Ending a Debate

What is it	What do you say	What does it mean	Does it need a second	Is it debatable	What vote is needed to pass
Close Debate	"I move the question..."	I think that we should vote.	Yes	No	67%
Unanimously Close Debate	"I call the question..."	Let's vote – we've all had enough discussion.	No	No	100% Consensus
Roll Call Vote	"I move for a roll call vote"	Each delegation will be called on one-by-one and vote by voice	Yes	No	A motion and a second
Table	"I move to table this motion until..."	We need more time to think about this.	Yes	No	50% + 1 (majority)
Remove from the Table	"I move to take up from the table..."	Let's talk about this again.	Yes	No	50% + 1 (majority)

*adapted from <https://www.nsaspeaker.org/wp-content/uploads/2014/12/Management-Meeting-Parliamentary-Procedure-Basics.pdf> & <https://sites.google.com/site/hismun/guide-to-parliamentary-procedure>

The CSUMUN Guide to Writing Position Papers

A “position paper” is a paper that you write in preparation for a Model UN Conference that gives a brief and clear description of a State’s, or country’s, perspective and position on an assigned topic. The goal of your position paper is to gain support for your country’s ideas in resolving the issue. According to bestdelegate.com, writing a great position paper can not only help you to know and understand the position a certain country (or State) has on a topic, but it also prepares you to possibly win awards at the Conference. For more details on how to write a position paper, you may visit the [UN Delegate Preparation Web Page](#) or bestdelegate.com’s [How to Write a Winning Position Paper](#) page. Below is a brief list on how to successfully write a position paper.

1. **Do Your Research** – Research is a very important component of successfully writing a position paper. Most people do not have knowledge of points of view on topics outside of their own points of view. It is important to be able to accurately express the points of view of the country that you are representing at the Model UN Conference. Great sources to consider are speeches made by the Heads of State of the country you are representing; agreements or resolutions that your country has ratified; any reports that your country has made; government programs on an issue; etc. Make sure your sources are credible!
2. **Topic Backgrounds** – Keep this information short and concise. While topic backgrounds for a country are important to know and understand, you do not want the entire paper to be on the history of the issue. For example, the background topic of immigration would include the definition of immigration, a brief history of the issue of immigration, statistical data on the impact of immigration for that country, etc. You would not spend too much time giving all of the details of the history of the topic. An overview will suffice.
3. **Past United Nations Actions** – According to bestdelegate.com, knowing the efforts the United Nations has made to address the issue (and what programs, events, or agreements your country has participated in) is beneficial because you can build upon what has previously been done. It is also a great way to find out what other countries have participated in these efforts and use them as allies in committee at the Conference.
4. **Country Policy** – This is perhaps one of the most important parts of your paper. Make sure that you write about your country’s perspective on the issue (not your own views) and make sure to keep to the facts. Remember, the reason for the position paper is to have a solid foundation on which to present your country’s views and rational on the issue.
5. **Proposed Solutions** – This section of the paper focuses on possible solutions for the issue. The goal is always to practice diplomacy in resolving issues. You should keep in mind that your proposed solutions should ensure long-term sustainability and not just be a temporary “band-aid” for the issue. Nor should they negatively impact another country as this could cause that country to eventually become resentful and possibly lead to war.

The CSUMUN Resolution Guide

Your goal at the CSUMUN Conference is to get a resolution for each of your respective topics passed through your committee by the end of the Conference. A resolution is a legal document that indicates what the issue is and what the solution(s) are to combat the issue. It is important when drafting a resolution to consider all countries involved and to create a solution that has long-term sustainability. After all, the purpose of the United Nations is to promote peace and sustainability throughout the globe. There are three stages of writing a resolution: the Working Paper, the Draft Resolution, and the Final Resolution. Below is the Evolution of the Resolution.

1. **Working Paper:** This is the beginning point of a Resolution. The document is referred to a “working paper” until the dais accepts it. At this stage, you can flush out your ideas and make edits. The dais may ask you to make several edits to the document as well. You may even be asked to merge your working paper with another group’s working paper, depending on whether or not there are other working papers that have similar ideas. A working paper must have the following attributes to be accepted as a Draft Resolution:
 - must have at least one sponsor.
 - a combination of signatories and sponsors to equal 25% of the committee present during the first session (Signatories are Member States who would like to see the idea debated and do not necessarily have to agree with the idea).
 - Sponsors have had substantive additions either through direct clauses or impactful ideas to the working paper. (These are the only individuals called to the Dais when edits are returned).

Sponsors V. Signatories:

Each working paper will require a certain number of sponsors and signatories, to be considered as a draft resolution. The number required will vary by committee and will be announced by the Dais during the first committee session.

If you are a **SPONSOR** to a working paper:

- You actively assist in the authoring of the paper and you agree fully with the substance
- You must vote in favor of the working paper should it become a draft resolution
- You must approve all modifications and immediate changes to the draft resolution

If you are a **SIGNATORY** to a working paper:

- You do not have to agree with the substance of the paper, only that you want to see it debated
- You may vote in favor, against, or abstain should it become a draft resolution
- You may introduce amendments without the consent of the sponsors

2. **Draft Resolution:** Once a working paper is accepted by the dais, it becomes a Draft resolution. Draft resolutions will be titled based on the topic being discussed and in the order they are selected. The topics are numbered based on how the delegates have ordered them on the agenda and not necessarily how they are ordered in the background guide. They are numbered in the order in which they are received.

For example: If during topic 1 a working paper is submitted and accepted by the dais it is titled “Draft Resolution 1-1”. When a second working paper is submitted and accepted (during topic 1) by the dais, it is titled “Draft Resolution 1-2”. When a working paper is submitted and accepted by the dais during topic 2, it is titled “Draft Resolution 2-1”, and so on.

