MADMUN XVI
International Court of Justice (ICJ)
Chair: Nolan McDermid, Katelyn Premo
Sim: Mason Walker, Mallak Gadelhak

Bonjour Delegates!

Welcome to the International Court of Justice (ICJ) at MADMUN XVI! It is a distinct honor to have you all here, representing your nations and embarking on the challenging yet rewarding task of navigating international law.

During this conference, you will be transformed into legal Justices, entrusted with the responsibility of using your best legal judgment to make a decision based on the evidence presented in court. Your mission, should you choose to accept it, is to grapple with complex legal principles. You'll be asked to think critically, speak persuasively, and, most importantly, embody the spirit of justice.

The ICJ is more than just a committee; it is a test of your wit, your preparation, and your ability to engage in civil discourse, even when confronted with disagreements. This is your opportunity to hone your skills in diplomacy, negotiation, and public speaking in a dynamic and realistic setting.

My fellow Dais and I eagerly anticipate hearing the civil discourse and Judicial opinions you will put forth. We expect you to rise to the occasion, adhering to the decorum of the International Court of Justice and demonstrating the respect that this institution and your fellow delegates deserve.

The road ahead should be a fun journey, but a journey that should be taken seriously, but I am confident that you are all more than capable of the task. I wish you the best of luck in your deliberations and arguments.

Sincerely,

Chair Nolan McDermid, Co-Chair of the International Court of Justice

WHAT IS THE INTERNATIONAL COURT OF JUSTICE (ICJ)

The International Court of Justice, often referred to as the World Court, is the principal judicial organ of the United Nations. Established in 1945 by the UN Charter, its primary role is to settle legal disputes between states and provide advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies. The Court is located in The Hague, Netherlands, and is composed of 15 judges elected for nine-year terms.

The ICJ has jurisdiction over contentious cases, but only when the states involved have agreed to submit to the Court's authority. Unlike a domestic court, the ICJ does not hear cases brought by individuals or private entities. Its judgments are final and without appeal, though in practice, enforcement relies on political will and the authority of the UN Security Council.

ICJ MADMUN CONFERENCE POLICIES

Dress code: The MADMUN XV conference dress code is Western Business Attire. This includes dress shirts, suits/sport coats, dress pants or skirts, and dress shoes. Please refrain from wearing jeans, t-shirts, sweatshirts, sweatpants, and/or sneakers. Don’t be afraid to dress up if you could like.

Tech Policy: In the Intenational Court of Justice there will be no technoligy permitted at anytime during the simulation. Justices are expected to come with the Background Guide and any other materials printed on paper. If you have any troble dont be afraid to email me at mcdermn@mcfsd.org aswell as if you need a background guide that you can not bring I am happy to print one off for you if you are unable to get one yourself.

Award eligibility: To be eligible for an Indivigual award you must come prepared for the conference, participate in the simulation, and Turn in/Write a Opinion paper.

Phone Policy: There will be no phone use permitted in committee. Participants can have phones with them, but they should not be visible or in use.

Opinion Paper: Opinions will be debated during the simulation and each Justice will write 2 opinion papers one will be with the other Justices of the ICJ writing the Majority or Minority Opinion paper expressing the opinion of that group. The other will pe a personal opinion expressing your personal viewpoint on the Topic. **Prewritten opinion papers and strictly prohibited and will disqualify you from award contention.**

IMPORTANT MADMUN ICJ TERMS

Point of Inquiry: Allows judges or advocates to ask questions to obtain information from the Chair related to the procedure, time, etc.

Point of Personal Privilege: Allows judges or advocates to ask questions to address any issues that might affect their ability to carry out their duties.

Point of Order: Allows judges or advocates to ask questions about correct procedure or if correct procedure is being followed.

YOUR ROLE AS A JUSTICE IN THE MADMUN 2025 ICJ COMMITTEE

An ICJ simulation is a highly specialized and rewarding experience that differs from a traditional Model UN committee. Instead of representing a country's policy, your role is to act as an impartial judge. Your primary responsibility is to apply international law to a specific case, which is a legal dispute between two or more member states.

