



International Court Of Justice



UNIVERSIDAD NACIONAL
AUTONOMA DE MEXICO

ESCUELA NACIONAL
PREPARATORIA
INFOCAB PB403212

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APPLICATION OF THE INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION.(GEORGIA V. RUSSIAN FEDERATION)



“Que en lo sucesivo una plena libertad de conciencia, una absoluta libertad de exposición y de discusión, dando espacio a todas las ideas y campo a todas las inspiraciones, deje esparcir la luz por todas partes y haga innecesaria e imposible toda conmoción que no sea puramente espiritual, toda revolución que no sea meramente intelectual.”

Gabino Barreda, *Oración Cívica*, pronunciada el 16 de septiembre de 1867

Delegados, Maestros y observadores:

Sean ustedes bienvenidos al Foro Interamericano y 3er Modelo de Naciones Unidas de la Escuela Nacional Preparatoria MUNENP 2012, reciban un cordial saludo por todos los que participamos en este evento que hemos concebido y concretado en un proyecto pedagógico, que ofrezca a todos ustedes una experiencia significativa e inolvidable en su vida.

En el marco del 145 Aniversario de la Escuela Nacional Preparatoria, hemos situado esta nueva edición de MUNENP 2012, para continuar trabajando por los ideales de nuestra institución: “Amor, Orden y Progreso”, siempre con miras a que nuestro trabajo y el de ustedes ayude a hacerlos mejores personas y hacer una sociedad mejor para los que hoy y después viviremos y vivirán aquí.

La cultura de la paz, nos invita a seguir trabajando en pos de los valores, actitudes y comportamientos que rechazan la violencia y la prevención de los conflictos, así es que a través del Modelo de Naciones Unidas de la Escuela Nacional Preparatoria, como juego de roles en el que se fortalece el espíritu crítico, el respeto a la diversidad, la tolerancia, la negociación, la investigación, la diplomacia, la toma de decisiones, un amplio respeto y compromiso con y para los Derechos Humanos y el realizar acciones, personales, familiares y sociales para entender que la paz, no solo es un estado en el que no hay guerra, sino aquel en el que el ser humano, encuentra la congruencia y la tranquilidad para hallar el sentido de su vida.

Es por eso que, en esta nueva edición, hemos seguido trabajando para ustedes siempre cuidando estos ideales marcados en la *Declaración y Programa de Acción sobre una Cultura de Paz*, en la *Declaración de Derechos Humanos*, en la *Carta de las Naciones Unidas*, y por supuesto en tomar el Amor como base, el Orden como medio, y el Progreso como fin, sin nunca olvidarnos, que el espíritu crítico, ese que nos caracteriza como universitarios, nos dicta que “Por mi raza hablará el espíritu”

Sólo nos queda, desear que disfruten una vez más su estancia, desearles mucho éxito en sus trabajos, y por supuesto, agradecerles por su presencia, ya que sin ustedes, no se realizaría la 3ra edición del Modelo de Naciones Unidas de la Escuela Nacional Preparatoria.

ATENTAMENTE

Comité Organizador MUNENP 2012



Para mí, es un honor darles la bienvenida al Modelo de Naciones Unidas de la Escuela Nacional Preparatoria MUNENP 2012 que hemos estado preparando para todos ustedes con mucho gusto, esfuerzo y dedicación.

Hemos decidido tomar como eje temático el desarrollo social, desarrollo del que todos somos parte y donde nuestras aportaciones, deberán verse reflejadas en la evolución de nuestro mundo, en la evolución de nuestra comunidad, de nuestra familia.

Así mismo como jóvenes comprometidos, debemos demostrarlo, una y otra vez; Yo creo en todos y cada uno de ustedes como grandes delegados, jueces, oradores, pero sobre todo, creo en ustedes como personas, y sé que ustedes aceptaran el reto e incluso, muchos de ustedes, ya lo han aceptado, y no solo para hacer el mejor papel dentro de un modelo, sino que han aceptado el reto, de mejorar su vida; que todo lo que han aprendido, ha servido para hacer sus vidas, mejores.