The format of a Draft Resolution looks like this:

	Resolution ___/___/___
<p>_____ Committee</p>	
<p>Sponsors: _____, _____, _____, _____</p>	
<p>Signatories: _____, _____, _____, _____</p>	
<p>Topic: _____</p>	
<p>The _____ (committee),</p>	
<p>Preambulatory clause (reasons the problem is being addressed) [use commas to separate preambulatory clauses],</p>	
<p>Preambulatory clause,</p>	
<p>Preambulatory clause,</p>	
<p>Preambulatory clause,</p>	
<ol style="list-style-type: none"> 1. Operative clause (offers solutions/action oriented/verbs underlined, they need to be numbered); [use semicolons to separate operative clauses]; 2. Urges 3. Requests 4. Calls 5. Stresses 6. Calls 7. Requests. [end resolutions with a period] 	

Preambulatory Clause vs. Operative Clause

PREAMBULATORY CLAUSE

The preamble of a draft resolution states the reasons for which the committee is addressing the topic and highlights past international action on the issue. Each clause begins with a present participle (called a preambulatory phrase) and ends with a comma.

Preambulatory clauses can include:

- References to the UN Charter;
- Citations of past UN resolutions or treaties on the topic under discussion;
- Mentions of statements made by the Secretary-General or a relevant UN body or agency;
- Recognition of the efforts of regional or nongovernmental organizations in dealing with the issue; and General statements on the topic, its significance and its impact.

SAMPLE PREAMBULATORY PHRASES

Affirming	Desiring	Having considered	Noting with approval
Alarmed by	Emphasizing	Having considered	Observing
Approving	Expecting	further	Reaffirming
Aware of	Expressing its	Having devoted	Realizing
Bearing in mind	appreciation	attention	Recalling
Believing	Expressing its	Having examined	Recognizing
Confident	satisfaction	Having heard	Seeking
Contemplating	Fulfilling	Having received	Taking into account
Convinced	Fully alarmed	Having studied	Taking into account

SAMPLE PREAMBULATORY PHRASES

Affirming	Desiring	Having considered	Noting with approval
Declaring	Fully aware	Keeping in mind	Taking into
Deeply concerned	Fully believing	Noting with regret	consideration
Deeply conscious	Further deploring	Noting with deep	Taking note
Deeply convinced	Further recalling	concern	Viewing with
Deeply disturbed	Guided by	Noting with satisfaction	appreciation
Deeply regretting	Having adopted	Noting further	Welcoming

OPERATIVE CLAUSE

Operative clauses identify the actions or recommendations made in a resolution. Each operative clause begins with a verb (called an operative phrase) and ends with a semicolon. Operative clauses should be organized in a logical progression, with each containing a single idea or proposal, and are always numbered. If a clause requires further explanation, bulleted lists set off by letters or roman numerals can also be used. After the last operative clause, the resolution ends in a period.

SAMPLE PERATIVE PHRASES

Accepts	Deplores	Emphasizes	Notes
Affirms	Designates	Encourages	Proclaims
Approves	Draws the attention	Endorses	Reaffirms

SAMPLE PERATIVE PHRASES

Accepts	Deplores	Emphasizes	Notes
Authorizes	Emphasizes	Expresses its	Recommends
Calls	Encourages	appreciation	Regrets
Calls upon	Endorses	Expresses its hope	Reminds
Condemns	Expresses its	Further invites	Requests
Confirms	appreciation	Further proclaims	Solemnly affirms
Congratulates	Expresses its hope	Further reminds	Strongly condemns
Considers	Further invites	Further recommends	Supports
Declares accordingly	Deplores	Further requests	Takes note of
	Designates	Further resolves	Transmits
	Draws the attention	Has resolved	Trusts

When a working paper is accepted by the Dais to become a Draft Resolution, the signatories and sponsors are removed and this becomes a document of the body. The delegates are then given the opportunity to present their Draft Resolutions one by one until everyone has had a chance to present. The committee Chair then calls for a vote.

3. **Resolution:** Once the committee votes on and accepts a Draft Resolution, it becomes a Resolution. This is the final stage of the document in committee. At this point, no changes can be made. This process continues for each topic.

The CSUMUN International Court of Justice

Founded in 1945, the International Court of Justice is the principal legal entity for the United Nations (UN). The purpose of the ICJ is to solve legal disputes at the request of Member States and other UN entities. At the CSUMUN, delegates will be responsible for arguing on behalf of their assigned position for the assigned case.

Below is a brief guide on the CSUMUN International Court of Justice Rules of Procedure.

Introduction

One of the most striking differences delegates with experience in other committees will notice is the role of “Advocate” and/or “Supporting State” for a Member State they represent. There are four cases for the ICJ at the CSUMUN, and each delegation on the Court is responsible for one case as an “Advocate” or “Supporting State”. During this case, that delegation will represent its state's own view in the Court and try to win the case by having its state's goals accomplished. This system is somewhat similar to the formal presentation and questioning process in the United States of America’s (US) Supreme Court. For the other three cases before the Court, each delegation may serve as “Supporting State” for each case, should they choose. The Justices will listen to case presentations, question Advocates from both sides, and work toward reaching a sound legal decision with his or her fellow Justices. The Clerk may listen to cases and contribute to the discussion leading to a legal decision, but the Clerk may not question witnesses or vote on any Opinions of the Court. Justices and Clerks should represent their own legal minds and views as a resident of their assigned state, but they should not represent the interests of their government.