As a justice, you are expected to do the following:

- **Background Guide Research:** Before the conference, you'll need to read through the Background guide and all relevant international laws, treaties, and legal precedents that could help you grasp the simulation better. These will also be presented in the court case, but it always helps to know what you are talking about. **For the purposes of this committee, please don't research what actually happened in the real court case.** This is the foundation of your work.
- **Hear Oral Arguments:** During the conference, you will listen attentively to the "advocates" (Sims representing the states involved) as they present their legal arguments from the case.
- **Ask Questions:** During the simulation, we have a cross-examination where justices are allowed a set number of questions to ask the witnesses, and also are encouraged to ask internal questions and, at the right time, question their fellow justices as well. This is a crucial part of the deliberation process.
- **Deliberate with Your Fellow Justices:** After the oral arguments, the Court will enter a closed deliberation session. This is where you and the other justices will discuss the merits of the case, analyze the arguments, and debate the application of international law.
- **Draft a Majority and Dissenting Opinion:** The ultimate goal is to reach a judgment and a final opinion. You will work with your fellow justices to draft the Court's opinion. It's also common for justices who disagree with the majority to write a separate "dissenting opinion" explaining their legal reasoning.
- **Adhere to Procedural Rules:** The ICJ simulation has specific rules of procedure that you must follow, which are different from a standard MUN committee. These rules ensure the simulation accurately reflects real-world legal proceedings.

Ultimately, your success as a justice will depend on your ability to set aside personal bias and country-specific interests to act as an objective arbiter of international law.

This also means that because you shouldn't have a bias, you will not need to write a position paper!!!

LEGAL PROCEDURAL TERMS:

Applicant: The party that files a petition against another, also referred to as the plaintiff.

Respondent: The party the petition is filed against, also referred to as the defendant.

Advocate: The person(s) who are representing the applicant or respondent.

Judge: An official who decides legal disputes in court. In the ICJ, judges serve nine-year terms

Plea: The act of making an assertion in a legal proceeding.

Jurisdiction: An area where a country, government, and/or court has the authority to act and serve.

Direct Examination: The questioning of a witness by the party that called them to the stand

Cross Examination: The questioning of a witness by the opposing party.

Opening Statements: Each party's opportunity to explain the foundation of their arguments for the court at the start of a trial.

Closing Statements: Each party's opportunity to remind the court of their main arguments at the end of a trial.

Opinion of the Court: A written explanation by a judge or judges (of the majority) explaining their reasoning and decision of a case.

Dissenting Opinion: A written explanation by a judge or judges (of the negative) explaining their reasoning and decision of a case.

Deliberation: The judges will analyze and carefully consider the facts of the case and the arguments they heard in the trial to form the court's opinion.

Breach: Violating a law by doing a specific action that would not reach (or go against) what the law requires.

Damages: The remedy for the injuries that the applicant had from the respondent. Damages are typically monetary compensation and are given if the court finds that the respondent party breached their duty.

MADMUN ICJ PROCEDINGS

1. Roll Call: When your Delegate number is called, raise your placard and say present.

2. Open Session: Someone must open the session by making a motion by saying, “I make a motion to begin and open the session".

3. Swearing of the Oath: All judges and advocates are required to swear an oath before the trial begins. They must declare they will act in a just and honorable manner.

4. Preparation: The background of the case is presented to the committee. Committee members will have time to review and prepare arguments.

5. Open the Chamber: Someone must open the chamber before oral arguments may begin by saying, "I make a motion to open the chamber".

6. Opening Statements: The applicant will start with their opening statements, and the respondent will follow after them. During the opening statement, parties will describe and outline the dispute from their perspective. Opening statements are argumentative in nature.

7. Presentation of Evidence: This is the time for the parties to present their evidence to the court and question the witnesses.

