GLCMUN X

COMMISSION GUIDE

International Court of Justice

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WELCOME TO GLCMUN X!

Ten years ago, what began as a small academic project with big aspirations has transformed into a legacy of learning, inclusion, and transformation.

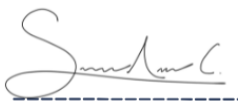
Today, with pride and excitement, I welcome you to the tenth edition of GLCMUN, a space created for each of you to shine with your ideas, your passion, and your ability to make an impact on the world.
GLCMUN X is much more than a Model United Nations; it is a place where the voices of young people like you become powerful tools to envision a better future. It is a place where bonds are built, where you learn to negotiate, debate, and lead, and where you understand the complexities of the world to seek real solutions to the challenges we face as a society.

Personally, this model is my dream. Since I became involved in this community, every committee, every debate, and every participant has taught me something valuable, and today, having the opportunity to lead this model as your Secretary-General in its tenth edition is an indescribable honor. What fills me with the most pride is knowing that this dream is not just mine, but belongs to everyone who is part of it: the secretariat, delegates, chairs, staff, sponsors, and allies.

Over these ten years, we have demonstrated that youth has the power to transform realities, and this edition will be no exception. In the coming months, I want you to challenge yourselves, to dare to think differently, and to be creative in your proposals. Remember that this space is designed for you to learn not only about international politics but also about empathy, teamwork, and the importance of listening.
I also want to take this opportunity to thank you for being here, for believing in this dream, and for contributing your talents and enthusiasm to this project. I know many of you have worked hard to get here, and I want you to know that all that effort will be worth it. This model is as much yours as it is mine, and my greatest wish is for you to have an unforgettable experience that inspires your academic future and your life project.

These ten years represent a journey filled with lessons, challenges, and shared achievements, and we could not have reached this point without the commitment of everyone who has been part of GLCMUN over time. That is why I want to invite you to be part of this celebration and to give your best in this historic edition. I hope that, at the end of these three days, you leave not only with knowledge and learning but also with unforgettable memories, new friendships, and the certainty that you have the power to change the world, one idea at a time.

Sincerely,



Sebastián Ávila Cabal
Secretario General

President's Letter

Greetings distinguished delegates, it is our honour to welcome you to this year's version of GLCMUN. We are pleased to say that we, Martina Urazán and Lía Álvarez, will be presiding over the International Court of Justice committee this year, and therefore will be your presidents. It is truly a privilege. Our experience in MUN through the years has been nothing but enriching and exciting, and we hope for this version of GLCMUN to uphold this legacy for us. Our goal for this commission is to engage in respectful and thrilling dialogue, we hope for all delegates to be engaged by the arguments presented, as the topics we will be discussing are as profound as they sound.

In the ICJ committee, all delegates will engage in a thorough debate over complex legal disputes between states, with this year's topics being "Nulla poena sine lege", also known as "There is no crime without Law", as well as the dispute between Canada and Iran. Through legal argumentation and the analysis of both situations, they will work to determine what resolutions should be grounded in international law.

Furthermore, we hope to make this an enriching experience for you, as it has been for us! Do not hesitate to visit the support documents the secretariat has prepared for you, and please do not forget to read the guide and thoughtfully prepare your documents before the model. We want you to actively participate in the discussions, have thoughtful conversations, and collaborate in a cooperative and diplomatic manner. Your varied viewpoints, creative solutions, and commitment will be crucial to achieving the committee's many goals. It is truly a privilege to be able to guide this experience for you, delegates.

Yours sincerely,

Lía Álvarez
Presidente

Martina Urazán
Presidente

Topic 1: Questions of Interpretation and Application of the Principle “Nulla Poena Sine Lege”

Historical Context

In order to understand the topic at hand, it is first necessary to discuss the functioning of the International Court of Justice (ICJ). International law, according to Cornell’s Legal Information Institute, refers to “a set of rules and principles governing the relations and conduct of sovereign states with each other, as well as with international organizations and individuals.” (Cornell Law School, 2019). As its name suggests, the International Court of Justice is the entity responsible for the enforcement of international law and, as such, it may adjudicate[1] general disputes regarding it. Nonetheless, it is key to note that the ICJ and current international legal systems differ greatly from the general conception one may have of the law; thus, in order to avoid confusion, ensure the sole usage of the following guide for future reference.

Understanding International Law

Despite the collaborative nature international law and its adjacent legal systems may seem to hold, the most important concept to make sense of it is sovereignty. In political theory, sovereignty is understood to mean supreme authority to govern the state; such being a politically bound area controlled by an established government. This implies that a state

[1] Make a formal judgement on a disputed matter. (Oxford Languages, n.d.)

is sovereign for and only if it has the authority to govern itself, without external interference in the affairs it manages, whether these be external or internal. Nevertheless, why is it imperative that the state maintain its sovereignty?

