

C A S E

CONCERNING THE ROBETIA CANAL

INTERNATIONAL COURT OF JUSTICE

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MUNLawS 2026

INTERNATIONAL COURT OF JUSTICE

The Case Concerning the Robetia Canal

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From the Secretary General...

Dear Agents and Judges,

It is my great pleasure to welcome you to this year's MUNLawS!

After ten months of planning, organising, and probably overthinking every possible detail, the day has finally come! We have put a lot of ourselves into making this conference happen, and we hope that you will enjoy it as much as we have enjoyed creating it.

Having been part of the MUN community for a few years now, organising a conference of your own is definitely a different experience, one filled with equal parts excitement, stress, and the occasional crisis. A big thank you goes to my team, Živa Srše, Živa Rozina, Vito Vidmar, and Maks Novak, for everything they have done along the way. I truly could not have asked for a better team!

*As a law student with a particular interest in human rights, I find myself increasingly concerned by the ongoing conflicts and divisions across different regions of the world. This is one of the reasons why, this year, we have chosen **Strengthening Regional Cooperation** as our overall theme.*

While that might sound like a very diplomatic way of saying “let's get along”, there is much more to it. In a world that often seems too divided, cooperation can sometimes feel difficult but that is exactly why it matters. And what better place to promote cooperation among young people than an MUN, where people from different countries and backgrounds come together, ready to listen to one another and, sometimes, even let go of their own ideas for the sake of finding common ground?

Throughout this conference, I encourage you to challenge one another, question your own assumptions, and defend your positions but most importantly, remember to listen to one another. The goal is not to be the loudest person in the room, but rather to see what we can achieve when all those voices are heard.

And of course, do not forget to have fun. At the end of the day, we are not real diplomats (yet)!

I hope you have an unforgettable few days filled with great debates, questionable amounts of caffeine, and, hopefully, many new friendships.

See you in the committee!

Irina Alibabić

Secretary General



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INTRODUCTION TO THE COMMITTEE

Welcome from their Excellencies

Esteemed Participants,

It is our pleasure to welcome you to the 2026 edition of MUNLawS as the Judges of the International Court of Justice (ICJ). As United Nations' principal judicial organ, we are looking forward to embarking on a journey of dispute settlement with you.

The case before the ICJ concerns legal questions and dilemmas relating to the law of the sea, the legal regimes governing international waterways, treaty interpretation, and other relevant issues arising from the current global geopolitical landscape. Following the outbreak of violent protests against Sinistria's woodland extraction, Robetia (the Respondent) closed the Robetia Canal, a strategically important waterway, to ships and vessels from Anezia (the Applicant), citing the alleged involvement of Anezian weapons in the attacks. According to Anezia, such action constitutes a violation of the Neutrality Treaty, which binds the two parties. Robetia, however, disputes this claim, maintaining that its actions were in accordance with international law. The dispute has now been brought before the ICJ. Who is right, and who is wrong?

In order for the participants to be as familiar as possible with the way the Court operates, we have prepared a short guide to the ICJ. This guide provides a description of the ICJ and its structure, the organ's judicial and other functions, and other necessary facts about the principal judicial organ of the United Nations.

Alongside the case and the above described guide (both contained in the document at hand), we have also prepared a bundle consisting of the basic materials (contained in a separate document) regarding the relevant legal topics that are to be discussed before the Court. It consists of treaties, relevant case law, legal textbooks, and articles, all of which constitute mandatory reading. The participants are expected to familiarise themselves with all of the provided materials, as doing so is crucial to gaining a sufficient understanding of

the case. We also encourage participants to conduct research beyond the provided materials, as it may very well be what tips the scales in your Party's favour or grants you the knowledge base necessary to ask the right bench question at the right time.

The bench will be actively participating during the oral pleadings, posing questions and presenting hypothetical scenarios. The participants representing the Parties to the dispute are expected to answer and engage with the Judges, and in order to do so, they will need to demonstrate more than a surface-level knowledge of public international law, especially of the case's principal topics. Participants participating as Judges are expected to refrain from forming *a priori* stances on the resolution of the dispute and to participate in the pleadings by posing questions to the participants representing the disputing Parties. As the final act of the simulation, the Judges will draft a judgement. All participants are expected to conduct themselves in a manner appropriate to a courtroom, including wearing appropriate attire and using appropriate forms of communication.

As disputes between States are often complex and open to more than one interpretation, the participants will have an opportunity to raise any potential questions regarding the facts of the case. Requests for clarification are to be submitted by October 31. The Judges will decide which questions require clarification and provide the responses approximately by November 5.

The Judges look forward to hearing your arguments and explanations as you make your case as to why this matter should be resolved in favour of your Party.

