

Country: Japan

Committee: 6th Legal

Topic A: Reform of the ICJ

The creation of the International Court of Justice represented the culmination of a long process of developing methods for the pacific settlement of international disputes, the origins of which can be traced to classical times (International Court of Justice). It is one of the six principal organs of the United Nations and is tasked with the role of settling disputes between states in accordance with international law. Since its formation however, the ICJ has faced its share of challenges. Significantly, it may be argued that the influence of the ICJ is declining in the 21st century. This argument comes in the face of multiple reform requests by the international community. These pressing reforms and issues include reassessing election of ICJ judges, addressing the conflict of interest that arises from the presence of permanent members of the Security Council on the Court, the issue of the Court's compulsory jurisdiction, and the appointment of ad hoc judges. As the ICJ prepares to handle rising conflicts, including environmental protection, terrorism, and human trafficking, amongst others, it is imperative that it is in form to act effectively and immediately. If it is ill-equipped to tackle modern international disputes, as some argue, it will be difficult for it to carry out its role as the UN's "principal judicial organ" (Ogbodo, 2012).

While the UN General Assembly has historically adopted an ambitious list of reforms of the UN structure, mandate, and agenda, it has largely ignored the matter of reforming the ICJ. Namely, in September 2005, the UN General Assembly discussed some of the most radical reforms of the UN since its inception; however, they failed to consider questions such as the terms and tenures of ICJ judges, the capacity of intergovernmental organizations in contentious

proceedings, and the membership of the ICJ. Independent organizations, such as the International Law Association have made pushes to consider ICJ reform. The ILA' American Branch established a Committee on Intergovernmental Settlement of Disputes in 2001, for example, and tasked it with a project to study possible reforms affecting the ICJ. The committee came up with a list of conclusions and recommendations and aimed to disseminate their resolution and report to a wide extent, including to states (ABILA Committee on Intergovernmental Settlement of Disputes, 2006). Other institutions that have embarked on similar quests include the American Society of International Law and the Institute for the Study of Diplomacy of Georgetown University (Jacovides, 2006).

Japan finds a need to directly address various concerns about the ICJ, primarily highlighting concerns for transparency, efficiency, and enforcement mechanisms. In the short term, it is imminent that the public, as well as third party organizations and agencies, are aware of proceedings of the ICJ. This goal can be achieved via mechanisms, such as the submission of amicus briefs, the allowance of case document requests, and annual reports and speeches addressed to other United Nations bodies. Additionally, to secure efficiency of the Court, a reconsideration of the size and division of the body is necessary. This includes a thorough investigation into the diversity, tenure, and workload of ICJ judges.

In the long term, it is increasingly urgent to resolve the ICJ's enforcement dilemma. Its inability to bind states to rulings has hindered its ability to function since its creation. A reassessment of its jurisdictional and enforcement capacities includes considering the removal of compulsory jurisdiction and creating new institutes offering various dispute resolution mechanisms to states. Ultimately, an extensive reconsideration of how the ICJ can incentivize states to comply with its rulings is long overdue and of critical importance to its own longevity.

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Topic B: Criminal Accountability of UN Officials and Representatives

When the UN sends peacekeepers or other UN officials abroad in the aim of promoting continued peace and stability in a region, violence from the hands of the UN is the last thing that should ever occur. Unfortunately, accounts of UN officials being the perpetrators of violence rather than the solution have only been increasing. More than 2000 reported instances of sexual abuse were reported from UN peacekeepers in Haiti across 7 years with the Central African Republic seeing numbers in the 10s of thousands. The DRC, South Sudan, and Burundi all have reported similar instances occurring at the hands of UN peacekeepers during their deployment with the UN. Those are just the accounts that have seen the light of day once charges are formally brought to light. There is no one country that is more to blame than others. The problem is one that lies within a fundamentally broken culture within UN agencies. The trend is clear; where the UN goes, until something changes, sexual abuse and exploitation follow.

The UN is not sitting idly by as this problem brews. That being said, they are yet to take strong enough action to properly respond to the systemic problem that is UN perpetuated sexual violence. The UN began publishing the nationalities of those accused to have abused or exploited individuals on their assignments. Beyond that, the UN has created a trust fund for victims as well as sponsored therapy programs, job training, and services for victims. However, further UN programs are needed as children born of rape or relationships with peacekeepers. The UN has also expressed interest in these children obtaining the citizenship of said peacekeeper. To date, no sufficient action has been taken on the part of the UN. Legal assistance is long overdue as well.

To increase the number of victims who feel supported enough in their reporting process, the UN has identified a need to expand said resources.

With these facts in mind, Japan finds it necessary to address this crisis in a holistic manner. There are immediate, short-term solutions that must be adopted as soon as possible. Japan recommends expanding the existing fund for sexual abuse/exploitation survivors to ensure victims receive proper compensation. Further, to prevent “survival sex”, the UN needs to do more to provide humanitarian aid in the proper forms and to the proper recipients. Notably, Japan contends that if communities have proper resources at their disposal, incidents of survival sex would decline dramatically. Japan also recommends the adoption of body cameras for peacekeeping missions- similar to those used by global law enforcement- that would work to hold perpetrators accountable for their actions during and after incidents. Body cameras would also lessen the cost of a lengthy investigation and increase the chance of perpetrators being tried for their actions. Beyond that, Japan suggests that peacekeeping operations work with an independent third party who will oversee the mission and report any malfeasance to UN officials.

In the long-term, Japan recommends the establishment of a new legal body to investigate alleged crimes from UN officials. Their rulings will be directly delivered to the Secretary-General with a recommendation about if immunity should be revoked for the peacekeepers the case involves. Further, Japan finds it necessary for each state to try their own peacekeepers if they commit crimes while on a UN mission. This combination of reworking peacekeeper immunity and requiring nations to try their peacekeepers or officials is a prerequisite for solving UN perpetrated violence.

Works Cited

- ABILA Committee on Intergovernmental Settlement of Disputes. *Abila Report on UN Reform and ICJ - Cesareromano.Com*,
cesareromano.com/wp-content/uploads/2015/05/ABILA-Report-on-UN-Reform-and-ICJ.pdf. Accessed 16 Oct. 2023.
- “ICJ History.” *INTERNATIONAL COURT OF JUSTICE*, www.icj-cij.org/history. Accessed 15 Oct. 2023.
- Jacovides, Andrew. *U.N. REFORM AND THE INTERNATIONAL COURT OF JUSTICE: INTRODUCTORY STATEMENT*,
nsuworks.nova.edu/cgi/viewcontent.cgi?article=1552&context=ilsajournal. Accessed 16 Oct. 2023.
- Ogbodo, S. Gozie (2012) "An Overview of the Challenges Facing the International Court of Justice in the 21st Century," *Annual Survey of International & Comparative Law*: Vol. 18 : Iss. 1, Article 7.
- “UN Peacekeepers Timeline.” *CRIN*, home.crin.org/un-peacekeepers-timeline. Accessed 15 Oct. 2023.
- “UN Peacekeeping Has a Sexual Abuse Problem.” *Human Rights Watch*, 2 Aug. 2023,
www.hrw.org/news/2020/01/11/un-peacekeeping-has-sexual-abuse-problem#:~:text=In%202015%2C%20the%20UN%20began,incl%20children%20fathered%20by%20peacekeepers.