To answer the aforementioned, it is pertinent to remember why government exists. Humans, similar to any other species in the animal kingdom, cannot thrive without company; as no individual is fit enough to live and thrive in complete isolation. For this reason, all humans live in society, and all societies are characterized for being collectivist; meaning it stresses the importance of community and makes decisions based on the whole, rather than the individual. And the individual is not merely focused on itself, but on the community as well. This, however, does not fully eradicate individual interest, for the individual must still advocate for its wellbeing, and, thus, when these interests clash, it will inevitably lead to conflict[2]. In a state of anarchy[3], a conflict would not be correctly mediated, and the people would neither be protected nor secure. Thus, government and authority are necessary for human beings to coexist peacefully in society, as it acts as an effective and accepted mediator upon conflict. The law, as such, is an instrument of each government to be able to mediate conflict through a system of rules that regulate behaviour and are enforceable by the imposition of penalties.

Still, it is key to note that each state, having the ability to govern and regulate its internal affairs, will have its own legal system that must be both consented and enforced. These two points are inherently necessary for the people to abide by any legal system throughout the world. For, according to Rousseau's *The Social Contract,* a government's legitimacy and moral right to use state power[4] is justified only when consented, or agreed to, by the people over which that political power is exercised. (Rutgers University, n.d.). Since the law can only be enforced when the state has authority, it must first be consented in order for it to be applied. With this in mind, the same can be said about international law.

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[2] For clarification, conflict entails a serious disagreement or argument which can be resolved through various means and does not necessarily entail the use of violence.

[3] A situation in which there is no organization and control, especially in society, because there is no effective government. (Cambridge Dictionary, n.d.)

[4] The power of a state to exercise authority within its borders, which includes the authority to enforce the imposed laws.

Contemporary national legal systems[5] mainly follow four major legal traditions. Informally, people within a state may behave themselves based on customary or religious law, which mainly refers to an established pattern of behaviour that may or may not be taught by religious traditions. These are often entirely based on oral tradition and are not completely applicable, for the state does not directly enforce these. On the other hand, statutory and common law[6] are formally written enactments that detail what may or may not be done within the state and the respective punishments for not abiding by these; considering that the people have already consented to live under this system. Under this legal tradition, since each law is detailed and written down, in a legal proceeding, a person may be deemed either compliant or noncompliant with the law with sufficient evidence; allowing for prosecution and enforcement of the law.

As international law details the conduct sovereign states shall maintain with one another, it follows a similar system to national law in the sense that in must be consented. Nonetheless, a single, written international law or enactment, such as a constitution in national law, cannot possibly be developed; as it would be applied uniformly to every state across the world, and it may have a coercive[7] nature by making a state abide by a law that is not necessarily part of its distinctive legal code. Additionally, it would be extremely invasive to a state's sovereignty, for an external legal code would be determining the management of its internal and external affairs, without necessarily considering each state's legal system. For this reason, international law is mainly constituted by the agreements and treaties that are developed amongst states, regardless of whether these refer to the behaviour a state shall maintain in space exploration or the recognition of state immunities.

Further on, a particularity of these treaties and agreements is that these are only applicable and enforceable when there is consent of the state; just as national law is only enforceable when there is consent of the governed. Such a consent entails an inherent necessity for the state to give its agreement for international legal obligations to be binding upon it. Also meaning that no state can be coerced into signing a treaty if it is not in

[5] Belonging to a state.
[6] Whilst both statutory and common law work under the same system, statutory law is developed through legislative processes that develop statutes while common law is written down and developed through the precedent of different legal decisions.
[7] Coercion refers to a use of pressure or force to overcome resistance or unwillingness to do something. International law frowns upon states that coercively intervene in the affairs of other states.

concurrence to it. According to the Vienna Convention on the Law of Treaties, "the consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed." (United Nations, 2019). Additionally, a state may decide to withdraw from a treaty unilaterally when desired once the stipulated requirements for withdrawal have been fulfilled. There are also certain agreements that are non-binding, which contain political or moral commitments but which are not intended to create legal rights and obligations that are inherently enforceable. Such agreements refer to customary international law[8].

The United Nations

The United Nations (UN), as the world's most pertinent intergovernmental organization, is the entity mainly responsible for the enforcement of international law. The organization, in itself, functions based upon the Charter of the United Nations, which lays out the purposes, governing structure, and overall framework of the UN and its member states. It is key to note that all 193 member states of the UN are bound by the Charter and, as such, it codifies for the major principles of international relations and law.

The International Court of Justice, being one of the six organs of the UN, is the only international court with sufficient authority and jurisdiction[9] to adjudicate general disputes between nations, and give advisory opinions on international legal issues. Thus, it plays a crucial role in the sustenance and enforcement of international law, in its various forms. The Court, in itself, entertains two types of cases: contentious cases and advisory proceedings. Contentious cases refer to legal disputes between two states submitted to the Court by them. In these cases, the decisions of the ICJ are binding and final on the states parties to the case. The second topic that will be discussed, which refers to violations of state immunities between the states of Canada and Iran, is considered a contentious case. On the other hand, advisory proceedings are discussions that are held within the Court for advisory opinions on legal questions referred to it by the United Nations organs and specialized agencies. The deliberations made in these proceedings are not inherently

[8] Similar to customary law in contemporary national legal systems. Refer to subsequent parts of the guide for further information.
[9] Official power to make legal decisions and judgements.

binding and only constitute suggestions on how to interpret international law moving forward. The first topic at hand constitutes a hypothetical advisory proceeding regarding the application and interpretation of a legal principle named nulla poena sine lege.