Warmest regards,

Erazem Ivanc

Aleksandar Vuković

Hana Žličar

P.S.

The Judges have hidden some historical and local references in the case. If you find them, we may let it slide if someone cites the wrong paragraph of an ICJ judgement!



About the International Court of Justice

1. Introduction

The International Court of Justice (hereinafter referred to as “the ICJ” or “the Court”) is the principal judicial body of the United Nations; its two functions are to decide legal disputes which are submitted by States in contentious cases and to provide advisory opinions on legal questions referred to it by duly authorised organs of the United Nations and specialised agencies.

The Court was set up by the UN Charter, functions in accordance with its Statute, which is annexed to the Charter, and controls its daily proceedings by means of the Rules of Court and Practice Directions. Its seat is at the Palace of Peace in The Hague, and its official languages are English and French.

For anyone acting in an agent capacity, as counsel or advocate, or as a judge, the first and most important thing to remember is that the ICJ’s jurisdiction to decide a dispute is founded on the consent of the parties. This means that in contentious matters, the Court will not decide a dispute unless the parties have agreed to submit to its jurisdiction by means of a special agreement, a compromissory clause in a treaty, reciprocal declarations relating to optional clauses, or, in an exceptional case, subsequent consent given under forum prorogatum. The Court also has the power to determine its own jurisdiction, and it insists that a real legal dispute must exist on the date the proceedings are started. Admissibility is a separate issue: even if the Court has jurisdiction, a claim might still be inadmissible.

When deciding on the merits, the Court applies the sources of international law listed in Article 38 of the ICJ Statute: international treaties, international custom, and general principles of law recognized by civilized nations. As subsidiary means for the determination of rules of law, the Court may use judicial decisions and the teachings of the most highly qualified publicists. Persuasive pleading before the ICJ depends on accurate source selection, diligent management of evidence, and an awareness that the Court distinguishes

sharply between jurisdiction, admissibility, provisional measures, merits, and reparation. The rules governing evidence are comparatively flexible, but pleadings before the Court must be precise, documents must be properly introduced, and the submission of late evidence is exceptional. The burden of proof normally rests on the party asserting a fact; particularly grave allegations may attract a more exacting standard. Remedies typically include declarations, cessation, assurances of non-repetition, and reparation in the forms of restitution, compensation, and satisfaction.

Judgments are reasoned, binding only between the parties and in respect of the particular case, final and without appeal, although interpretation and revision are possible under limited conditions. Advisory opinions are non-binding, but they are authoritative and often highly influential. Separate and dissenting opinions are a regular feature of the Court's practice.

For any participant in a simulated ICJ setting, the practical lesson is simple: structure every submission around jurisdiction, admissibility, applicable law, the application of facts to the law, and the precise operative relief sought.

2. Institutional framework and judicial composition

The Court operates within the constitutional framework of the United Nations. Article 92 of the **UN Charter** designates it as the “principal judicial organ” of the Organisation. Article 1 of the **ICJ Statute**, which is annexed to the UN Charter, provides that the Court is constituted and functions in accordance with the Statute. Article 30 of the ICJ Statute, in turn, authorises the Court to frame Rules for carrying out its functions. Pursuant to that provision, the Court adopted the **Rules of Court (1978)**. The Court also adopts **Practice Directions** which supplement the Rules of Court. This means that the functioning of the Court is based on a **complex and layered legal framework**: the UN Charter at the first later, annexed ICJ Statute at the second, Rules of Court at the third, and lastly Practice Directions which provide practical procedural guidance.

The Court has a **dual role**: 1) in the case of contentious proceedings, it **resolves legal disputes** submitted by States in accordance with international law; 2) in advisory proceedings, it **provides opinions on legal questions** referred to it by duly authorized UN organs and agencies. This distinction between the two types of proceedings before the Court is important, as almost all questions relating to procedure – such as standing, access, the form of pleadings, the effects of its decisions, and the rules regarding evidence – depend on whether the proceeding in question is of a contentious or an advisory nature.

The Court has its **seat at the Hague**. It is established there by Article 22 of the ICJ Statute, which permits the Court to sit **elsewhere** if it considers it desirable. The Court's **official languages** are **English** and **French**. **The Registry**, its permanent administrative organ, assists it. These apparently basic points are operationally important: language choices affect written pleadings and hearings, and the Registry is the institutional channel through which applications, memorials, annexes, and communications are filed and transmitted.

The Court consists of **fifteen judges**. By virtue of the provisions in Articles 2 and 3 of the ICJ Statute, they are independent judges who are elected without regard to their nationality from amongst people of high moral character who are either qualified to hold the highest judicial office in their own countries or are jurisconsults with recognized competence in international law. No two judges may be nationals of the same State. The judges are chosen by both the UN General Assembly and the UN Security Council, each of which votes separately, and a candidate must secure an absolute majority in each of the two bodies. Voters must also take into account the need to represent the principal legal systems and the main forms of civilisation. Judges serve nine-year terms and can be re-elected. The elections are held at intervals so that one third of the judges on the Court are replaced every three years.