Role of the Justice

Justices of the Court are required to ensure that their opinions, questions, and eventual judgments pertaining to all cases are given without bias towards the interests of any state or entity - even the state in which the Justice resides. Justices are encouraged to read each case guide carefully and examine the sources presented, but Justices should strive to evaluate these sources only so far as to ascertain a general understanding of the case before the Court. In other words, Justices must strive not to make preliminary judgment for or against the Applicant or Respondent. Justices are required to deliberate on each case and each set of evidence presented by the Advocates before the Court, and not to simply reach a summary judgment based on evidence not formally presented before the Court. Justices must also understand that Advocates before the Court only serve as Advocates for one case. This means that Justices should strive to cooperate with each other throughout their tenure. Despite the adversarial nature of these cases and the need for Advocates to firmly stand behind a position when addressing the Court, anyone serving as a Justice before the Court is required to act in a professional manner at all times. Any disagreements two Advocates may have with each other during a case are not to be carried over to their role as Justices.

Justices of the Court are to ensure that the deliberations of the Court are kept secret. All Justices were required to recite a solemn Oath of the Court to start their tenure and they will

be expected to uphold their promise to the Court. This oath of secrecy until the Closing Ceremonies and the unveiling of the decisions applies to communication with any persons not declared Officers of the Court by the Chief Justice. This does include members of your State's delegation, pages, visitors, and Faculty Advisors. This process is in place to assure that all Advocates are given a fair chance to present their case to a non-biased group of Justices. If any Faculty Advisor, Justice, or other interested party has a question about this policy, please feel free to speak to the Chief Justice.

Role of the Advocate and Memorial/Counter-Memorial Writing Guide

Advocates are charged with representing the interests of their state or body before the Court to the best of their ability. Advocates should be prepared to give a significant presentation to the Court, and they should be prepared to answer difficult questions from Justices or Advocates.

Advocates are encouraged to understand as much as possible about their case in order to provide a competent defense of their point.

While presenting to the Court and having a presentation ready are crucial to becoming a great advocate, the Memorial/Counter-Memorial writing process is a critical first impression for Advocates. The Memorial and Counter-Memorial are also great ways to ensure that an Advocate's research is focused on the topic at hand and helps them to streamline the process. These documents are the backbone of the Advocate's case, and include a Statement of Relevant Facts, a Statement of Relevant Law, and a conclusion section in which the Advocate makes specific requests of the Court.

The Statement of Relevant Facts should include all relevant facts of the case that the Advocate feels are necessary. This may include sections of relevant text from a transcript of a speech, official statement, or other document, parts of a Resolution or other similar document, statistical data that helps to prove the Advocate's case, or any other relevant facts the Advocate finds useful in preparing for his or her case. As with all other parts of the Memorial or Counter-Memorial, you must ensure that anything you cite in this section is properly documented and that the document is brought with you to the Court. For example, if you site a statistic from the UN, a printout or electronic copy of the document must be brought with you to the Court.

The Statement of Relevant Law should be a comprehensive list of case law the Advocate wishes to cite during her or his presentation. This may include text from a Treaty, Charter, or other relevant document to which the interested parties are obligated to. This may also include relevant customary law or other law the Advocate feels both parties should be legally bound by. For example, an Advocate may wish to cite text from the Nuclear Non-Proliferation Treaty, the Universal Declaration of Human Rights, or the UN Charter itself. While some documents such as the UN Charter are considered common knowledge and may be cited without documentation, it is strongly encouraged that the Advocate bring copies, either paper or electronic, of all sources researched. If an Advocate cites a legal statute or other relevant document, and the Advocate doesn't provide a proper citation, it is at the discretion of the Justices of the Court and ultimately the Chief Justice as to whether to consider the legal citation.

The final section of the Memorial or Counter-Memorial is the Advocate's conclusion. This

section is where the Advocate makes their final requests of the Court. This section is not simply a summary of previous statements, but actually a final product of the evidence presented previously. For example, an Advocate representing State A believes State B has violated its sovereign territory and offered trade agreements for land which State A alleges belongs to itself. In State A's conclusion, State A could ask the Court to nullify any previous trade agreements made between State B and other parties involving the disputed territory, and further request that State B pay reparations to State A for the value of the lost resources that State B's agreements cost State A. While all three sections are equally important to an Advocate's case, this section should be particularly carefully worded as it will be the basis of the Advocate's request of the Court for any action, and the Justices will carefully consider the requests of each Advocate when reaching their final decision.

Finally, Advocates are once again reminded that all evidence should be carefully documented and brought to the Court. Advocates may choose to provide paper evidence in a binder with each piece of evidence easily identifiable, or Advocates may bring an electronic copy of their sources sorted by file directory for each type of evidence. Aside from "common knowledge" documents such as the UN Charter, any evidence or statement presented by Advocates that does not have accompanying evidence with it may not be considered. The decision to consider evidence is at the discretion of the Justices of the Court with final determination made by the Chief Justice of the Court.

Rules of Procedure for the CSUMUN ICJ

Article 1

The International Court of Justice, established by the United Nations as its principal judicial organ, shall be constituted and shall function in accordance with the provisions of the present Statute and Rules.

Article 2

The Court shall be composed of a body of independent judges, elected or appointed from among persons of high moral character.

Article 3

Section 3.01 The Court shall consist of at least eight Justices, not including the Chief Justice and Assistant Chief Justice.

Section 3.02 Membership on the Court shall be determined by the Chief Justice at the beginning of the calendar year.

Section 3.03 Each Justice shall have one seat on the Bench, except while a state is being represented in the case currently being heard by the court. Such members shall recuse themselves for the duration of the proceedings of the case in question.