Nulla Poena Sine Lege

Every legal principle refers to a standard and widely accepted rule that can be used to interpret and apply the law to different circumstances. In international criminal law, there is a group of fundamental principles regarding the validity of penalties based on the circumstances. These are the *Nullum Crimen* principles, which impede legal systems from implementing a punishment and, thus, refer to a state of no crime[10]. Within this family, there are eight principles that can invalidate a penalty, going as follows:

- Nullum Crimen, Nulla Poena Sine Actione o Sine Conducta:
- There is no crime nor punishment without action or behaviour. This implies that a crime, being a human act, behaviour, or conduct, requires that the person committing such a crime be present in their actions and behaviour. Mere intent or thought is not sufficient to constitute a crime, there must be a tangible action or threat.
- Nullum Crimen, Nulla Poena Sine Lege:
- There is no crime nor punishment without law. There are no crimes or penalties other than those expressly foreseen, detailed, tried and punished by the legal code. Additionally, the law must be valid and enforceable for the principle to be applicable.
- Nullum Crimen, Nulla Poena Sine Lege Scripta:
- There is no crime nor punishment without a written or formal law.
- Nullum Crimen, Nulla Poena Sine Lex Certa:
- There is no crime nor punishment without a determined law. Every legal code has its limitations, and it is within the responsibility of each court interpreting the law to not exceed the boundaries placed by a determined law in order to prevent unjust punishment. There shall be an exhaustive description of the conducts that constitute a crime and its respective punishment in order for it to be applicable.

- Nullum Crimen, Nulla Poena Sine Lex Previa:

[10] Meaning there is no penalty for a particular behaviour.

There is no crime nor punishment without a previously established law. An ex post facto law is a law that retroactively criminalizes an action that was legal when performed, or increases a punishment for a crime already committed. This would constitute unfair punishment or trial and is prevented by the principle.

- Nullum Crimen, Nulla Poena Sine Lex Stricta:

There is no crime nor punishment if there is not a strict law that can be enforced and is outlined in sufficient detail. This prevents false analogy.[11]

- Nullum Crimen, Nulla Poena Sine Iniuria:

There is no crime nor punishment without offence to a legal good. Such can be defined as an interest or right protected by the legal system, for it is valuable to society and mustn't be damaged by criminal conduct. Examples of legal goods include life, health, dignity, and individual human rights. For there to be a crime and, thus, a punishment, there must be a direct offence or threat to a protected legal good.

- Nullum Crimen, Nulla Poena Sine Culpa:

There is no crime nor punishment without guilt beyond a reasonable doubt. Punishment is based on action and conduct that has been objectively evaluated and is blameworthy based on the law. Thus, it is susceptible to a varying ethical and social assessment, leading to the necessity of clear and undisputed evidence in order to establish a person as being guilty of having violated the law and worthy of penalty. Additionally, a person can only be found guilty of an act if they acted voluntarily, in a right state of mind (mens rea) and committed a prohibited act (actus reus).

Further regarding the aforementioned principles, while these mainly refer to penalties for crimes performed by an individual, it is also applicable to entities or nations depending on a violation that was, for example, committed against an agreement. Throughout the debate, it is imperative that these principles are correctly addressed and understood in order to discuss their application in international law.

[11] In legal contexts, decisions should not be taken based on analogy; meaning that if there is a unique case that is not explicitly covered by the law, punishment should not be extended, for the law would not be strictly enforced.

Current Situation

Application of the Principle

While in theory the principles of the *Nullum Crimen* family seem thorough and sensible, for these prevent unfair trial and penalty, it is simple to jeopardize its correct application when there is a weakened legal system. It is key to note that the enactment, imposition, and enforcing of the law is generally done nationally through government and its adjacent institutions. Therefore, when there is an absence of authority, individuals are not obliged to obey the law merely because it is the law. In the same sense, agents of the state are not entitled to coerce individuals into obliging with the law merely because they are agents of the state, for they would not be considered valid any longer. This is due to the fact that the law requires both a figure of authority and a subject in order to be applicable, thus when there is no figure of authority, the law cannot be properly exercised. Additionally, when there is a lack of authority, the practice of international law in the state would be invalidated alongside its national legal system. For there would be no representative of the state that voluntarily submits to international law, thus, there is no subject and the law cannot be applied. Therefore, when there is no authority or subject within a legal system, there is no law and, therefore, no crime nor penalty, as stated by the nullum crimen principles.

Considering the aforementioned, how can any state maintain a sense of order, and how can international systems correctly establish penalties when there is a lack of authority if it is restricted by the nullum crimen principles? These principles are of utmost importance, for they provide a sense of justice and fair penalization within any legal system, which is inherent to its nature. Yet to what extent could these be hampering necessary legal processes? To understand the limitations of the nullum crimen principles, it is necessary to comprehend how a state may fail and lack authority.

A failed state, according to the Encyclopaedia Britannica, is “a state that is unable to perform the fundamental functions of the sovereign state in the modern world system: it cannot project authority over its territory and peoples, and it cannot protect its national boundaries.” (Barma, 2025). Such failure of a state may arise mainly from power vacuuming. In political science, the term power vacuum, often referred to as a power void, serves as an analogy between a physical vacuum and a condition defined by the Cambridge Dictionary as: “a condition that exists when someone has lost control of something and no one has replaced them.” Typically, what this refers to, in regard to a country, is a situation where the dissolution of state institutions, which may include government, due to instability or the

sudden removal of a leader, is triggered, and the state enters into a period of interregnum[12]. In this period there would be a fundamental absence of state authority, for without governing entities, how will authority and, therefore, law be exercised? This leads to the state becoming a space free of governance.