Judicial independence is secured both institutionally and ethically. Articles 16 and 17 of the ICJ Statute prohibit judges from carrying out political or administrative duties, from engaging in any other form of professional activity, and from serving as an agent, lawyer, or advocate in any case. Article 20 mandates that each judge, before assuming their duties,

must make a solemn declaration that they will exercise their powers impartially and conscientiously. Article 24 includes a provision allowing for non-participation and dismissal only if the other members unanimously agree that the judge has ceased to fulfil the required conditions. These provisions are not merely formalities; they reinforce the character of the ICJ bench as a judicial rather than a diplomatic body.

Another institutional feature which has a direct bearing on contentious cases is the so-called **judge ad hoc**. Under Article 31 of the ICJ Statute, a State party which does not have a judge of its own nationality serving on the Court may select a person to take part in that case – where neither party has a national judge, both parties may do so. The judges ad hoc sit on terms of **full equality with the permanent judges for that particular case**. Moreover, the Court's Practice Directions caution against there being an overlap between serving as a judge ad hoc and as an agent, counsel, or advocate in other ICJ cases, in order to safeguard the proper administration of justice.

3. Access, jurisdiction and admissibility

Access to the Court and the question of jurisdiction are linked but distinct. The ICJ Statute provides in Article 34 that **only States** can be parties in cases brought before the Court. The ICJ's own explanatory notes make this clear by stating that only States can act as parties in contentious cases, while public international organisations may, in certain circumstances, provide information to the Court. Individuals, companies, non-governmental organisations, and sub-State entities therefore cannot start contentious proceedings before the ICJ in their own name.

In addition, Article 35 states that the Court is open to **States that are parties to the ICJ Statute**, while Article 93 of the UN Charter provides that **all UN Member States are ipso facto parties to the ICJ Statute**. The Court may also admit States which are not UN Members or which are not parties to the ICJ Statute, but only subject to carefully defined conditions. Article 35(2) entrusts the UN Security Council with specifying those conditions, and according to the ICJ, **Security Council Resolution 9 (1946)** currently regulates access in such cases. Generally speaking, a State which is not a party to the ICJ Statute must submit

a declaration in which it accepts the Court's jurisdiction on the necessary terms and undertakes to comply in good faith with the Court's decisions and with the obligations provided for in Article 94 of the UN Charter. Access is therefore not principally universal; it is instead legally regulated.

The Court's power to hear cases is based on the consent of the parties. According to Article 36(1) of the ICJ Statute, its **jurisdiction** includes all cases which the parties refer to it and all matters specially provided for in the Charter or in treaties and conventions that are in force. The Court's official explanation identifies three well-known principal bases of jurisdiction: a special agreement, a jurisdictional clause in a treaty, and reciprocal declarations under Article 36(2) of the ICJ Statute. It thus accords with the view often stressed in international legal doctrine that the ICJ is not a court with compulsory general jurisdiction over all States at all times.

A **special agreement** is the best means of establishing jurisdiction since the parties jointly define the dispute and refer it to the Court. Article 40 of the ICJ Statute provides that a case may be brought either by means of a special agreement or by a unilateral written application. When a case is started through a special agreement, the Court's Practice Direction I requires the agreement to state the number and order of the pleadings; if it fails to do so, the Court expects the parties to reach an agreement on these points at a later stage. The benefit of a special agreement is that it is clear: it generally limits the debate about jurisdiction and sets the exact boundaries of the dispute from the beginning.

The second of the classic grounds is a **compromissory clause**. Numerous treaties include a provision that any disagreements about the interpretation or application of the treaty can be referred to the ICJ. According to ICJ, when such a dispute arises, a State party has the option of initiating proceedings by making a unilateral application or by reaching a special agreement. As in all cases, the Court still has to decide whether the clause in fact covers the dispute in question, whether any reservations are applicable, and whether the various procedural prerequisites in the treaty have been fulfilled.

The optional provision in Article 36(2) is less restrictive than it seems. The States parties to the Statute can **declare** that they recognise the Court's jurisdiction as compulsory, automatically and without the need for any special agreement, in relation to any other State which has accepted the same obligation. However, the system is reciprocal and sensitive to reservations. According to the ICJ's own declarations page, such declarations are unilateral acts deposited with the Secretary-General and only take effect in relation to other States that have accepted the same obligation. It therefore follows that compulsory jurisdiction under Article 36(2) is not universal, but rather consists of a network of overlapping and often qualified acceptances.