Estoy convencida que dentro de este foro podrán vertir todos sus ideales, y explotaran su potencial al máximo, también pasaran unos días excelentes, se divertirán, aprenderán, y conservaran estos recuerdos por mucho tiempo.

Me despido, esperándolos y deseándoles el mejor de los éxitos para los próximos 8,9, y 10 de Marzo.

Niyima Elizalde Guzmán.

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AGENDA

JUEVES 8 DE MARZO

10:00-12:00 REGISTRO DELEGADOS
13:00-14:00 CEREMONIA INAUGURACION
14:00-15:30 1ª SESION
15:30-17:00 COMIDA
17:15 – 19:00 2ª SESION

VIERNES 9 DE MARZO

9:00 – 10:30 3º Sesión
10:30 -11:00 Coffee Break
11:00 – 12:30 4º Sesión
12:30 – 12:45 Coffee Break
12:45 – 14:00 5º Sesión
14:00 – 15:30 Comida
15:45 – 17:00 6º Sesión
17:00 – 17:15 Coffee Break
17:15 – 18:30 7º Sesión

SÁBADO 10 DE MARZO

9:30 – 10:30 8º Sesión
10:30 – 11:00 Coffe Break
11:00 – 13:00 9º Sesión
13:30-15:00 SESIÓN PLENARIA
15:15-16:00 CLAUSURA MUNENP 2011 – AUDITORIO

SEDE: INSTALACIONES SALAS AUDIOVISUALES Y AULAS MAGNAS DEL
PLANTEL 08 MIGUEL E. SCHULZ.



“Be fair before being generous, be human before being fair”

Cecilia Bohl de Faber (1796-1879) Spanish writer.

Dear Justices and Agents:

Be welcome to the International Court of Justice MUNENP 2012. It is an honour and a pleasure to have you with us.

The world since ancient times has been sought and still looking for respect of our rights, freedom, equality and justice. But, what is justice? Ulpian, a famous Roman jurist said that justice is "giving to each one what he deserves," then we ask, what is what everyone deserves?, This will be the most difficult challenge in the International Court of Justice, to be fair.

The United Nations, created after the Second World War, have been able to mediate conflicts between States, these disputes have successfully been solved with its jurisdictional organ, The International Court of Justice.

Currently the International Court of Justice is the judicial organ of the United Nations which settles international controversies between States by using international law. The International Court of Justice is composed by fifteen judges, experts on international law, they are impartial and deliver a judgment based upon international law. Only States can be party to an international dispute before this Court, those States are represented by Agents in the Court and they present their case to the Justices. The Court's jurisdiction covers all matters submitted to it by States and all matters provided in the UN Charter and in treaties or conventions in force.¹

¹ International Court of Justice Website: <http://www.icj-cij.org/court/index.php?p1=1>



This year the case submitted to the ICJ is the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation).²

Justices, as members of this Honorable Court, it is your duty to deliberate on the present Case, and lead to the solution. Your main tool will be international law that is established in Article 38 of the Statute of the Court: international conventions, international custom, the general principles of law, judicial decisions and the teachings of the most highly qualified publicists of the various nations.³

You must be impartial to settle this dispute. A famous Greek philosopher called Socrates used to say "Four characteristics correspond to the judge: Listen politely, answer wisely, ponder prudently and decide impartially."

Today we have a big challenge, either as justices or agents, you will solve an international issue, and we trust that you will achieve it successfully.

Justices and Agencies, the Chair is very proud to have you in this Court. Just effort, persistence, and team work will lead to the best solution this controversy under the International Community. We are certain that your expertise will lead us to justice and fairness.

We all want a better world, where freedom and justice are secured for everyone, so we have to work to achieve it. For providing access to justice the best tool is international law.

