

International Court of Justice  
CFMUNX  
Resolution Paper

Case: Dispute over Environmental Damage in the Strait of Malacca  
Date: 13 January 2024

The Court,

Having considered the arguments presented by both parties, the evidence submitted, and the relevant principles of international law,

Hereby decides as follows:

1. Finds that the State of X has violated its obligations under international law by causing significant environmental damage to the Strait of Malacca through its reckless oil drilling practices.
2. Orders the State of X to immediately cease all oil drilling operations in the Strait of Malacca and to take all necessary measures to remediate the environmental damage caused.
3. Calls upon the State of X to cooperate fully with the international community in developing and implementing a comprehensive plan for the protection and restoration of the Strait of Malacca's marine environment.
4. Requests the United Nations Environment Programme (UNEP) to provide technical assistance to the State of X in carrying out its obligations under this resolution.
5. Urges all states to refrain from activities that could cause further environmental damage to the Strait of Malacca and to take all necessary steps to protect and preserve this vital marine ecosystem.
6. Recommends that the State of X and the State of Y engage in negotiations to establish a joint compensation fund for victims of the environmental damage caused by the oil spill.
7. Declares that it will remain seized of the matter and will take further action as necessary to ensure compliance with this resolution.

Done at The Hague, this 13th day of January 2024, in English and French, the two texts being equally authentic.

[Signatures of Judges]

Annex: Legal Principles Applied

The principle of state responsibility for environmental harm  
The principle of sustainable development

The precautionary principle  
The polluter pays principle  
The duty to cooperate in the protection of the environment  
The right to a healthy environment

### Preambulatory Phrases for ICJ Resolution Papers:

#### Recalling:

The relevant provisions of the United Nations Charter  
The Statute of the International Court of Justice  
Specific international treaties or conventions applicable to the case  
Previous resolutions of the International Court of Justice on related issues  
Resolutions of the United Nations General Assembly or Security Council  
Relevant principles of international law, such as:  
State sovereignty  
Non-intervention in internal affairs  
Peaceful settlement of disputes  
International cooperation  
Sustainable development  
Human rights  
Environmental protection

#### Reaffirming:

The commitment of all states to the rule of law  
The importance of resolving international disputes peacefully and in accordance with international law  
The need for states to respect their international obligations  
The right of states to self-determination  
The importance of protecting the environment and promoting sustainable development  
The fundamental rights of individuals, including the right to a healthy environment

#### Noting:

The concerns raised by the parties to the dispute  
The evidence presented by both parties  
The conclusions reached by the Court in its judgment  
The ongoing challenges in the relevant area of international law  
The urgent need for action to address the issue at hand

#### Further noting:

The efforts already undertaken by the parties to resolve the dispute  
The positive role that regional organizations can play in resolving international disputes  
The importance of public awareness and education on the issue at hand

The potential for further cooperation between states and international organizations

Taking into account:

- The special circumstances of the case
- The economic and social impact of the dispute
- The interests of the international community as a whole
- The need for a just and equitable solution
- The potential consequences of inaction

Bearing in mind:

- The principles of justice and equity
- The need to maintain international peace and security
- The importance of promoting stability and prosperity in the region
- The potential for dialogue and reconciliation between the parties

Welcoming:

- The commitment of the parties to comply with the Court's judgment
- The efforts of states to implement relevant international treaties and conventions
- The initiatives of international organizations to address the issue at hand
- The contribution of non-governmental organizations and civil society to raising awareness and finding solutions

Unfortunately, providing an exhaustive and specific list of preambulatory phrases for the Al Asad Air Base attack would be difficult, as the legality of the event is still highly contested and there is no definitive resolution or accepted legal framework.

Preambulatory phrases in such a case would ultimately depend on the perspective and argument being presented in the resolution paper.

However, these are some potential preambulatory phrases based on different viewpoints:

From the perspective of Iran:

Reaffirming the right of self-defense under Article 51 of the UN Charter and the right of a state to respond to an armed attack.

Recalling the previous US drone strike that killed General Soleimani, which Iran considers an illegal act of aggression.

Noting the presence of US military personnel in Iraq in a non-combat role without the express consent of the Iraqi government.

Bearing in mind the long history of US military intervention in the Middle East and the potential for escalation of regional conflicts.

From the perspective of the US and its allies:

Recalling the UN Security Council resolutions concerning the Iranian nuclear program and its ballistic missile tests.

Reaffirming the principle of territorial integrity and the sovereignty of Iraq.

Reaffirming the obligation of all states to refrain from the threat or use of force against other states.

Noting the potential for civilian casualties and escalation of tensions in the region as a result of the attack.

Calling upon all states to uphold the principles of international law and to refrain from actions that could undermine regional stability.

From a neutral perspective:

Deeply concerned by the loss of life and the potential for further escalation of violence in the region.

Reaffirming the importance of peaceful settlement of disputes in accordance with international law.

Noting the complex and difficult geopolitical situation in the Middle East.

Urging all parties to exercise restraint and engage in constructive dialogue to resolve the underlying issues.

Calling upon the international community to play a proactive role in mediating the conflict and promoting peace in the region.

**Pertinent Legal Framework for an ICJ Ruling on the Al Asad Air Base Attack:**

The legal framework for the ICJ to consider in the Al Asad Air Base attack is complex and multifaceted, involving principles from various sources:

1. Use of Force:

UN Charter Article 2(4): Prohibits the threat or use of force against the territorial integrity or political independence of any state. The ICJ would need to analyze whether the Iranian attack violates this principle, considering its justification as self-defense or an armed response.

Customary International Law: Establishes further limitations on the use of force, like proportionality and distinction between combatants and civilians. The ICJ would assess if the attack complied with these customary norms.

## 2. Self-Defense:

UN Charter Article 51: Allows states to use force in self-defense against an armed attack. The ICJ would evaluate whether Iran had an imminent threat justifying the attack, analyzing the nature and timing of the alleged US actions triggering self-defense.

## 3. Targeted Attacks:

Geneva Conventions and Additional Protocols: Require distinction between combatants and civilians and minimization of civilian casualties. The ICJ would scrutinize whether the Iranian attack followed these principles, considering the presence of US soldiers and potential civilian casualties.

## 4. Proportionality:

Customary International Law: Demanding the force used be proportional to the legitimate military objective. The ICJ would assess if the severity of the attack was proportionate to the perceived threat.

## 5. State Responsibility:

Draft Articles on the Responsibility of States: Hold states accountable for wrongful acts by their armed forces. The ICJ would determine if Iran fulfilled its due diligence obligations to prevent the attack or provide reparation for any breaches.

## 6. Territorial Sovereignty:

UN Charter Article 2(4): Protects the territorial integrity of states. The ICJ would need to consider whether the attack on US personnel stationed in Iraq infringed upon Iraqi sovereignty.

## 7. National and Military Law:

Domestic Iranian Law: May shed light on the decision-making process and authorization for the attack.

US Rules of Engagement (ROE): Can provide context for the presence and activities of US soldiers at Al Asad.

Additionally, the ICJ might consider:

Relevant UN Security Council resolutions concerning the Iranian nuclear program or regional security.

Statements and actions of relevant actors in the international community.

Precedents from past ICJ cases or pronouncements by other international tribunals.

Ultimately, the ICJ's ruling would depend on its interpretation and application of these legal principles based on the specific facts and evidence presented by both parties.