(a) Each seat on the Bench shall be represented in formal procedure by a Justice of the Court. Justices of the Court must be present for the entirety of all proceedings of the Court.

(b) The declaration to be made by every Member of the Court shall be as follows:

"I <state your name> do solemnly swear to uphold the Charter of the United Nations

and the Statute of the Court, and to act only on the basis of law, independently of all outside influence or interventions whatsoever, in the exercise of the judicial function entrusted to the Court alone by the Charter and its statute. I further swear to keep the confidentiality of the Court, and to avoid discussing any matters related to deliberations of the Court until authorized by the Chief Justice.”

Article 4

Section 4.01 The Chief Justice of the Court shall have final discretion in all matters of the Court, both procedural and substantive.

Section 4.02 The Chief Justice and Assistant Chief Justice may vote in substantive and procedural matters to break a tie.

Article 5

Section 5.01 The Assistant Chief Justice shall retain all rights of access afforded to the Chief Justice.

Section 5.02 When the Chief Justice is not present, the Assistant Chief Justice shall act as a representative for the Chief Justice and shall have all rights and privileges afforded to the Chief Justice.

Article 6

Members of the Court shall be bound, unless prevented from attending by illness or other serious reasons duly explained to the Chief Justice of the Court, to hold themselves permanently at the disposal of the Court while the Court is in session.

Article 7

Section 7.01 If, for some special reason, a member of the Court considers that he or she should not take part in the decision of a particular case, he or she shall so inform the Chief Justice of the Court.

Section 7.02 If the Chief Justice of the Court considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him or her notice accordingly.

Section 7.03 If in any such case the member of the Court and the Chief Justice disagree, the matter shall be settled by a two-thirds majority decision of the members of the Court.

Section 7.04 In no case shall a member of the Court sit in a case where his or her state is a party.

Article 8

Section 8.01 The full Court shall sit on all cases except when it is expressly provided otherwise in the present Statute.

Section 8.02 A quorum of nine judges – including the Chief Justice – shall suffice to constitute the Court. In cases where a fewer number of Justices sit, the quorum shall remain proportional thereto.

Article 9

Shall there be several parties in the same interest, they shall be reckoned as one party only and shall be represented by the Member State or appropriate agent listed on the Docket of the Court. Final decisions on this matter shall be settled by the Chief Justice.

Article 10

Only states or entities specifically enumerated in the Statute of the International Court of Justice may be parties in cases before the Court. Final decisions in this regard will rest with the Chief Justice.

Article 11

The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

Article 12

In the event of a dispute as to the Court's jurisdiction, the matter shall be settled by a majority decision of the Court.

Article 13

Section 13.01 The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- (a) International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- (b) International custom and Customary Law, as evidence of a general practice accepted as law;
- (c) The general principles of law recognized by the United Nations;
- (d) Judicial decisions and the teachings of the most highly qualified publicists of the various members of the United Nations, as subsidiary means for the determination of rules of law.

Section 13.02 The validity of all sources of law and evidence presented before the Court shall be determined by the Court.

Section 13.03 This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono* (according to the commonly accepted standards of what constitutes appropriate behavior), if the parties agree thereto.

Article 14

The Court shall have the power to indicate, if it determines that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party. Pending the final decision, notice of the measures suggested shall forthwith be given to the relevant parties.

Article 15

Section 15.01 The parties involved in any matter before the Court shall be represented by Agents whose credentials shall be examined and verified by the Court upon initial submission of an Application instituting proceedings before the Court.

Section 15.02 The Agents shall serve as Advocates for their respective case before the Court.

Article 16

Section 16.01 The procedure of the Court shall consist of two parts: written and oral.

Section 16.02 The written portion shall consist of the communication to the Court of Memorials, Counter-Memorials and, if necessary, Replies and Rejoinders. All evidence and sources of law cited by Advocates will also be included with these documents, and shall be subject to the full scrutiny of the Court.

- (a) The Court may authorize or direct that there shall be a Reply by the applicant and a Rejoinder by the respondent if the parties are so agreed, or if the Court decides of its own volition or at the request of one of the parties, that these pleadings are necessary.
- (b) A Memorial shall contain:
 - 1) A statement of the relevant facts; and
 - 2) A statement of relevant law.
- (c) A Counter-Memorial shall contain:
 - 1) An admission or denial of the facts stated in the Memorial;
 - 2) Any additional facts, if necessary;
 - 3) Observations concerning the statement of relevant law in the Memorial; and,
 - 4) A statement of law in answer thereto.
- (d) The Reply and Rejoinder, whenever authorized by the Court, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.
- (e) Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.
- (f) There shall be annexed to every pleading copies of any relevant documents cited in support of the contentions in the pleading.
- (g) A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.
- (h) These communications shall be made through the Chief Justice, in the order and within the time fixed by therein.
- (i) A copy of every document produced by one party shall be communicated to the other party.
- (j) After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with the consent of both parties or upon

request of the Court.

(k) If a new document is produced under Section 16.02(j), the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.

Section 16.03 The Court's Docket shall be determined by the Chief Justice, and should correspond to the order in which the Court receives the Memorials.

Section 16.04 The oral proceedings shall consist of the hearing by the court of Advocates and witnesses, experts, or other parties at the request of the Court and upon approval by the Chief Justice.