However, since such a dissolution is often very sudden, societal norms and order will not be eradicated. For even if the nation's laws cannot be enforced, for there would be no authority, the people still feel subject to them. Therefore, since the nation never enters into a state of anarchy and society is still collectivist[13], eventually, another entity will attempt to fill the void. For, as Arnold Wolfer[14] stated: nations, like nature, are said to abhor a vacuum. Without authority, the people will naturally feel unsafe, for there is no mediator to rely on in the case of conflict. Thus, any entity which steps in to fill the void will be received by the people, at least initially, for there will at least be some regulation. So, when there is a power vacuum, eventually, an entity will inevitably attempt to step in to impose some sort of regulation. Such an entity may be formed by the people, nonetheless, it may also represent a foreign, opportunistic state or a criminal organization, that attempts to control the nation in order to 'fill the void.' And such a thing would not be rare, for countries located in geographical territories of significant importance, will be of great interest for a foreign nation to have control over, or for an insurgent group to exploit. If there is no authority, what is to stop these entities from establishing themselves as the new government? What is to stop these entities from taking control over these resources and exploiting them? The reality is that within the state, there is little to nothing that can be done to prevent such an episode from occuring; and international legal systems can do even less, for under nullum crimen, nulla poena sine lege, there is no penalty that can legally be established to prevent the sudden overtaking of a country.

A further complication for international legal systems is that, being mainly managed by the UN and acting in accordance to its declarations, such as The Universal Declaration of Human Rights, the nullum crimen principles must be strictly respected. For according to

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[12] Interregnum: A period of discontinuity when a country lacks a sovereign leader, government, organization, or social order.

[13] A collectivist society is that which stresses the importance of community and makes decision based on the whole, rather than the individual. And the individual is not merely focused on itself, but on the community as well.

[14] Arnold Wolfer is a lawyer who did ample research and wrote several works on international relations. He stated the aforementioned quote based on Aristotle's postulate: "nature abhors a vacuum."

the 7th Chapter of the declaration, “all are equal before the law and are entitled without any discrimination to equal protection of the law.” Meaning that under nulla poena sine lege, the Declaration of Human Rights, as a medium of citizen's protection upon the law, must not instil a punishment if there is no exercise of the law. In the absence of authority when law cannot be properly exercised, there is no legal way the international community can condemn the assumption of government from part of any entity, even if it is hostile; for the lack authority, and thus the lack of exercise upon the law, make any sort of hostile establishment of a new government unpunishable, for without law, there is no crime. This further constitutes a threat to international and regional security, as any sort of belligerent organization, insurgents, and militias can assume authority of a territory by preying on the vulnerability of citizens, and it is not condemnable. And having a belligerent organization leading a state is not beneficial to any region, further considering the presumed *neighbour’s curse,* which states domestic political instability may cause negative spillovers to bordering countries.

Some may argue that if the nullum crimen principles basically prohibit international legal systems from tackle these problematics, instead of altering the principle, external interference might be a better option. Nonetheless, international law prohibits individual states from intervening in the internal and external affairs of other states, but only if the method of intervention is coercive. Coercion, when referring to methods of intervention, can be construed as the threat or use of force (military or economic) against the territorial integrity or political independence of any state. When a nation is in interregnum, it may retain its status of sovereignty, yet practical political independence can be severely compromised for there is no entity to manage the internal affairs of the State and determine autonomous decisions, making it politically dependant. Therefore, if a foreign country intervenes within the State, the intervention cannot be deemed coercive, for the State is politically dependent, and so no threat can be posed towards its political independence.

Depending on the case, the intervention may be deemed coercive for posing a threat towards the territorial integrity of the State; however, this can often be justified under the pretext of humanitarian interventionism, as States have a moral duty to intervene against large scale human rights abuses under the Responsibility to Protect commitment[15]. Whilst

[15] The Responsibility to Protect commitment (R2P) is an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.

humanitarian interventions are particularly important in order to halt mass atrocities such as genocide, war crimes, ethnic cleansing and crimes against humanity, it also serves as a pretext for States to fulfil an agenda of exploitation in unstable geopolitical regions that contain a grand variety of resources. For this reason, while foreign intervention may help prevent human rights abuses and alleviate the transition into a new government in case of a power vacuum, it also provides an opportunity to further agendas of resource exploitation, colonialism, and politically control that is, typically, easily justified.

To conclude, it must be noted, that through this hypothetical, only the theory has been detailed, and it is difficult to picture how such a thing could actually occur. Yet by slightly researching events such as the Arab Spring or *La Violencia* in Colombia, cases such as Hirota v. MacArthur, or merely looking at current governments and legal systems, particularly of Middle Eastern and Latin American countries; it is easy to see that such a hypothetical is not very far from reality. As members of this court, your responsibility lies in the search and analysis of applicable cases to utilize as precedent in order to debate upon the applicability and necessity of the nullum crimen principles. Much considering that the absolute application of the principles could potentially construe a threat to international safety by making the international community unable to act in internal conflict. Resolutions shall encompass unanimous agreements upon the application of the nullum crimen principles, and ultimately represent advice for the UN in how to manage legal situations moving forward. If in doubt, do not hesitate to contact the chair during your respective research processes.