Please address any request, doubt or concern at munenp2012@hotmail.com

Wishing you to develop in the best academic environment,

Karen Lizbeth Pérez del Valle, President

² Application presented to the Court by Georgia: <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=GR&case=140&k=4d>

³ Statute of the International Court of Justice, Article 38: <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>



International Court of Justice
MUNENP 2012

INTERNATIONAL COURT OF JUSTICE

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Website: www.icj-cij.org

International Court of Justice
Office of the Registrar

The Hague, 12 August 2008

TO: Judges of the International Court of Justice

RE: The Republic of Georgia filed an Application against the Russian Federation under the 1965 International Convention on the Elimination of All Forms of Racial Discrimination ("CERD") to establish the international responsibility of the Russian Federation for its actions on and around the territory of Georgia in breach of CERD.

Your Excellencies:

The office of the Registrar informs you of the following important developments:

**THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
(GEORGIA v. RUSSIAN FEDERATION)**



Pursuant to Article 36, paragraph 1, of the Statute of the Court which established “*The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force*”.

Besides under Article 22 of the CERD that expressed “*Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.*”

In its Application the Government of the Republic of Georgia claims that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through the South Ossetian and Abkhaz separatist forces and other agents acting on the instructions of, and under the direction and control of the Russian Federation, is responsible for serious violations of its fundamental obligations under CERD, including Articles 2, 3, 4, 5 and 6. Violations of CERD include, but are not limited to:

- (a) widespread and systematic discrimination against South Ossetia’s and Abkhazia’s ethnic Georgian population and other groups during the conflicts of 1991-1994, 1998, 2004 and 2008, reflected in acts including murder, unlawful attacks against civilians and civilian objects, torture, rape, deportation and forcible transfer, imprisonment and hostage-taking, enforced disappearance, wanton destruction and unlawful appropriation of property not justified by military necessity, and plunder;
- (b) widespread and systematic denial on discriminatory grounds of the right of South Ossetia’s and Abkhazia’s ethnic Georgian and other refugees and IDPs to return to their homes;
- (c) widespread and systematic unlawful appropriation and sale of homes and other property belonging to South Ossetia’s and Abkhazia’s ethnic Georgians and other groups forcibly displaced during the conflicts of 1991- 1994, 1998, 2004 and 2008 and denied the right to return to the South Ossetian and Abkhaz regions ;
- (d) the continuing discriminatory treatment of ethnic Georgians in South Ossetia and in the Gali District of Abkhazia, including but not limited to pillage, hostage-taking, beatings and intimidation, denial of the freedom of movement, denial of their right to education in their mother tongue, pressure to obtain Russian citizenship and/or Russian passports, and threats of punitive taxes and expulsions for maintaining Georgian citizenship ;
- (e) the sponsoring, defending, and supporting of ethnic discrimination by the *de facto* South Ossetian and Abkhaz separatist authorities and the recognition as lawful of a situation created by a serious breach of Russia’s obligations under CERD and of its obligations



erga omnes, namely recognition in whole or in part of the South Ossetian and Abkhaz separatist entities amounting to recognition of a situation created by “ethnic cleansing” constituting the crime against humanity of persecution and systematic discrimination on ethnic grounds;

- (f) preventing the Republic of Georgia from exercising jurisdiction over its territory in the regions of South Ossetia [and] Abkhazia in order to implement its obligations under CERD; and
- (g) the launching of a war of aggression against Georgia with the aims of
- (i) securing ethnically homogeneous allies in South Ossetia and Abkhazia free from Georgian political, social and cultural influence;
 - (ii) permanently denying the right of displaced ethnic Georgians to return to their homes in South Ossetia and Abkhazia; and
 - (iii) permanently denying all the people of Georgia their right to self-determination in accordance with CERD.⁴

Additional information shall be communicated as soon as possible.

The Court expects agents from both Parties to submit written pleadings as briefly as possible. As soon as documents or any additional information are received, your Excellencies will be notified.

We ask your Excellencies to be prompt in confirming your presence and reading through the enclosed material.