- (a) The Applicant shall present its case first, and shall be allotted twenty (20) minutes to do so.
- (b) The Respondent may question the Applicant for a period of fifteen (15) minutes.
- (c) The Court shall question the Applicant on the merits of its case for fifteen (15) minutes.
- (d) The Respondent shall then present its case and respond to the questions of the Applicant and the Court in the same manner and within the same time allotments as the Applicant.
- (e) The Respondent, followed by the Applicant, shall make closing remarks not to exceed five (5) minutes.
- (f) Should the Respondent find the Applicant's closing remark grossly offensive or inaccurate, it may rise to a Right of Reply, which may be granted at the discretion of the Chief Justice and shall not exceed one (1) minute.
- (g) The time restrictions imposed by Section 16.04 may be extended at any time at the discretion of the Court and final authorization by the Chief Justice.
- (h) No reference may be made during the oral proceedings to the contents of any document which has not been produced in accordance with Section 16.02, unless this document is part of a publication readily available to all parties at the time the reference is made, or if the document is part of accepted public knowledge.
 - 1) The determination of whether a document or piece of evidence is part of "accepted public knowledge" is at the discretion of the Chief Justice.
- (i) Without prejudice to the provisions of the Statute concerning the production of documents, each party shall communicate to the Chief Justice, in sufficient time before the opening of the oral proceedings, information regarding any evidence which it intends to produce or which it intends to request the Court to obtain.
- (j) The Court may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings. These witnesses will be evaluated by the Justices upon the approval of the Chief Justice to ensure that their testimony before the Court is germane and accurate.
 - 1) Every witness shall make the following declaration before giving any evidence: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth, and nothing but the truth";
 - 2) Every expert shall make the following declaration before giving any evidence: "I solemnly

declare upon my honor and conscience that I will speak the truth, the whole truth, and nothing but the truth and that my statement will be in accordance with my sincere belief.”

Section 16.05 The hearing shall be presided over by the Chief Justice of the Court.

Section 16.06 The hearing in Court shall be open to the public upon acquisition of appropriate credentials. This is not meant in any way, however, to construe a right of open access to deliberations of the Court.

- (a) All parties executing or observing the functions of the Court must display official credentials issued by the Secretariat of the United Nations or the Court at all times. Entry may be denied to any party not displaying proper credentials or upon notice from the Chief Justice.
- (b) At the discretion of the Court or Chief Justice, members of the press may be temporarily or permanently dismissed from any hearing.

Section 16.07 The Court may, at any time, call upon the Advocates to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Section 16.08 During the hearing, any relevant questions are to be put to the witnesses and experts under the conditions laid down in Section 16.04.

Section 16.09 When, subject to the control of the Court, the parties have completed their presentation of the case, the Chief Justice shall declare the hearing closed. The Court shall withdraw into private deliberations upon completion of the hearing.

- (a) The Chief Justice and Justices not otherwise barred from the proceedings subject to the Statute will participate in deliberations.
- (b) The deliberations of the Court shall take place in private and remain secret until they are authorized to be released by the Chief Justice.
- (c) No representative of the states party to the case being deliberated may observe any part of the deliberations for any reason.
- (d) No representative of the press may observe the deliberations.
- (e) Individuals wishing to gain access to the deliberations of the Court must submit a written request. Only upon the acceptance of that request by the Chief Justice will credentials for access to the Court be granted. Credentials are revoked upon departure from the Court. All individuals wishing further access must resubmit their request in order to gain access.
- (f) All parties executing or observing the deliberations of the Court must display official credentials issued by the Court at all times. All parties receiving credentials have, in displaying credentials, accepted the rules of the Court and are therefore bound to them. This particularly applies to Section 16.09(b). Access to the Court shall be denied to any party not displaying proper credentials.
- (g) When the deliberations of the Court result in a draft judgment with apparent support of several Justices, the Chief Justice shall call a formal vote.
- (h) Justices will vote by indicating their favor or opposition in writing to the Chief Justice.

- (i) If the draft judgment receives a majority of the votes, the Chief Justice will assign a Justice to write the judgment. The Chief Justice will also assign Justices to write the dissenting opinions as necessary. The Chief Justice may also authorize concurring or per curiam (by the Court) opinions as the Chief Justice feels necessary.
- (j) If the draft Judgment fails to receive a majority of the votes, the Chief Justice will instruct the Justices to continue deliberations.
- (k) Each judgment and dissenting opinion shall state and explain the reasons on which it is based.
- (l) Each judgment or other opinion shall contain an abstract of 200 words or more, and the abstract shall not exceed one page.
- (m) Judgments shall be submitted to the Chief Justice for review and processing.
- (n) Justices shall not reveal the nature of their judgment votes. Such information will be revealed at the reading of the Court's judgments and dissenting opinions when specifically authorized by the Chief Justice.
- (o) Deliberations may be extended by a majority vote of the Justices at the discretion of the Chief Justice.
- (p) All opinions, decisions, deliberations, and documents generated by the Court during deliberations shall remain secret until specifically authorized to be publicized by the Chief Justice.

Article 17

The Chief Justice or the Court, at his or her discretion, may declare any person in breach of any of the Statue and Rules to be in contempt of Court. If the person in contempt is a Justice, the Chief Justice may remove their speaking privileges for a period of time determined by the Chief Justice. If the person is an observer, the Chief Justice may remove that person from the Court indefinitely.

Article 18

Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim. The Court must, before doing so, satisfy itself, not only that it has jurisdiction, but also that the claim is well founded in fact and law. The Chief Justice may determine whether those requirements are met, and either reschedule the proceedings or remove the case from the Court docket.

Article 19

The judgment of the Court shall be binding on any state that agrees to be bound by the decision of the Court during the Application process. All other decisions of the Court shall be considered Advisory Opinions.

Article 20

The judgment of the Court is final and without appeal. In the event of a dispute as to the meaning or scope of the judgment, the Court shall provide written explanation upon request of any party.