8. Agenda: The agenda must be set before the judges may ask questions regarding each party's testimony. The agenda sets the rules the committee must follow during the questioning period. For this to happen, a judge must say, "I make a motion to establish the agenda".

9. Questioning Period: The questioning period is to resolve any doubts or concerns regarding the witness's testimony or evidence presented. To ask questions, judges need to say, "point of information". Another question related to the topic can be asked after by saying, "point of commentary". Advocates or witnesses cannot respond to this type of commentary.

10. Closing Statement: The applicant will start with their opening statement, and the respondent will follow after them. As mentioned above, closing statements are each party's opportunity to remind the court of their main arguments.

11. Closed Chamber: To close the chamber, someone must say, "I motion to close the chamber".

12. Deliberations: The judges will discuss and decide with each other how they think they should rule on each question presented to the court. This does not need to be unanimous. Some judges can concur with the majority ruling, or can agree with the majority ruling but for different reasons.

13. Opinion and Dissent of the Court: Once the majority ruling has been determined, judges must write an explanation for their reasons. Judges will work together to craft a document detailing why, based on the evidence, testimonies, arguments, the law, and legal reasoning why they believe a certain country has won (or lost) the case.

14. Declarations: These are short speeches that outline a judge's perspective on the case.

15. The Verdict: After the judges recommend a verdict to the Chair, the advocates can hear the court's final decision.

CASE BACKGROUND

Case Concerning Nuclear Tests (Australia v. France)

This case, first brought before this Court in the early 1970s, has been reopened by the Applicant, Australia, who argues that new facts and changed circumstances justify the Court's renewed consideration of the dispute. The following presents a summary of the facts, legal issues, and the current posture of the case, as if the Court is presently in session to hear arguments.

A. The Facts and Background of the Case

The Australian Perspective

Australia, as the Applicant, asserts that France's historical atmospheric nuclear testing in the Pacific and the continued threat of such testing constitute a violation of international law. In the original 1973 case, Australia argued that France's nuclear testing program, particularly at the Mururoa and Fangataufa atolls in French Polynesia, generated radioactive fallout that drifted over Australian territory. This, they contended, infringed upon Australia's sovereign rights, violated its right to be free from nuclear contamination, and constituted a breach of international law prohibiting harm to the territory of another state.

At the time, the Court found the case inadmissible on the grounds that France's unilateral declarations to end atmospheric testing had satisfied Australia's claim, rendering the case moot. Australia now argues that this judgment was based on a specific, temporary set of facts and that the core dispute—France's right to conduct nuclear tests and the harm they cause—was never fully adjudicated. Australia contends that new scientific evidence on the long-term, transboundary health and environmental impacts of both atmospheric and a more recent history of underground testing, proves that France's actions caused irreparable harm to Australian citizens and the Pacific environment. Furthermore, Australia submits that the historical and moral obligations of a nuclear-weapon state under international law have evolved significantly since the 1970s, making France's position legally untenable. They also highlight France's continued reliance on nuclear deterrence and its opposition to the Treaty on the Prohibition of Nuclear Weapons (TPNW) as a violation of the spirit of good faith disarmament.

The French Perspective

France, as the Respondent, maintains that the Court lacks jurisdiction to hear this matter and that the original 1974 judgment remains final and binding. France argues that the Court's finding that the case was moot was a definitive and correct ruling based on France's sovereign right to determine its own security policy and to conduct tests in its own territories. France asserts that its actions at the time were a matter of national defense and were not in breach of any binding international legal obligations. France emphasizes that it has a long-standing commitment to the objective of a world without nuclear weapons, but through a gradual, step-by-step approach as outlined in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

France further argues that Australia's current application is an attempt to circumvent a settled legal matter and improperly use the Court to influence a political and military issue. France maintains its sovereign right to a nuclear deterrent, which it views as essential to its national and European security. France also points to its ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and its voluntary moratorium on nuclear testing as proof of its commitment to non-proliferation and disarmament. They will argue that the humanitarian and environmental claims brought by Australia are not new but are rather a political and diplomatic attempt to challenge France's legitimate defense posture under the guise of an ICJ proceeding. They state that the Court is not the appropriate venue for such a debate and that the issue should be handled through political and diplomatic channels.