Key Points of Debate

- While state sovereignty protects nations from external interference, it often conflicts with the international community's responsibility to prevent mass atrocities and protect human rights.
- The ICJ's reliance on voluntary compliance weakens its ability to enforce international law, raising concerns about its effectiveness in resolving global disputes.
- Adhering rigidly to nulla poena sine lege prevents the prosecution of mass atrocities and human rights violations when no explicit legal framework exists, potentially allowing impunity.
- Intervening in power vacuums to prevent hostile takeovers may prevent violence, but risks undermining state sovereignty and opening the door to geopolitical exploitation.
- Refusing to recognize new governments formed through belligerent takeovers may isolate these regimes diplomatically, but it often exacerbates humanitarian crises by cutting off essential resources.
- While humanitarian intervention is justified to prevent large-scale atrocities, it frequently serves as a pretext for political control, resource exploitation, and further destabilization.
- Without a centralized enforcement mechanism, international law lacks the authority to hold states accountable, making its application more aspirational than practical.
- Several doctrines and principles in international legal systems are contradictory, leading to questioning whether certain principles should be removed, ignored, altered or preserved.

Guiding Questions

1. How should international tribunals address crimes not explicitly codified at the time of their commission?
2. How can the international community best interpret the principle of nulla poena sine lege to manage human rights violations and other undignified activities justified under it?
3. Is it ever justifiable to apply laws retroactively in cases of gross human rights violations or genocide?
4. How can the balance between justice for victims and adherence to nulla poena sine lege be maintained?

5. What criteria should be used to determine whether a crime was sufficiently established in customary international law at the time of its commission, and whether it had sufficient authority?
6. How does the principle apply to hybrid or international tribunals that address crimes committed in unique legal and historical contexts?
7. Does strict adherence to nulla poena sine lege risk enabling perpetrators to evade accountability for crimes not explicitly codified?

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Topic 2: Alleged Violations of State Immunities: Islamic Republic of Iran v. Canada

Historical Context

Definitions

1. **State sponsor of terrorism**

A State Sponsor of Terrorism (SST) is identified when a nation is affected by another nation's terrorist violence. State sponsors of terrorism are declared when a country's security and/or sovereignty is directly or indirectly threatened by another nation that pursues terrorist ideologies and actions. This classification is made by national governments or international bodies based on evidence of a nation financing, training, or harboring terrorist organizations. When a nation is declared an SST, they often face sanctions, diplomatic isolation, or trade restrictions imposed by other countries.

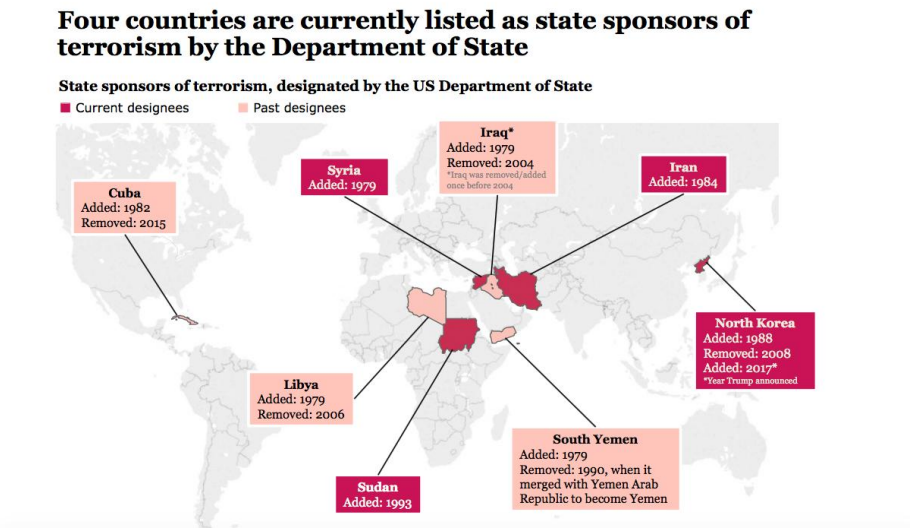

Figure 1: National Journal, State Sponsors of Terrorism.

2. Sovereign Immunity

Sovereign immunity is defined as “a common law doctrine under which a sovereign cannot be sued without its consent.” according to Cornell Law University. (Cornell Law School, 2024) It's a legal principle that protects nations from being sued under another nation’s constitution and/or standards. This means that a sovereign state cannot be subjected to the jurisdiction of another state unless it agrees to relinquish its immunity. In the frame of sovereign immunity, there are two categories.

- ➔ Absolute Immunity – The traditional view that states are completely immune from legal action in foreign courts, regardless of the circumstances.
- ➔ Restrictive Immunity – The more pragmatic approach, where states can be sued in foreign courts for certain wrongful acts, such as Human Rights Violations.

3. Diplomatic Protection

Diplomatic protection is the procedure enacted by a nation when one of its citizen’s rights and interests have been injured by another nation, in which the affected nation takes diplomatic and/or legal action against the state at fault. The action taken is meant to obtain repairs for the internationally unlawful act committed.