Article 21

Section 21.01 Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to make

a presentation before the Court explaining what stake it may have in the case. The Court, and ultimately, the Chief Justice, will make the final determination on this matter.

Section 21.02 Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Chief Justice shall notify all states forthwith. Every state so notified has the right to intervene in the proceedings. If the state uses this right, the construction given by the judgment will be equally binding upon the state.

Article 22

Section 22.01 Advisory opinions may be requested by certain authorized bodies of the United Nations as specifically enumerated in the Statute of the International Court of Justice.

Section 22.02 Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to impact the question at hand.

Section 22.03 The Court shall deliver its advisory opinions in the same manner as binding judgments, upon authorization by the Chief Justice. Such opinions shall remain secret, including their deliberations, until specifically authorized by the Chief Justice.

Section 22.04 In the exercise of its advisory functions, the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Article 23

If at any time a party to a case feels that these rules have been violated, any member of the Court or Advocate to the Court may submit a written or oral objection. The objection shall be ruled upon by the Chief Justice whose decision on the matter shall be final.

Article 24

The rules herein will supersede all conflicting rules within the Rules of Procedure for SRMUN. Where there is no conflict in these rules, the aforementioned document will be applicable to the function of the Court. All final decisions in this regard, including, but not limited to, interpretations of said rules and documents as to how they may or may not pertain to the Court, shall be made by the Chief Justice.

Article 25

The working language of the Court shall be English. Any party involved with the Court proceedings not wishing to use English must provide a complete, simultaneous translation to English of all oral and/or written statements they may wish to bring before the Court. Refusal to provide translation will result in the record being stricken of any non- English statements made by any party, and may result in the party being charged with contempt of Court.

Operational Technicalities:

Timeline for Court proceedings:

- 20-minute presentation by Applicant.
- 10-minute presentation by Supporting State
- 15-minute cross-examination by Respondent.

- 15-minute questioning of the Applicant by Justices.
- 20-minute presentation by Respondent.
- 10-minute presentation by Supporting State

- 15-minute cross-examination by the Applicant.
- 15-minute questioning of the Respondent by Justices.
- 5-minute closing remarks by Respondent.
- 5-minute closing remarks by Applicant.
- 20-minute deliberation period for Justices.
- 5-minute Announcement of Decision by Justices.

Motions in the Court:

Motions in the ICJ are handled differently than in other committees. While the Chief Justice is the final authority on the validity of any motion within the Court, the following are some common motions that are generally acceptable in the ICJ:

- Motion to extend questioning or deliberations: This motion would be acceptable if a Justice believes that more time is needed for questioning an Advocate or for closed deliberations. To pass, this motion requires a majority of the Justices and approval of the Chief Justice.

Advocates may not make this motion.

- Motion to end questioning or deliberations: This motion shall be valid if a Justice believes that adequate time has passed during the questioning or deliberation process, and that the respective period should be ended early. This motion requires a majority of the Justices and approval of the Chief Justice.

Advocates may not make this motion.

- Objections should be made in a respectful manner, and they should be used minimally to avoid disruption in the Court:

- The Chief Justice reserves the right to rule on the merits of any objections.

- Objections should be made on law or procedure, and not simply on whether the Advocate or Justice agrees or disagrees with a statement.

Glossary of ICJ Terms

Advisory Opinion – Case before the Court in which the Court may issue an Opinion, but it will not be binding. This type of Opinion can be requested by an organ of the United Nations or select sub-bodies of the United Nations.

Advocate – Official agent of state or other entity with business before the Court.

Amendment – Formal document changing a portion of a current document before the Court.

Applicant – Party that initiates proceedings in the Court – known in American law as “prosecution.”

Contentious Case – Case before the Court where both sides have agreed to abide by the ruling of the Court. In other words, decisions reached in contentious cases are binding on all parties to the case. Enforcement of these decisions is dependent on the Security Council.

Counter-Memorial – Respondent's evaluation of case law, issue before Court, and its position on the case and possible action the Court could take.

Justice – Legal expert on the International Court of Justice appointed to judge and rule upon cases before the Court based on sound legal knowledge.

Memorial – Applicant's evaluation of case law, issue before Court, and its position on the case and action the Applicant wishes the Court to take against the Respondent.

Rejoinder – Respondent's response to the formal Reply of the Applicant. Document should respond to fallacies of case law in Reply and issues in dispute with Reply

Reply – Applicant's response to the Counter-Memorial of the Respondent. Reply should cite improper interpretation of case law in Counter-Memorial and general issues in dispute with Counter-Memorial.

Respondent – Party that responds to initial proceedings – known in American law as “defense.”

Sample Memorial and Counter-Memorial

Please note that all of the text below is directly quoted from the original text of the Memorial and Counter-Memorials for the relevant cases from the International Court of Justice website. These are ideal examples of the general framework that all Memorials and Counter-Memorials should be based on. However, when creating your own Memorial and Counter-Memorial, which should be at minimum two (2) pages in length and single spaced, it is of course inappropriate for you to use official documents as your own work.

CSUMUN 2024

INTERNATIONAL COURT OF JUSTICE

Memorial

INSTITUTING PROCEEDINGS

filed in the Registry of the Court on 29 January 2017

MARITIME DISPUTE

(PERU v. CHILE)

2017 General List No. 1

I. APPLICATION INSTITUTING PROCEEDINGS 16 January 2017.

To the Registrar, International Court of Justice.