The route of **prorogation** is more unusual. According to Article 38(5) of the Rules of Court, an applicant can submit an application based on a consent 'which has not yet been given or made clear' by the respondent. The Court's own documents show two important outcomes. On the one hand, if that latter consent is not obtained, the application is sent to the respondent but is not entered on the General List, and no further action is taken. On the other hand, the respondent's participation merely to challenge jurisdiction does not, in itself, constitute acceptance of jurisdiction over the merits.

The **principle of *compétence de la compétence*** is established in Article 36(6) of the ICJ Statute; if a dispute as to whether the Court has jurisdiction arises, it is the Court's own decision that will resolve the issue. It is thus the Court that acts as the first judge of the extent of its own jurisdiction, even though it must remain within the limits set by State consent. This is also why preliminary objections play such a central role in ICJ proceedings: they are the means by which the respondent asks the Court to decide whether the case is eligible to proceed.

A legal dispute must exist. The Court has consistently defined a dispute as a disagreement on a point of law or fact, or a conflict of legal views or interests, and it must be shown that one party's claim is positively opposed by the other. The dispute must exist on the date the application is filed. The Court's recent preliminary-objections jurisprudence restates that requirement and treats it as a matter of substance rather than form. For advocates, this

means the opening of any application should identify concrete opposing legal positions, not just a general atmosphere of tension.

The concept of **admissibility** is distinct from that of jurisdiction. As the Court itself points out in its explanation of incidental proceedings, preliminary objections can be directed either at the Court's competence to decide the merits or at the admissibility of the application. Admissibility involves determining whether the claim is appropriate to be heard at that time and in that form. In different cases, objections might be based on the existence of a dispute, prematurity of the claim, the question of standing, the presence of indispensable third parties, an abuse of process, or special admissibility rules associated with the area of substantive law. The important practical consideration is that a pleading relating to admissibility should not merely repeat arguments about jurisdiction; rather, it should set out the reasons why, even if the Court has jurisdiction, it should still decline to consider the claim.

4. Applicable law and legal method

Article 38 of the ICJ Statute provides that the Court shall, in disputes submitted to it, apply international conventions which lay down rules expressly recognised by the States in dispute; international custom as proof of a general practice accepted as law; general principles of law; and, pursuant to Article 59, the decisions of courts and the writings of the most highly qualified publicists as auxiliary means for determining the rules of law. Article 38(2) also provides for the possibility of ruling on a case *ex aequo et bono* if the parties so agree. Any serious submission to the ICJ should be clearly structured according to this hierarchy.

International treaties are usually the first place to look, since a large number of cases before the ICJ are based on a particular compromissory clause and the substantive obligations set out in a given convention. When raising treaty arguments, it is necessary to state the name of the instrument, refer to the relevant article or articles, indicate the parties' treaty status, mention any reservation or interpretive declaration that affects jurisdiction or the substance of the matter, and specify the interpretive method employed.

In practice, treaty interpretation should be clearly stated rather than taken for granted: the Court requires the parties to explain why the text itself, the context, and the object and purpose, support the interpretation advanced.

Customary international law is important in cases where a treaty's text is silent, incomplete, or not binding on both parties. According to Article 38, custom is considered "evidence of a general practice accepted as law", so to make a convincing argument based on custom, it is generally necessary to present two interconnected proofs: a practice that is both widespread and representative of the behaviour of States, and the acceptance of that practice as law. Sources typically include diplomatic communications, legislation, military manuals, statements by government officials, votes and the reasons given for those votes in international organisations, treaty practice, case law, and the work of expert bodies. When advancing a custom argument, the advocate should separate the evidence of practice from the evidence of *opinio juris*, even if both types of evidence are contained in the same documents.

The **general principles of law**, although not very numerous, are often significant in procedural and remedial reasoning. The Court has clearly applied such principles in areas like the burden of proof. If a party wishes to invoke a general principle, they must carefully identify it and demonstrate that it is accepted in the major legal systems or is otherwise part of the framework of international adjudication. The category should not be used to rely on equitable intuition unsupported by legal sources.

Judicial decisions and the teachings of the most highly qualified publicists are auxiliary tools, not independent sources of international law. Article 59 of the ICJ Statute makes it clear that the decisions of the ICJ have no binding effect except between the parties and in respect of that specific case. Yet, the Court's earlier jurisprudence is clearly very persuasive as evidence of its legal approach, the definitions it has adopted, and the formulations it prefers. Similarly, at a secondary level, reputable scholarly work is also persuasive. This has the effect that for judges there is no such thing as precedent in the strict common-law sense

at the ICJ; for advocates, on the other hand, previous cases are used to persuade, to shape arguments, and to draw analogies, rather than to bind.