Furthermore, we expect your Excellencies to study:

- the Charter of the United Nations (with emphasis on Chapter XVI)
<http://www.un.org/en/documents/charter/index.shtml>;
- International Convention on the Elimination of All Forms of Racial Discrimination:
<http://www2.ohchr.org/english/law/cerd.htm>
- The Statute of the International Court of Justice (specifically article 38)
<http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>
- The jurisdiction of the Court: Article 36 of the Statute of the International Court of Justice.
<http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>
- The full application is on the website of this Honorable Court : www.icj-cij.org (Go to <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=GR&case=140&k=4d>)

⁴ Application presented to the Court by Georgia, page 42: <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=GR&case=140&k=4d&p3=0>



The hearings for oral pleadings regarding this case have been set for November 10-13, 2010, in special session of the Court, to be held during MUNENP 2012, UNAM Escuela Nacional Preparatoria n° 8 "Miguel E. Schulz", Mexico City, Mexico.

**** registrar ****

OFFICE OF THE REGISTRAR

INTERNATIONAL COURT OF JUSTICE

Below there is a brief explanation on functions of the Court and the Rules of Procedure for this session, as well as a brief listing of essential information for your preparation. The Court expects your Excellencies to well prepare for the case.



INTERNATIONAL COURT OF JUSTICE

INTRODUCTION

The International Court of Justice (ICJ) is one of the six main organs of the United Nations (UN), the judicial organ of the UN. The seat of the Court is at the Peace Palace in The Hague, Netherlands.

The Court was established on June 1945 by the Charter of the UN and began to work in April 1946. It is successor of the Permanent Court of International Justice, the judicial organ of the Society of Nations (1922-1946).

The Court has a dual role: to settle in accordance with international law, legal disputes submitted to it by the states and as well as giving an advisory opinion to the other five principle united nation's organs and specialised agencies.

The court is composed of 15 judges, selected on the basis of their suitability, not their nationality, so there can be 2 judges who are national of the same state, elected for terms of office of nine years by the general assembly and the Security Council and assisted by a registry, its administrative organ.

The official languages are English and French.

The general mandate is under the Statute of the Court, which is part of the Charter, and on its Article 33 of the Charter lists the methods to solve disputes between States with these inscriptions as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies or arrangements; highly qualified offices shall be added to this list. Certain methods and inscriptions involve appealing to third parties and the ICJ works with all of them.

The Court presents its annual reports to the General Assembly in a Yearbook. This Yearbook is an overview of the work of the Court in a year, organization, biographies of judges, Court jurisdiction, including text, performance and practice, in addition to the list of publications.

Only States may be parties before the Court. The member States of the UN, and 2 states not members (Nauru and Switzerland) which have become parties to the court's statute are so entitled.

Since 1946 the court has delivered judgements on disputes concerning land frontiers and maritime boundaries, territorial sovereignty, the non-use of force, non-interference in the internal affairs of states, diplomatic relations, hostage-taking, the right of asylum, nationality, guardianship, rights of passage and economic rights.⁵

⁵ ICJ website: <http://www.icj-cij.org/court/index.php?p1=1>



STATUTE OF THE COURT: The Statute of the ICJ consists in general principles under Chapter XIV of the Charter of the UN. Although it is essential part of the Charter, it is not incorporated into it, it is only annexed to the Charter for avoiding unbalancing the 111 Articles of the Charter by the addition of the 70 Articles of the Statute.

Also States that are not members of the UN can expose a conflict to the Court. It ensures access justice to all States.

The Articles of the Statute are divided into five chapters: "Organization of the Court" (Arts. 2-33), "Competence of the Court" (Arts. 34-38), "Procedure" (Arts. 39-64), "Advisory Opinions" (Arts. 65-68) and "Amendment" (Arts. 69-70). When the ICJ considers it desirable for its Statute to be amended, it must submit a proposal to the General Assembly by written communication addressed to the Secretary-General. However, there has been no amendment of the Statute.⁶

RULES OF THE COURT: The ICJ has drawn up its own Rules of Court that supplement the general rules set in the Statute and to make detailed provision for the steps to be taken to comply with them. They may not contain any provisions that are repugnant to the Statute or which confer upon the Court powers that go beyond those conferred by the Statute. The Rules of Court amplify the provisions of the Statute concerning the Court's procedure and the working of the Court and the Registry, so that on certain points it is necessary to consult both documents. The ICJ is competent to amend its Rules of Court, and can thus incorporate into them provisions embodying its practice as this has developed.