I, the undersigned, duly authorized by the Government of the Republic of Peru, of which I am the Agent, have the honor to submit to the International Court of Justice, in accordance with Articles 36 (1) and 40 (1) of its Statute and Article 38 of its Rules, an application instituting proceedings brought by the Republic of Peru against the Republic of Chile in the following case.

I. Subject of the Dispute/Desired Outcome

1. The dispute between Peru and Chile concerns the delimitation of the boundary between the maritime zones of the two States in the Pacific Ocean, beginning at a point on the coast called Concordia according to the Treaty of 3 June 1929. The dispute between Peru and Chile also involves the recognition in favor of Peru of a large maritime zone lying within 200 nautical miles of Peru's coast, and thus appertaining to Peru, but which Chile considers to be part of the high seas.

II. The Facts

1. The maritime zones between Chile and Peru have never been delimited by agreement or otherwise. Peru, accordingly, maintains that the delimitation is to be determined by the Court in accordance with customary international law.
2. However, Chile contends that both States have agreed on a maritime delimitation starting at the coast and then proceeding along a parallel of latitude. Moreover, Chile has refused to recognize Peru's sovereign rights in a

maritime area situated within the limit of 200 nautical miles from its coast (and outside Chile's exclusive economic zone or continental shelf).

3. Since the 1980s, Peru has consistently endeavored to negotiate the various issues in dispute, but it has constantly met a refusal from Chile to enter into negotiations (see e.g., Annex 1). By a Note of 10 September 2004 of its Minister for Foreign Affairs (Annex 2), Chile firmly closed the door on negotiations.

III. The Jurisdiction of the Court

1. The jurisdiction of the Court in this case is based on Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948 (Annex 3). This provision reads as follows: "In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory ipso facto, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:
 - (a) the interpretation of a treaty;
 - (b) any question of international law;
 - (c) the existence of any fact which, if established, would constitute the breach of an international obligation;
 - (d) the nature or extent of the reparation to be made for the breach of an international obligation.
2. Both Peru and Chile are Parties to the Pact of Bogotá. No reservation in force at the present date has been made by either Party under the Pact.

IV. The Legal Grounds upon Which Peru's Claims Are Based

1. The principles and rules of customary international law governing maritime delimitation, as reflected in the relevant provisions of the 1982 United Nations Convention on the Law of the Sea ("UNCLOS") and developed by the jurisprudence of the International Court of Justice and other tribunals, constitute the main sources of law applicable to the present dispute.
2. The fundamental guiding principle for the delimitation of the exclusive economic zone and the continental shelf between States with adjacent coasts, as expressed in Articles 74 and 83 of the Convention, is that the Delimitation "shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution." As interpreted by the recent jurisprudence of the Court, this principle is largely similar to the principle of "equidistance/special circumstances" concerning the delimitation of the territorial sea between States with adjacent coasts, as expressed in Article 15 of the Convention.
3. Under international law, both Peru and Chile are entitled to a maritime domain adjacent to and prolonging their respective land territory to a distance of 200 nautical miles from their baselines. On this basis and due to the geographic configuration of the coast, their entitlements overlap. As long as no agreement has been reached by the Parties in respect of the delimitation of their respective maritime zones and in the absence of special circumstances of such a nature as to put into question the equidistance line, such equidistance line achieves an equitable result. The maritime boundary between the Parties should be determined accordingly.
4. In contrast, a dividing line along a parallel starting from the coast, advocated by Chile, does not meet the fundamental requirement of achieving an equitable result, nor does it stem from any agreement between the Parties.
5. The delimitation should begin at a point on the coast called Concordia, the terminal point of the land boundary established pursuant to the Treaty and Complementary Protocol to settle the issue of Tacna and Arica — Treaty of Lima — of 3 June 1929 (Annex 4), the co-ordinates of which are 18° 21' 08" S and 70° 22' 39" W (see Annex 5) and extends to a distance of 200 nautical miles from the baselines established by the Parties. This is in conformity with Article 54, paragraph 2, of the Peruvian Constitution of 1993 (Annex 6), the Peruvian Law No. 28621 on the Maritime Domain Baselines of 3 November 2005 (Annex 5), the Peruvian Supreme Decree No. 047-2007-RE of 11 August 2007 (Annex 7) and Article 596 of the Chilean Civil Code as amended by Law No.

18.565 of 23 October 1986 (Annex 8) which all concur in fixing the outer limit of their respective maritime entitlements up to a distance of 200 nautical miles measured from the baselines.

6. Under well-established principles and rules of international law, Peru is also entitled to the maritime areas lying within 200 nautical miles of its baselines and beyond 200 nautical miles from Chile's baselines, and Chile's contentions to the contrary are devoid of merit.

V. Decision Requested

1. Peru requests the Court to determine the course of the boundary between the maritime zones of the two States in accordance with international law, as indicated in Section IV above, and to adjudge and declare that Peru possesses exclusive sovereign rights in the maritime area situated within the limit of 200 nautical miles from its coast but outside Chile's exclusive economic zone or continental shelf.
2. The Government of Peru, further, reserves its right to supplement, amend or modify the present Application in the course of the proceedings.
3. For the purposes of Article 31 (3) of the Statute and Article 35 (1) of the Rules of the Court the Government of Peru declares its intention of exercising the right to designate a Judge ad hoc. All communications relating to this case should be sent to the Embassy of the Republic of Peru in the Netherlands, Nassauplein 4, 2585 EA The Hague, the Netherlands.

Respectfully submitted,

X

Allen Wagner (*Your Name*)

Agent of the Government of the Republic of Peru.

