



DIYAFAH INTERNATIONAL SCHOOL L.L.C

مدرسة ضيافة الدولية ذ.م.م

حضانة NURSERY



DISMUN 2026-2027 | UNITED NATIONS INTERNATIONAL COURT OF JUSTICE

STUDY GUIDE 2026-2027





**United
Nations**

**International
Court of Justice**

UNITED NATIONS INTERNATIONAL COURT OF JUSTICE BACKGROUND GUIDE 2026-2027

Dear Delegates,

Welcome to the Diyafah International Model United Nations Conference 2.7 (DISMUN-Abu Dhabi). We are pleased to welcome you to the International Court of Justice. This year's Chair is Mukundh Jaikrishnan, who is currently in Year 13. This year's Deputy-Chair is Alena Asif, who is currently in Year 11.

The topic under discussion for the International Court of Justice is

- Alleged Violations of Sovereignty and Use of Force in Cross-Border Drone Strikes

The International Court of Justice is comprised of 15 judges elected to nine-year terms by the UN General Assembly and the Security Council. Unlike the Security Council, no country has a permanent seat on the Court as a matter of absolute law. However, in practice, a similar geopolitical dynamic exists: the five permanent members of the Security Council (China, France, the Russian Federation, the United Kingdom, and the United States) historically almost always have a judge of their nationality serving on the ICJ.

This background guide introduces the committee's topics, which we hope our delegates will find useful. We implore everyone to understand that this guide is not intended to take the place of additional research. We strongly advise using the annotations to increase your understanding of these subjects and conducting in-depth research on the policies of your member state.

On the [DISMUN](#) webpage, you will find resources that are essential to your preparation for the conference and as references during committee sessions. The [DISMUN Handbook](#) explains each step in the delegation process, from preconference research to the committee debate and resolution drafting processes. Delegates should not discuss the topics or agenda with other members of their committee until the first committee session. We urge our delegates to be respectful of this request.

In addition, please review the mandatory [DISMUN Conduct Expectations](#) and the [DISMUN Procedure](#) on the DISMUN website. DIS wants to emphasize that any instances of discrimination based on race, gender, national origin, religion, age, or disability will not be tolerated.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact Communications.DISMUN@diyafahinternationalschool.com

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Chair Mukundh Jaikrishnan

Deputy Chair Alena Asif

Committee History

"A single, impartial tribunal where the nations of the world can anchor global peace in the certainty of international law."

Introduction

The International Court of Justice (ICJ) is one of the six primary organs of the United Nations, mandated by the Charter of the United Nations to serve as the principal judicial body of the organization. The Court submits an annual report on its activities to the General Assembly. Following the devastating effects of two world wars, the international community decided to establish the United Nations (UN) with the primary responsibility of maintaining international peace and security through cooperation and the rule of law. To ensure that disputes between states could be settled peacefully rather than through military conflict, the International Court of Justice was established as the UN's chief judicial pillar.

The Court held its inaugural sitting on 18 April 1946 at the Peace Palace in The Hague, Netherlands, making it the only one of the six principal UN organs not located at the UN headquarters in New York City. The ICJ succeeded the Permanent Court of International Justice (PCIJ), inheriting its grand residence and much of its legal continuity.

Governance and Structure

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations and operates under the Charter of the United Nations and the Statute of the Court. Unlike political UN bodies, the ICJ functions as an independent judicial institution responsible for settling disputes between states according to international law and providing advisory opinions on legal questions referred to it by authorized UN organs and agencies.

The Court is composed of 15 independent judges elected for nine-year terms by both the General Assembly and the Security Council, ensuring representation of the world's major legal systems and regions. Judges act impartially and do not represent their home countries. The Court also elects a President and Vice-President to oversee proceedings.

Based at the Peace Palace in The Hague, Netherlands, the ICJ hears cases involving issues such as territorial disputes, treaty interpretation, and violations of international law. Its judgments are legally binding on the states involved, although the Court itself has no direct enforcement power.

Membership

All Member States of the United Nations are automatically parties to the Statute of the International Court of Justice. Non-member states may also become parties to the Statute under conditions determined by the General Assembly upon recommendation of the Security Council. Unlike many UN bodies, the ICJ does not have state representatives as members; instead, it is composed of 15 independent judges from different nationalities.

Judges are elected by both the General Assembly and the Security Council for nine-year terms and are chosen based on their expertise in international law and high moral character. No two judges may be from the same country at the same time, ensuring balanced international representation within the Court.

Presidency

The International Court of Justice elects a President and Vice-President from among its 15 judges for terms of three years. The President presides over hearings, directs the Court's judicial work, and represents the ICJ in its official relations with states, the United Nations, and other international organizations. In the absence of the President, these responsibilities are carried out by the Vice-President.