Practice Direction IX bis of the Court is particularly useful in the context of citations. When parties refer to documents in oral proceedings, they are required to give the "necessary reference" so the documents may be quickly consulted, provided the source is not already well known, such as UN documents, treaty collections, major monographs, or established reference works. This recommendation promotes a careful approach to pleading by requiring that full treaty titles and articles be cited, together with the appropriate official series or document symbols, dates, paragraph numbers in cases, and exact references to annexes for factual materials.

5. Procedure, evidence and interim protection

The ICJ Statute sets out the procedure in two parts: written and oral proceedings. According to Article 43, the **written proceedings** include memorials, counter-memorials and, where necessary, replies, along with the relevant papers and documents. The **oral proceedings** involve the Court hearing witnesses, experts, agents, counsel and advocates. Article 42 states that agents represent the parties and may also be assisted by counsel or advocates. Important practical details are provided in the Court's own explanatory notes: the agent is the official representative of the State, receives communications from the Registry, opens the arguments on the government's behalf and makes the submissions; counsel and advocates prepare and deliver the legal argument under the agent's authority; and there is no separate ICJ bar with particular admission requirements other than those resulting from their appointment by a government.

Proceedings before the Court are initiated either by giving notice of a special agreement or by a unilateral application. Once a case has been initiated, the Court issues orders concerning how the case is to proceed, sets the form and time limits within which each side must submit its arguments, and organises the taking of evidence. This is why it is incorrect to suppose that there is a single general timetable: the Court sets time limits on a case-by-case basis. The Practice Directions include a number of practical guidelines. The non-

objecting party's observations regarding a preliminary objection should usually be filed within four months of the objection being made, the written pleadings should be concise, the annexes should be selective, and the oral pleadings must be short and to the point. The submission of new documents after the written proceedings have closed is strongly discouraged and may only in exceptional cases be allowed.

Advocacy before the ICJ should be self-contained and well-structured. According to Practice Direction II, pleadings should not merely respond to the other party. Rather, they must clearly set out the submissions and arguments of the party filing the pleading, and each written pleading should end with a summary of the reasoning. Practice Direction III stresses conciseness and allows annexes of up to 750 pages unless permission is obtained. An effective memorial typically includes a statement of the grounds of jurisdiction, identifies the relevant law, sets forth the facts in question with references to the annexes, applies the law to the facts under separate headings, and concludes with specific final submissions.

Oral hearings are similarly organised. The President controls them; they are open to the public unless the Court decides otherwise or the parties request that they be private, and they are set down in minutes. According to the Court's Practice Direction VI, oral pleadings must be brief; it is encouraged that the parties to concentrate on issues which have not been adequately dealt with in writing or on points which they wish to highlight, and it is directed that oral proceedings concerning preliminary objections should be limited to the objections themselves. As a result, oral argument at the ICJ is not an opportunity to repeat the memorial word for word, but rather a chance to refine it, to make it clearer, to answer the kinds of concerns that the judges are likely to have, and to influence the way the legal issues are presented.

The **rules concerning evidence** before the ICJ are more flexible than in many domestic legal systems, yet they adhere to clear judicial reasoning. Under Article 49 of the ICJ Statute, the Court can require agents to provide documents or give explanations; Article 50 enables it to conduct expert inquiries; Article 51 deals with the examination of witnesses and

experts; and Article 52 permits the Court to reject further evidence after the time limit mentioned has passed unless the other party agrees. As the Court has said on numerous occasions, the burden of proof usually lies with the party making the claim. In *Bosnia and Herzegovina v. Serbia and Montenegro*, the Court stated that allegations of genocide and related acts must be established by "fully conclusive" evidence. In practice, lawyers must adjust the strength of their evidence according to the seriousness and nature of the claim.

The determination of **responsibility** and the establishment of causation are often of the greatest importance when assessing the merits of a case and in relation to the payment of reparation. According to the **Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA)**, prepared by the International Law Commission (ILC), an internationally wrongful act occurs when conduct is attributable to a State and constitutes a breach of an international obligation. Article 4 of ARSIWA provides that the conduct of State organs is attributable to the State; Article 8 of ARSIWA states that conduct carried out by persons or groups acting on the instructions of, or under the direction or control of, a State is also attributable to the States; and Article 11 of ARSIWA deals with conduct which a State later acknowledges and adopts as its own.

Article 31 of ARSIWA mandates full **reparation** for any injury resulting from a State's wrongful act, and Article 34 lists **restitution**, **compensation**, and **satisfaction** as the main forms of reparation. In its case law on reparation, the Court has regarded the causal connection as a legal requirement, making a distinction between injuries closely connected with the attributable conduct and those which are too remote or not sufficiently established.