4. Extraterritorial Jurisdiction

Extraterritorial jurisdiction is a state’s ability to exercise their laws outside of their territory. This generally applies to cases involving human rights violations, terrorism, or infringement of universal jurisdiction principles. This is an extremely controversial concept, since a state being able to exercise legal authority over another state with different laws and a different constitution challenges their sovereignty, which under the UN Charter Article 2.1, that states that “all states are equal and sovereign”, (UN Charter, n.d) could be seen as a violation of the international law.

5. Customary International Law

Customary International Laws are unwritten laws or standards of conduct that are set by the way the majority nations act, global ethical frameworks and the status quo for countries. Even though this set of laws isn't written down or signed as an accord, they are legally binding and violating them can result in legal consequences. Some violations of the Customary International Laws are genocide, slavery, and torture, which are considered peremptory norms, meaning no state can legally opt out.

International Legal Framework

1. United Nations Charter

The United Nations Charter, created in 1945, is the constitutive treaty of the United Nations. It serves the purpose to define the UN's principles, as well as being the legal framework that constitutes international relations. The Charter declares the International Court of Justice (ICJ) as the main judicial organ of the 6 organs in the UN, and it is responsible for settling disputes between states according to international law. Apart from this, it emphasizes on the importance for member states' to adhere to fundamental human rights, the prohibition of the use of force except in self-defense or under authorization of the Security Council, and the establishment of international cooperation.

2. ICJ Jurisdiction

According to the official website of the International Court of Justice, "The International Court of Justice acts as a world court. The Court's jurisdiction is twofold: it decides, in accordance with international law, disputes of a legal nature that are submitted to it by States (jurisdiction in contentious cases); and it gives advisory opinions on legal questions at the request of the organs of the United Nations, specialized agencies or one related organization authorized to make such a request (advisory jurisdiction)." (ICJ, n.d)

3. International Human Rights and Humanitarian Law

International humanitarian law and international human rights law are both extremely important when it comes to regulating the actions of states, most specifically in cases that involve terrorism and armed conflict. The human rights treaties such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture (CAT) establish protections for violations of human dignity; or redundantly, human rights. This is established by a set of articles that indicate the actions or principles that countries have to take into consideration when making decisions. The said principles tend to be used by states when engaged in diplomatic dialogue or controversy before the ICJ and the rest of the UN for advocating on behalf of, or against, steps such as sanctions, extraterritorial jurisdiction, or military actions to combat terrorism.

Precedents involving sovereign immunity

1. **Germany v. Italy**

On 23 December 2008, Germany instituted proceedings against the italian republic, claiming that Italy has failed to respect its immunity under the international law. According to ICJ, “Germany asked the Court to find that Italy had also violated Germany’s immunity by taking measures of constraint against Villa Vigoni, German State property situated in Italian territory. Finally, Germany requested the Court to declare that Italy had breached Germany’s jurisdictional immunity by declaring enforceable in Italy decisions of Greek civil courts rendered against Germany on the basis of acts similar to those which had given rise to the claims brought before Italian courts. Germany referred in particular to the judgment rendered against it in respect of the massacre committed by German armed forces during their withdrawal in 1944, in the Greek village of Distomo in the Distomo case.” (ICJ, n.d)

A few years later, on February 3, 2012, the Court ruled that Italy had violated Germany’s jurisdictional immunity by allowing lawsuits to be held against Germany for Nazi war crimes. The Court clarified that the case was not about whether those crimes were legal or not, but rather about whether Italy's courts had to respect Germany’s immunity. It found that, under international law, a state’s immunity is not removed even when accused of serious human rights violations. In the end, the Court ruled that Italy had violated Germany’s immunity by seizing German property (Villa

Vigoni) and by enforcing Greek court rulings against Germany in Italy, without German consent.

2. United States v. Noriega

In United States v. Noriega, the United States government prosecuted former Panamanian dictator Manuel Noriega for drug trafficking, racketeering, and money laundering. Noriega had long been an ally of the United States, by, for example, collaborating with U.S. intelligence and the CIA throughout the Cold War. Evidence of Noriega's involvement in drug cartels and corruption came to light, and in consequence, his ties to the U.S. started deteriorating. The United States invaded Panama in December 1989 under 'Operation Just Cause', justifying it by arguing that American lives were at risk, due to Noriega's active drug smuggling. The combat continued for several days before Noriega surrendered to the U.S. troops on January 3, 1990, and was deported to Florida, where he was put on trial.

In his courtroom case, the defense of Noriega pleaded that he deserved head-of-state immunity, an international law that protects leaders in office from prosecution before foreign courts, similar to the concept of sovereign immunity, which protects the whole country from prosecution before foreign courts. However, the U.S. court would not listen to such a plea and declared Noriega to no longer be considered a head of state, because of the fact that he had performed criminal acts beyond his legal jurisdiction and duties. The case set precedent for the scope of sovereign immunity, demonstrating that foreign leaders were not immune from prosecution for crimes such as drug trafficking. Noriega was convicted and received a 40-year sentence, although his sentence was subsequently reduced. He served time in the U.S. before being extradited to France and then Panama, where he was again charged. His prosecution raised controversies over U.S. interventionism, the extraterritorial application of American courts, and the broader implications of prosecuting former leaders in accordance with international law.