Whether the Court is deciding a case of a contentious nature, i.e., one concerning a dispute between States, and also engaged advisory proceedings, it applies the same sources of international law, and its decisions are executed with the same authority because both exercised with international law.⁷

FUNCTIONS: The Court functions whilst solving international controversies just for States, decides in conformity with international law (international conventions, international custom, the general principles of law, judicial decisions and the teachings of the most highly qualified publicists of the various nations)⁸.

The Court may entertain two types of cases:

- Contentious cases that are legal disputes between States submitted to it by them
- Requests for advisory opinions on legal questions referred to it by UN organs and specialized agencies (advisory proceedings).

CONTENTIOUS CASES AND ADVISORY OPINIONS

⁶Statute of the International Court of Justice: <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>

⁷Rules of The International Court of Justice: <http://www.icj-cij.org/documents/index.php?p1=4&p2=3&p3=0>

⁸International Law, article 38 of the Statute of the International Court of Justice: <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>



- **Contentious cases:** An international legal dispute.

In the ICJ any case can be submitted unless both applicant and respondent are States. Neither the United Nations nor any of its specialized agencies can be a party in contentious proceedings before the ICJ.

In order for a dispute to be valid to the Court it is necessary that the dispute be amidst two or more States. The Court considering the independence of claims of both Parties concerning the dispute can decide over its jurisdiction.

Currently the Court is open to practically every State in the world to the UN States Members and other that have become parties to the Statute of the ICJ without signing the Charter or becoming members of the UN; these States have had to satisfy conditions made by the General Assembly upon the recommendation of the Security Council, acceptance of the provisions of the Statute, an annual contribution to the expenses of the Court.

Any other State which, whilst neither a member of the United Nations nor a party to the Statute of the ICJ, has deposited with the Registry of the ICJ a declaration that accepts the jurisdiction of the Court and undertakes to comply in good faith.

The Court may entertain a dispute only if the States concerned have accepted its jurisdiction according article 36 of the Statute of the Court.⁹

- **Advisory proceedings:** It is a legal question submitted to the Court by a UN organ and specialized agencies of the UN family according to the Article 96 of the Charter of the UN¹⁰. Advisory proceedings are ruled by the Statute and the Rules of the ICJ. When the Court receives a request for an advisory opinion it will establish a list of States and International Organizations that will be competent to provide valuable information over the issue presented before the Court.

Since 1946 the court has given advisory opinions, concerning admission to the un membership, reparation for injuries suffered in the serviced of the un, judgements rendered by international administrative tribunals, expenses of certain un operations, and applicability of the un headquarters agreement.¹¹

Written statements and comments are often considered confidential, but are generally available to public at the beginning of the trial, and then States are invited to make oral statements at public meetings.

⁹ Article 36 of the Statute of the Court: <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>

¹⁰ Article 96, Chapter 14 of the Charter of United Nations:
<http://www.un.org/es/documents/charter/chapter14.shtml>

¹¹ How the Court Works. ICJ website: <http://www.icj-cij.org/court/index.php?p1=1&p2=6>



RELEVANT INFORMATION

Below you will find some useful links to aid you in your preparation.

They do not represent neither an official position of the ICJ nor represent the official facts of the case.

Use these links to find sources for your investigation of the general information of the case, documents you might need during debate.

- International Court of Justice website: <http://www.icj-cij.org/homepage/index.php>
- the Charter of the United Nations (with emphasis on Chapter XVI)
<http://www.un.org/en/documents/charter/index.shtml>;
- International Convention on the Elimination of All Forms of Racial Discrimination:
<http://www2.ohchr.org/english/law/cerd.htm>
- The Statute of the International Court of Justice (specifically article 38)
<http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>
- Rules of the Court. <http://www.icj-cij.org/documents/index.php?p1=4&p2=3&p3=0>
- The application presented by Georgia to the Court:
<http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=GR&case=140&k=4d>
- Site of the United Nations that includes a section on International Law <http://www.un.org>
- Booklet about all you need to know of the <http://www.icj-cij.org/information/en/ibleubook.pdf>