Article 41 of the ICJ Statute sets out **provisional measures**, which serve a protective rather than a dispositive function. The Court can only adopt such measures if, *prima facie*, the jurisdictional ground on which they are based is capable of giving rise to its jurisdiction; if the rights which are in question are at least plausible; if there is a sufficient connection between those rights and the measures requested; and if there is a sense of urgency, meaning that there is a real and immediate risk of irreparable harm before the final

judgment is rendered. In practice, a hearing on provisional measures is not a hearing on the merits; Practice Direction XI clearly instructs the parties to limit themselves to the criteria for provisional measures and not to go beyond the merits unless necessary.

6. Decision-making, judgments and advisory opinions

After the hearing has ended, the Court retires to consider the case – the deliberations remain secret. A **majority vote** settles the questions, and if the votes are evenly divided, **the President has a deciding vote**. The judgment must state its reasons, name the judges who took part, be signed by both the President and the Registrar, and then be read in open court after notice has been given to the agents. When someone is acting as a judge in a simulation, it is essential to follow this sequence.

Article 57 of the ICJ Statute provides that where the judgment does not reflect the unanimous view of the judges, any judge is at liberty to submit a **separate opinion**. In practice, separate opinions, declarations and dissenting opinions are regularly included in ICJ judgments. The principle is that the binding authority is the judgment itself, particularly its reasoning and the operative clause. However, individual views do show different approaches; they do not change the binding '*dispositif*'.

The **effect of judgments** is intentionally limited. According to Article 59 of the ICJ Statute, the Court's decision has no **binding force** other than **between the parties** and **in that specific case**. Although the judgment is final and **no appeal** is possible, disputes regarding its meaning or scope can be referred back to the Court through a **request for interpretation**. Article 61 of the ICJ Statute allows for **revision only under exceptional circumstances**: when a decisive new fact is discovered which was previously unknown to both the Court and the party requesting revision, without any negligence, and within strict time limits.

Compliance rests on both consent and the Charter; under Article 94(1) of the UN Charter, each UN Member State agrees to comply with the Court's decision in any case in which it is a party. Article 94(2) states that if a party fails to carry out the obligations imposed by a judgment, the other party may **refer the matter to the UN Security Council**, which may, if

it considers it necessary, make recommendations or take measures to give effect to the judgment. The Court itself points out that since cases come to it only on the basis of consent to jurisdiction, it is uncommon for a decision not to be implemented. Although enforcement by means of the UN Security Council is provided for in law, it remains **a political mechanism**.

Advisory proceedings are fundamentally different from contentious cases. Article 96 of the UN Charter permits both the **UN General Assembly** and the **UN Security Council** to request an advisory opinion on any legal question. In contrast, **other UN organs and specialised agencies** can do so only if the General Assembly has authorised them and only in respect of legal questions that arise within the scope of their activities. Likewise, Article 65 of the ICJ Statute gives the Court the power to provide an advisory opinion on any legal question when requested by an organ authorised to do so. Articles 66 to 68 lay down the rules concerning notice, written statements, oral statements, and the application by analogy of the provisions of contentious proceedings. According to official ICJ materials, advisory proceedings are not open to general information providers. Still, they are open to authorised organs and agencies, States, and international organisations taking part as providers of information, not as parties to the proceedings.

As to legal effect, advisory opinions are **ordinarily not binding**. The ICJ's own advisory-jurisdiction page states this expressly, but it is important to note that certain special instruments or constitutive documents may exceptionally provide that an advisory opinion has binding force in specific contexts. For example, the advisory opinions of the ICJ requested by the International Labour Organisation (ILO) under its Constitution have been accepted as binding in practice. Such cases remain rare and exceptional, and the general rule is that advisory opinions are not legally binding. Even when formally non-binding, advisory opinions carry **substantial legal authority** because they are the considered legal views of the UN's principal judicial organ.

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THE CASE CONCERNING THE ROBETIA CANAL

1. Statement of agreed facts

1. Atlantia is situated in the Atlantic Ocean west of the Strait of Gibraltar. Its outer coasts are defined by extreme volcanic activity, rendering them largely uninhabitable and historically inaccessible both from seaside and from inland. In contrast, the interior of the continent is centered around the landlocked Sea of Slavia, a fertile and navigable basin that constitutes the geographic and economic core of the region.

2. The Sea of Slavia is connected to the world's oceans by a single artificial waterway, known today as the Robetia Canal. This canal cuts through the southern mountain barrier of the continent and provides the only maritime access between Atlantia's interior and the Atlantic Ocean. At the canal's northern terminus lies Port Moon, the principal port and one of the most strategically significant locations on the continent.