3. Argentina Bondholder Cases

The Argentina bondholder litigation has its genesis in the economic crisis and debt default by the government in 2001, one of the largest ever. Argentina defaulted on about $100 billion of debt, then in 2005 and again in 2010 made restructuring offers to owners of its defaulted bonds that they exchange their defaulted issues for new securities at a discount. While most creditors accepted these terms, several

hedge funds, better known as "holdout creditors" or "vulture funds," refused to accept the restructuring and sued Argentina for payment in full. The most famous case, NML Capital, Ltd. v. Republic of Argentina, was brought by a U.S.-based hedge fund that aggressively pursued litigation to receive the face value of the bonds, claiming that Argentina could pay but was deliberately avoiding its commitments.

Figure 2: Where the Argentina Debt Cases are now, and why it matters. NACLA

The court battle intensified as U.S. courts joined the holdout creditors, mandating the government of Argentina to pay them in full first before restarting payments to the bondholders who had settled for the restructuring. The Argentine government refused to comply with the ruling on the basis that the ruling encroached on its sovereign immunity and fiscal integrity. As a result, the country was systematically ostracized from international credit markets for years. In 2014, Argentina once more lapsed into technical default after having been barred from paying restructured bondholders while not paying holdouts as well. The case had far-reaching implications for the restructuring of sovereign debt since it highlighted the holdout creditors' power in the negotiation of debts and raised alarm about the enforcement of U.S. court decisions against foreign sovereigns. Finally, in 2016, with President Mauricio Macri at the helm, Argentina made a deal with the holdouts, to pay them around $4.65 billion, ending a 15-year court battle.

Current Situation

The Case

1. Iran's history of terrorism

Ever since Iran's shift from a monarchy to an Islamic Republic in 1979, the country has come to face numerous conflicts, most of them including terrorist organizations and violence. Several accusations have come to light, including The Islamic Republic's financial support towards belligerent groups such as Hezbollah in Lebanon, Houthi in Yemen, and multiple terrorist organizations in Palestine, including Hamas, the Islamic Jihad, and the Popular Front for the Liberation of Palestine.

Rooting from these allegations, Iran has been officially recognized as a State Sponsor of Terror (SST) by a great number of countries, one of them being the United States, which officially declared Iran an SST in 1984. This designation has led to several consequences for the Islamic Republic, such as economic sanctions, diplomatic isolation, and the freezing of assets. For example, after the declaration of Iran as a SST by the US in 1984, trade restrictions with the latter were held in place, which greatly affected the former, given that the two countries had previously held very close alliances. However, the United States has not been the only country to hold restrictions on their alliance with Iran. Other western countries have also strained diplomatic relations with the Islamic Republic, which has left it in an isolated state from the Western world.

However, these consequences have not appeared out of thin air. Numerous events have led nations to believe that Iran sponsors terrorism, one of these being the 1983 Beirut Barracks Bombings; a terrorist attack led by Hezbollah, and allegedly financed by Iran. These bombings were suicide attacks targeting U.S. and French military facilities in Lebanon on October 23, 1983, killing 241 American and 58 French servicemen. These attacks were among the deadliest attacks against Western military forces during the Lebanese Civil War. Events such as this are what have influenced western nations to impose limitations and restrictions against Iran; declared State Sponsor of Terrorism.

2. Justice for Victims of Terrorism Act (JVTA)

In 2012, Canada passed a law with the name of “Justice for Victims of Terorism Act”, more shortly identified as JVTA. This law allows for citizens who are directly affected or are seen as victims of terrorism to sue foreign states and/or organizations responsible for committing terrorist actions. Meaning, that if a Canadian citizen is a direct victim of a foreign belligerent group, they are able to sue the group/nation responsible under Canadian law. Apart from this, the law revoked State Immunity to countries identified as State Sponsors of Terrorism by the government of Canada, meaning that if counties such as that of Iran are sued, the lawsuit is filed under Canadian law in Canadian courts, with the Canadian judicial system.

3. Tragedy of Ukrainian International Airlines Flight 752

On January 8th, 2020, a Ukrainian plane; Ukrainian International Airlines Flight 752 was shot down moments after takeoff from Tehran; the capital of Iran. “The IRGC fired on the plane, mistaking it as a retaliatory U.S. missile, and it crashed, killing all 176 people aboard. The passengers were primarily Iranians, most of whom were en route to Canada.” It is estimated that about 50 of the passengers were Canadian citizens, and 30 of them were permanent Canadian residents. This tragedy occurred in the midst of rising tensions between Iran and the United States.

In response to the incident, families of the Canadian victims sought to find justice through legal methods. In February 2020, a lawsuit was filed in the Ontario Superior Court of Justice against Iran, Iranian Supreme Leader Ali Khamenei, and other sectors of the Iranian military. The lawsuit was mainly held for the families to find compensation for the loss of their loved ones, alleging that the shooting of the aircraft was an act of terrorism.

After the lawsuit was filed, the Ontario Superior Court of Justice proceeded with the case. In May 2021, the downing of Flight 752 was ruled an act of terrorism under Canadian law. Although the incident was declared an act of terrorism, Iran did not participate in any of the proceedings, as Iran’s foreign ministry believed the lawsuit to be politically motivated and lacked objective reasoning, as the case was held for Canadian victims under Canadian law. Because of this, the lawsuit resulted in a default judgement. However, compensation was awarded to the families of some

victims. In January 2022, 107 million Canadian dollars were awarded to six of the victim's families. Nonetheless, compensation was not enough.