The President also oversees the administrative functions of the Court alongside the Registry, which serves as the ICJ's permanent administrative body. Additionally, the President may convene special sessions of the Court when urgent international disputes require immediate attention.

Participation

Only sovereign states may participate in contentious cases before the International Court of Justice. Individuals, corporations, and non-governmental organizations cannot directly bring cases before the Court. States involved in cases may submit written statements, evidence, and oral arguments during public hearings.

In addition to contentious cases, authorized UN organs and specialized agencies may request advisory opinions from the Court on legal questions. Although advisory opinions are not legally binding, they carry significant legal and political influence within the international community.

Voting

Each judge of the International Court of Justice has one vote, and decisions are made by a majority of the judges present. In the event of a tie, the President of the Court casts the deciding vote. Judges may also attach separate or dissenting opinions to explain differing legal interpretations or reasoning.

Unlike the Security Council, the ICJ does not operate through a veto system, and no individual judge or state has the power to block a judgment. This system reinforces the Court's role as an impartial judicial body rather than a political institution.

Mandate, Functions, and Powers

The mandate of the International Court of Justice is to settle disputes between states peacefully and in accordance with international law, as established by the Charter of the United Nations and the Statute of the Court. As the principal judicial organ of the UN, the ICJ plays a central role in promoting the rule of law and maintaining international peace and security through legal means rather than military action. Any state party to the Court's Statute may bring a dispute before the ICJ, provided that the states involved consent to the Court's jurisdiction.

The Court is responsible for examining legal disputes brought before it and delivering judgments based on international law. Cases commonly involve territorial disputes, treaty interpretation, maritime boundaries, diplomatic relations, and allegations of violations of international law. In addition to contentious cases between states, the ICJ may also issue advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies. While these advisory opinions are not legally binding, they hold significant legal and political authority within the international community.

In fulfilling its mandate, the ICJ exercises the following powers and functions:

- **Judicial Settlement:** The Court settles legal disputes between sovereign states through binding judgments. States appearing before the Court may submit written memorials, legal evidence, and oral arguments during public hearings.
- **Advisory Opinions:** Under Article 65 of the Statute of the Court, the ICJ may provide advisory opinions on legal questions requested by authorized UN bodies and agencies. These opinions contribute to the clarification and development of international law.
- **Interpretation of International Law:** The Court applies international conventions, customary international law, general principles of law, and judicial precedents in reaching its decisions. Through its rulings, the ICJ contributes significantly to the development and codification of international legal principles.
- **Peaceful Dispute Resolution:** The ICJ encourages states to resolve conflicts through diplomacy and legal procedures rather than force. By providing a neutral and impartial judicial forum, the Court reduces tensions between states and supports international stability.

Conclusion

As the international community continues to face increasingly complex legal disputes between states, the International Court of Justice remains essential in promoting the peaceful settlement of conflicts through international law. While the Court has no enforcement mechanism of its own, its judgments and advisory opinions carry significant legal authority and contribute to the development and clarification of international law.

However, the effectiveness of the ICJ can be limited by the need for state consent to jurisdiction and the lack of direct enforcement powers. Despite these challenges, the Court remains the only global judicial body with the mandate to resolve disputes between states in a neutral and lawful manner. As such, it continues to play a crucial role in upholding the rule of law and supporting international peace and stability.

INTERNATIONAL COURT OF JUSTICE (ICJ)

Topic: Alleged Violations of Sovereignty and Use of Force in Cross-Border Drone Strikes

Introduction

The increasing use of unmanned aerial vehicles (UAVs), commonly known as drones, has transformed modern warfare and counterterrorism operations. While states argue that drone strikes are precise, effective, and necessary for national security, their use across international borders raises serious legal questions under international law. Central to these debates are allegations of violations of state sovereignty, unlawful use of force, civilian casualties, and lack of transparency or accountability. The International Court of Justice (ICJ), as the principal judicial organ of the United Nations, is responsible for adjudicating disputes between states and interpreting the rules governing the use of force, territorial integrity, and international humanitarian law. As drone warfare expands, the ICJ faces the challenge of clarifying how traditional legal principles apply to new technologies and asymmetric threats.

This study guide explores the legal complexities surrounding cross-border drone strikes, focusing on sovereignty, self-defence, consent, and proportionality. It also presents two case studies that illustrate how states have contested drone operations before international bodies.

Understanding the Legal Issues

1. Sovereignty and Territorial Integrity

Under Article 2(4) of the UN Charter, states must refrain from the use of force against the territorial integrity or political independence of another state. Cross-border drone strikes raise the question: Does a drone strike without consent constitute a violation of sovereignty?