3. Prior to the 18th century, Atlantia was absent from widely accepted European cartography. Its inhospitable coastline and lack of natural harbors contributed to its relative isolation from early maritime exploration. It was not until the early 1700s that expeditions organized by the expanding Russian Empire, initially religious in character, succeeded in reaching and entering the continent's interior.

4. Upon arrival, these expeditions discovered extensive remains of a previously unknown ancient civilization concentrated around the Sea of Slavia. The ruins included large-scale urban settlements, monumental stone structures, and complex infrastructural systems. Among the most significant findings were the remnants of an artificial canal and a harbor complex corresponding to the present-day Robetia Canal and Port Moon.

5. Archaeological evidence suggests that this ancient civilization exhibited a level of technological development notable for its time, including advanced hydraulic engineering and large-scale construction techniques. Findings of what is believed to be transcriptions of Plato's works *Timaeus* and *Critias* also indicate some level of trade with ancient Mediterranean civilizations.

6. The canal discovered by the colonial expeditions, though partially collapsed and inoperative at the time, retained identifiable structural components, including reinforced walls and remnants of water management systems. These features facilitated subsequent efforts to reconstruct the waterway using both contemporary engineering methods and adaptations of the original design.

7. Following these discoveries, colonialist authorities initiated a process of settlement and administration in Atlantia. The reconstruction of the canal, thereafter known as the Robetia Canal, became a central objective due to its strategic and economic importance. Port Moon was established on the site of the ancient harbor and developed into the primary administrative and commercial hub of the colony. To aid navigation from the Atlantic side, a massive lighthouse was built named Masha's beacon.

8. Over time, the territory of Atlantia was organized into several distinct regions, which have since evolved into the present-day States of Robetia, Anezia, New Solmor, Veritatia, and Sinistria (*see the map on the next page*). They share historical, cultural, and infrastructural ties, particularly in relation to the Sea of Slavia and the canal system, while maintaining separate political identities and prevailing economic activities.



9. The Robetia Canal and Port Moon continue to hold central importance for Atlantia and for international navigation, serving as the sole maritime access point to the continent's interior. Control, use, and legal status of these installations, as well as their historical foundations, form the factual and contextual background to the present dispute before the Court.

10. All five States gained independence from the Russian Empire with its demise in the 1920s. Their relative inaccessibility has led them to pursue neutrality through the end of World War II, after which they have contributed to and are founding members of the United Nations.

11. Robetia is a developed State, founded as the first colonial outpost on the Continent. Its main economic activities center around its control of maritime shipping through the Robetia Canal and recently developed tourism of ancient remnants.

12. Anezia is a developed State, emerging from the regional colonial authority tasked with managing resource-rich mountain regions of the north. Its main economic activities are exports of gold and iron ore, as well as recently discovered deposits of rare-earth minerals.

13. Sinistria is a developed State. Its rich southern forests of Atlantean black walnut (*Juglans Nigra Atlantica*) made it a colonial ship-building hub in the past. It has since developed a large scale wood industry, specializing in musical instruments and high-end luxury furniture.

14. New Solmor is a developed State. Its coastal region hosts extensive fisheries, while the inland steppes are host to large herds of cattle and horses, being the Continent's primary supplier of meat and dairy.

15. Veritatia is a developed State. Due to the relative lack of natural resources in its territory, its main economic activities are focused on education and service industry. It has historically also served as the diplomatic hub of the region, often representing all 5 States in treaty-negotiating processes and international organizations. Every year since 1925, they have hosted the Annual Conference of the Five States of Atlantia (ACA5) where the States

have conducted consultations, debates and negotiations regarding common topics, including the management of the Sea of Slavia, protection of the environment and development projects. In cases of emergency, they have also called for and hosted emergency ad-hoc sessions.

16. Recognizing the importance and mutual benefits of the Robetia Canal, the five States met at a conference in 1925, held in Lunor, the capital of Veritatia. They concluded a multilateral Treaty on the Permanent Neutrality of the Sea of Slavia and the Robetia Canal (“Neutrality Treaty”) (see *Appendix I for the text of the treaty*). The treaty entered into force in 1927, being ratified by all parties.

17. At the 1979 ACA5, Robetia opened a discussion regarding protection of Canal's neutrality. Anezia put forward the idea of collective responsibility for security. The Parties reached an agreement and amended the Neutrality Treaty with an additional Article 10bis (see *Appendix II for the travaux préparatoires relating to the negotiation of the amendment*). The Treaty was deposited in its final form with the UN Secretary General in 1980.

18. In 2020 the World became engulfed by an epidemic and all five countries had to adopt extensive measures to stop the spread, which extensively hurt their respective economies.