4. Iran sues Canada

On June 27, 2023, Iran sued Canada before the International Court of Justice (ICJ), alleging that the case held against the country violates customary international law. Iran claims that Canada allowed victims of alleged terror attacks to claim damages from Tehran. However, Iranian officials have continuously argued that the incident was no more than a tragic mistake, committed as an act of defense to the city of Tehran; an accidental consequence of heightened military and political tensions with the United States, rather than an intentional act of aggression against Canadian citizens and residents. Mainly, Iran argues that Canada's Justice for Victims of Terrorism Act (JVTA), which permits victims to seek damages from foreign states accused of supporting terrorism, violates its sovereign immunity. This law violates one of its fundamental international rights; Iran cannot be sued under Canadian law.

Iran affirms that the principle of state immunity, as recognized under customary international law and codified in the United Nations Convention on Jurisdictional Immunities of States and Their Property, prohibits domestic courts from hearing cases against foreign governments. Canada, however, has overstepped its legal bounds, as claimed by Iran, by legally allowing individuals to file lawsuits against the Islamic Republic, under the JVTA law, which sets a dangerous example for international relations. During the ICJ proceedings, Iran has emphasized that sovereign immunity should apply equally to all nations, as it is a fundamental international right, and that a selective approach lessens the very foundation of diplomatic norms.

On the other hand, Canada claims that its Justice for Victims of Terrorism Act (JVTA) aligns with international legal principles. It argues that the law is designed to combat state-sponsored terrorism, which is exactly what has happened with Iran. The Canadian government has argued that Iran's actions, especially its alleged support for terrorist organizations, such as Hezbollah and Hamas, justify an exception to sovereign immunity. In response to this, Iran states that there should be no exceptions for international law. According to Columbia Law Review, "In order to prove Canada's alleged breach of customary international law, Iran argued in its

application to the ICJ that “under customary international law there is no so-called “‘terrorist exception’ to state immunity” (paragraph 22).”

Key Points of the Debate

- Sovereign Immunity vs. Accountability
- Legality of Canada’s Actions
- Iran’s Designation as a "State Sponsor of Terrorism"
- Precedent for International Law
- Diplomatic and Economic Consequences
- The Role of the ICJ in Resolving Conflicts Between National and International Law
- The Rights of Terrorism Victims vs. State Sovereignty

Guiding Questions

1. How should international law balance state sovereignty with justice for victims of terrorism?
2. Is Canada’s Justice for Victims of Terrorism Act (JVTA) a fair legal mechanism or a political tool?
3. What legal principles determine whether Iran can be classified as a “state sponsor of terrorism”?
4. Do Canada’s actions; seizing Iranian assets and allowing lawsuits, set a good or dangerous precedent?
5. What role should the ICJ play in cases involving terrorism and sovereign immunity?

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How to Make a Good Argument?

A good argument should not only be clear and structured but also convincing and based on evidence. In the context of debate and negotiation, each point presented must be solid, coherent, and relevant to the discussion. Below are the key elements for constructing an effective argument:

- **Clarity and precision**

State your point directly and without ambiguity.

- **Use of evidence**

Support your argument with data, reliable sources, or concrete examples.

- **Logical coherence**

Ensure that the premises lead to a valid conclusion.

- **Refutation of counterarguments**

Anticipate possible objections and respond to them effectively.

- **Formal and diplomatic language**

Avoid value judgments and use a professional tone.

- **Relevance**

Focus on key points related to the topic under discussion.

- **Impact and practical application**

Explain how your argument affects the current situation or future decisions.

- **Logical structure**

Organize your argument with an introduction, development, and conclusion.

- **Persuasion and appeal to common interest**

Frame your argument within shared values for greater impact.

Recommendations from the Presidents

• Don't be afraid to use the placard—it is your greatest ally during the debate. Whenever you have ideas, speak as many times as possible, making quality interventions so that all delegations take you into account.
• Remember that the length of an intervention or portfolio does not determine its quality. You can express as much as you want, but always keep in mind: quality is better than quantity.
• Use the room space to make yourself noticed by delegates and chairs.
• Maintain eye contact to demonstrate confidence in the topic.
• We recommend keeping a notebook handy to write down key points from previous interventions and to outline your own points before speaking.
• Build on previous interventions and follow the flow of the debate.
• Make your interventions more dynamic by using the board, images, projectors, videos, etc.
• Use an appropriate tone of voice. You don't need to shout, but ensure your voice reaches everyone clearly.
• Use proper parliamentary language.
• Avoid relying too much on electronic devices—having prepared information is always beneficial.
• Use reliable sources to support both your interventions and your portfolio.
• Ensure your portfolio contains enough information to help you deeply understand the topic and your country's stance. Any portfolio containing plagiarism will not be considered.
• Provide context, not only from your country's perspective but also by researching the global implications of the issue and how it affects other nations.
• Give your best during the conference days—we are confident that you can do it.
• Remember that any form of plagiarism or improper use of artificial intelligence (such as ChatGPT or similar tools) is strictly prohibited and will be penalized.