B. The Current Situation of the Case

The case is currently before the International Court of Justice. After Australia filed its application to reopen the case, citing new scientific evidence and a changed geopolitical climate, France filed a preliminary objection arguing that the Court lacks jurisdiction. The current proceedings are therefore focused on this question of jurisdiction and admissibility.

Australia, having successfully navigated a legal and political shift towards a more independent and ambitious stance on nuclear disarmament, has presented new evidence of long-term health effects in Pacific Islanders and Australian citizens who were exposed to the fallout from the tests. They have also presented studies showing persistent environmental contamination in the region. Australia argues that France's declarations in the 1970s did not extinguish the dispute, but merely suspended it, and that the continued existence of the harm and the continued threat of nuclear

testing—especially given the current global geopolitical tensions—makes this a living dispute ripe for adjudication.

France, in its response, points to its signing of the Lancaster 2.0 Treaty with the United Kingdom in July 2025, which reaffirms their nuclear cooperation and underscores the vital role of nuclear deterrence in European security. France asserts that its defense posture is a sovereign matter and that Australia, as a non-nuclear-weapon state that benefits from an "extended deterrence relationship" through its alliances, has no legal standing to challenge its nuclear policy. The Court is tasked with determining if the new facts and arguments presented by Australia are sufficient to establish a new, valid dispute that overcomes the jurisdictional hurdles of the original 1974 judgment.

C. Legal Issues and the Court's Role

The primary legal issue is whether the International Court of Justice has jurisdiction to hear the merits of the case. This involves the question of whether Australia's new application constitutes a new dispute, or if it is merely an attempt to re-litigate a matter already settled by the Court's 1974 judgment.

The Court must consider whether the principle of *res judicata* (a matter already judged) applies here. It must also weigh the doctrine of *erga omnes*, considering whether the alleged harm caused by nuclear testing is a violation of an international obligation owed to the international community as a whole, rather than just Australia.

The Court's role is to determine if the facts presented by Australia constitute a new cause of action that justifies setting aside the 1974 finding of mootness. It must analyze if the new scientific evidence and changes in international law—such as the emergence of the TPNW—create a new legal framework within which the dispute can be re-examined.

D. Questions for the Judges

The justices could consider the following questions in their deliberations:

1. How do new facts and evolving international norms, such as those related to the humanitarian impact of nuclear weapons, impact the Court's jurisdiction?

2. Can a State's unilateral declaration be considered a definitive resolution of a dispute if the underlying issue and its consequences persist?

3. How should the Court weigh a State's sovereign right to a nuclear deterrent against its broader international legal obligations?

Motion	Second	Debate	Vote	Disrupts Speaker	Description
Point of Order	N/A	No	N/A	Yes	Used to point out a misuse of the rules
Point of Information	N/A	No	N/A	No	Used to ask a question or to get clarification from the chair
Unmoderated Caucus	Optional	No	Majority	No	Used to discuss issues on your own or to break
Modoeated Caucus	Optional	No	Majority	No	Used to discuss issues with the chair moderating
Suspension of the Meeting	Yes	No	Majority	No	Used to recess for a specific amount of time, often for lunch
Adjournment of the meeting	Yes	2 Pro 2 Con	Majority	No	Ends the meeting entirely
Closure of debate	Yes	No	2/3	No	Ends debate on any issue open and brings it to a vote
Change the limits of debate	Yes	No	2/3	No	Used to change the maximum amount of time per speaker
Consideration of the amendment	No	No	2/3	No	Bring an amendment to the floor for discussion
Closure of the Chamber	Yes	No	Majority	No	Send Advocates away to allow delegates to discuss the matter

SCOURCE

https://www.icj-cij.org/case/58

Thanks to the WHS-MUN 2024 Background guide for ICJ!