2. Self-defence and Non-State Actors

Article 51 permits self-defence if an armed attack occurs. However, states disagree on whether this applies to:

- attacks by non-state actors,
- pre-emptive or anticipatory strikes,
- strikes in states “unwilling or unable” to address threats.

3. Proportionality and Necessity

Even if self-defence is invoked, force must be:

- necessary,
- proportionate,
- and limited to the threat.

4. International Humanitarian Law (IHL)

Drone strikes must comply with:

- distinction between civilians and combatants,
- proportionality in attack,
- precautions to minimize harm.

5. Accountability and Transparency

Many drone programs operate with limited public oversight, raising concerns about:

- civilian casualties,
- targeted killings without due process,
- unclear chains of command.

Case Studies:

Case Study 1: United States Drone Strikes in Pakistan

Official Title: Evaluating Alleged Violations of Sovereignty in U.S. Drone Operations in Pakistan's Tribal Regions

Between 2004 and 2018, the United States carried out hundreds of drone strikes in Pakistan's Federally Administered Tribal Areas (FATA), targeting militant groups such as al-Qaeda, the Pakistani Taliban (TTP), and other armed non-state actors operating along the Afghanistan–Pakistan border. These strikes became one of the most controversial elements of U.S. counterterrorism policy. Pakistan repeatedly condemned the operations, arguing that they violated its sovereignty, undermined its territorial integrity, and resulted in significant civilian casualties. The United States, however, defended the strikes as lawful acts of self-defence under Article 51 of the UN Charter, claiming that Pakistan was either unwilling or unable to prevent militant groups from using its territory to launch attacks.

This situation raised several complex legal questions for the international community. One central issue was whether the United States had Pakistan's consent, explicit, implicit, or tacit, at any stage of the operations. While Pakistan publicly denounced the strikes, leaked documents and diplomatic reports suggested periods of quiet cooperation, complicating the legal narrative. Additionally, the legality of targeted killings conducted far from traditional war zones raised concerns under international humanitarian law, especially regarding distinction and due process.

Key findings from this case highlight the legal ambiguity surrounding cross-border drone operations. Pakistan consistently condemned the strikes as violations of sovereignty, yet evidence of tacit cooperation blurred the boundaries of consent. Civilian casualties intensified scrutiny over whether the strikes met the standards of proportionality and necessity.

Insight:

This case highlights the tension between counterterrorism objectives and state sovereignty, illustrating the legal ambiguity surrounding drone strikes conducted without explicit consent.

Case Study 2: Turkish Drone Strikes in Northern Iraq

Official Title: Assessing the Legality of Turkey's Cross-Border Drone Operations Against Kurdish Militants in Iraq

Turkey's long-running conflict with the Kurdistan Workers' Party (PKK) has increasingly extended beyond its borders, with northern Iraq becoming a central theatre of Turkish counterinsurgency operations. Iraq, however, has repeatedly condemned these operations as violations of its sovereignty and territorial integrity, asserting that Turkey's actions undermine its authority and destabilize border communities.

The legal questions raised by this case are complex and highly relevant to contemporary debates on cross-border force. One central issue is whether Turkey's invocation of self-defence is valid in the absence of an armed attack attributable to Iraq itself. Another concern is whether the "unwilling or unable" doctrine, frequently cited by states but not universally accepted, can justify repeated strikes on foreign soil. The proportionality and necessity of Turkey's operations are also contested, particularly given reports of civilian casualties, displacement, and damage to agricultural livelihoods in affected areas.

Key findings from this case highlight the blurred line between legitimate self-defence and unlawful use of force. Iraq has formally protested the strikes at the UN, arguing that they violate its sovereignty and escalate tensions. Turkey maintains that PKK attacks constitute an armed attack under Article 51, but this interpretation remains contested in international law. Civilian harm and displacement have raised humanitarian concerns, while the lack of a clear legal framework governing Turkey's operations underscores the need for stronger international norms.

Insight:

This case demonstrates how long-term counterinsurgency operations blur the line between legitimate self-defence and unlawful use of force, making it a significant issue for ICJ adjudication.

Challenges for the ICJ

- Lack of clear precedent on drone warfare
- Disagreement over the "unwilling or unable" doctrine
- Difficulty verifying facts in remote conflict zones
- Balancing state security with human rights obligations
- Limited jurisdiction when states refuse to participate

Policy and Legal Considerations for Delegates

- How should the ICJ interpret sovereignty in the age of drones?
- Should self-defence apply to non-state actors across borders?
- What standards should govern targeted killings?
- How can civilian protection be ensured?
- Should new international regulations for drones be developed?

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