COUNTER-MEMORIAL

filed in the Registry of the

Court on 1 March 2017

(Malaysia/Singapore)

2017 General List No. 1

- I. Comment on Subject of Dispute and Facts Stated in the Memorial of the Republic of Malaysia/Desired Outcome**
1. Malaysia's claim to Pedra Branca is based on an alleged "original title" held by the Johor-Riau-Lingga Sultanate (called the "Sultanate of Johor" in Malaysia's Memorial) before 1824, which was subsequently transmitted to Malaysia through an elaborate chain of "succession."
 2. According to Malaysia, this alleged chain of "succession" proceeded as follows:
 - (a) the 1824 Anglo-Dutch Treaty split the region into British and Dutch spheres of influence and resulted in the division of the Johor-Riau-Lingga Sultanate into two successor entities – one north of the Strait of Singapore, the other south of the Strait of Singapore;
 - (b) after the split, Pedra Branca became a territory of the northern successor entity (i.e., the State of Johor);
 - (c) when the State of Johor joined the Malayan Union in 1946, Pedra Branca became part of the territory of the Malayan Union;
 - (d) when the Malayan Union was replaced by the Federation of Malaya in 1948, Pedra Branca became part of the territory of the Federation of Malaya;
 - (e) when the Federation of Malaya was reconstituted as the Federation of Malaysia in 1963, Pedra Branca became part of Malaysia.
- II. Additional Facts**
1. In contrast, Singapore's case is based on well-documented and uncontroverted acts of lawful possession undertaken by Great Britain, Singapore's predecessor in title. Lawful possession of Pedra Branca was taken by agents of the British Crown during the years 1847-1851 for the purpose of constructing a lighthouse. Possession was taken openly without seeking the permission of any Malay chief or any other power in the region, and without protest from any of them.
 2. Britain's (and Singapore's) title over Pedra Branca was time and again recognized and acknowledged by Malaysia and her predecessor, the State of Johor. Such recognition included:
 - (a) Malaysia seeking permission from Singapore for her officials to conduct activities around Pedra Branca;
 - (b) Malaysia requiring Singapore to cease flying the Singapore Marine Ensign on the lighthouse on Pulau Pisang (which belongs to Malaysia), but at the same time making no such requests with respect to Horsburgh Lighthouse on Pedra Branca; and
 - (c) publishing a series of official maps from 1962-1975 which attributed Pedra Branca to Singapore.
 3. Not only did Malaysia and her predecessor, the State of Johor, consistently recognize and acknowledge Singapore's title, in 1953, the State of Johor expressly, unconditionally and unequivocally disclaimed title to Pedra Branca.

III. Observations Concerning the Statement of Relevant Law in the Memorial of the Republic of Malaysia

1. In her Memorial, Malaysia has sought to deny Singapore's title by arguing that:
 - (a) under the Crawford Treaty of 1824 only the island of Singapore and all the islands within ten geographical miles from its coasts were ceded to the British, and Pedra Branca is located outside this zone;
 - (b) under international law, the mere construction and operation of a lighthouse does not confer sovereignty upon the lighthouse operator: a fortiori, when the lighthouse, as in the case of Pedra Branca, was built and operated with the permission of the territorial sovereign;
2. Malaysia's arguments run contrary to the evidence:
 - (a) the Crawford Treaty of 1824 is irrelevant. It does not circumscribe British competence in acquiring other territories in the region. Singapore's claim is not based on this Treaty but on Britain's lawful taking of the island in 1847;
 - (b) British officials did not seek permission from any local rulers for their activities on Pedra Branca;
 - (c) contrary to Malaysia's contention, this Court has recognised that the construction of navigational aids "can be legally relevant in the case of very small islands". In any event, Singapore's activities on the island are not confined to the operation of the lighthouse, but include a vast range of other acts of State authority, including legislative, administrative and quasi-judicial acts, performed over a period of 150 years on the island and in the waters around it;

IV. Statement of Relevant Law

1. The present section demonstrates that when the British took possession of Pedra Branca in 1847, Johor had no prior title to the island, whether assessed under classical principles of international law or under regional custom of allegiance:
2. While the law applicable to the British acquisition of Pedra Branca in 1847 was clearly the law of the nations as adopted by the European powers, there is less certainty concerning the applicable law by which Malaysia's claim to an "original title" should be evaluated. This is because of Malaysia's complete failure to explain the legal basis of her alleged "original title" and also because Malaysia has not made clear how and when this alleged "original title" arose, apart from some vague hints in her Memorial that her alleged "original title" dates from the 16th century.
3. Malaysia's avoidance of this critical issue has made it necessary for Singapore to discuss both the regional custom of allegiance and classical principles of international law. Whether examined under the local context of allegiance or under classical international law, the evidence clearly establishes that, immediately before the British took possession of Pedra Branca in 1847, there was an absence of title on the part of Johor.

V. Conclusion

1. Accordingly, on the basis of the facts and arguments set forth in this Counter-Memorial, and without prejudice to the right further to amend and supplement these submissions in the future, the Republic of Singapore asks the Court to adjudge and declare that:
2. For the reasons set out in this Counter-Memorial and in Singapore's Memorial, the Republic of Singapore requests the Court to adjudge and declare that:
 - (a) the Republic of Singapore has sovereignty over Pedra Branca / Pulau Batu Puteh;
 - (b) the Republic of Singapore has sovereignty over Middle Rocks; and
 - (c) the Republic of Singapore has sovereignty over South Ledge.
3. The Republic of Singapore has designated the undersigned as its Agents for the purposes of these proceedings. All communications relating to this case should be directed to this Agent.

Respectfully submitted,

X

Prof. Tommy Koh (*Your Name*)

Agent of the Government of Singapore

Sources:

www.mnum.org

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