19. In 2023, after the pandemic, economic activities resumed. Sinistrian government adopted a resolution outlining a plan for State subsidized woodland resource extraction projects. The resolution, if implemented, would increase export of luxury wood products by approximately 130% in comparison to pre-pandemic levels. The resolution required corporations to conduct environmental impact assessments before undertaking woodland resource extraction projects (WRE's).

20. The resolution was heavily contested at the 2023 ACA5. Robetia expressed strong support for the project, recognizing mutual benefits from increased amounts of shipping. Veritatia objected on the grounds of potentially devastating environmental impacts spanning the entire continent. Anezia objected on more practical grounds, as the increased amount of luxury item shipping through the Canal would bring higher revenues to Robetia,

but result in lower transit priority for Anezian cargo ships carrying raw materials. New Solmor remained neutral, recognizing both the potential benefits as well as dangers of the project.

21. At the press conference after the ACA5, the Sinistrian President stated in relevant part:

»Sinistria recognizes the potential impact of the WRE's on the environment of Atlantia. We however will proceed with the project, as the economic survival of Sinistria depends on these resources and the requirement of environmental impact assessments sufficient protection.«

22. After the ACA5 Prime Ministers of Veritatia and Anezia stated in a joint press release that the project must be stopped by any means necessary.

23. In January 2024, several corporations from Sinistria and Robetia submitted project proposals for WRE's to the Sinistrian government. All proposals had the required environmental impact assessment studies conducted by internationally recognized expert firms. Observing this, Sinistria licensed them to start the projects in April 2024, giving them three months to set up the required infrastructure.

24. In February 2024, an activist group formed online, calling themselves the Militant Union for Nature (MUN). They called for cancellation of the project and threatened to sabotage the infrastructure should the activities resume.

25. Soon after the foundation of MUN, grand public protests erupted across Sinistria and Robetia. A prevalent group among the protesters were dock workers at Port Moon. The protests were peaceful at first, but in a few days evolved into clashes with the State's respective police forces. Three leading figures of MUN were killed when police used water cannons at close range in the capital of Sinistria.

26. After the killings, MUN publicly called upon all active members to start with organized sabotages of infrastructure. Several actions were conducted, consisting of members, armed with automatic firearms and rocket-propelled grenades, destroying industrial equipment and facilities at the sites. An investigation report, concluded by Sinistrian

Intelligence Agency on 17.6.2024, states that the weapons used by MUN originate in stockpiles of Anezian armed forces and were obtained by the Vertitatian government pursuant to a military aid agreement between the two States, and supplied to MUN. According to publicly available public procurement data, Anezia receives a large majority (about 90%) of its weapons from foreign entities, which ship them through the Robetia Canal.

27. On 30.6.2024 Robetian government notified the governments of Anezia and Veritatia via diplomatic channels that the Robetia Canal would be closed to ships registered in both nations or carrying cargo destined to their ports, invoking Article 10 of the Treaty on Permanent Neutrality.

28. Anezia immediately objected, its Prime Minister claiming in relevant part:

»We are not a party to whatever armed dispute is happening in Robetia because of their own greed and disregard for nature. The closure is illegal and based solely upon political and economic interests of Robetia. They wish to profit from the illegal exploitation of woodland resources in Sinistria and exert pressure to force us to support this environmentally devastating project.«

Anezia requested an emergency session of the ACA5. Veritatia notified the governments of Robetia, Sinistria and New Solmor that the session is to be held on 30.7.2024. On the day of the session, no representatives of Robetia or Sinistria were present.

29. On 4.8.2024 personnel bearing insignias of Anezian Special Forces exited several unmarked shipping containers at Port Moon and armed the protesting dock workers with anti-armor missiles, mortars and machine guns. They led the workers to push back Robetian police and National Guard and take over two of the three terminals that serve as the Canal entry points.

30. On 5.8.2024 Robetia declared the Canal closed for all traffic indefinitely and started laying sea mines and setting up anti-ship artillery fortifications alongside the Canal coast.

2. International Court of Justice

31. Pursuant to unilateral declarations filed by all 5 States in 1949 accepting jurisdiction of the Court without any limitation, Anezia submitted this dispute to the International Court of Justice on 1.1.2025. Hearings were set for 20.-22.11.2026.

32. Anezia respectfully asks the Court to adjudge and declare that:

- i.** Robetia has breached the terms of the Treaty on Permanent Neutrality of the Sea of Slavia and the Robetia Canal when they closed the Robetia Canal for Anezian ships on 30.6.2024.
- ii.** Anezia's actions in Port Moon on 4.8.2024 were in accordance with the Neutrality Treaty, deeming Robetia's complete closure of the Canal and subsequent militarization a violation of the Neutrality Treaty.

33. Robetia respectfully asks the Court to adjudge and declare that:

- i.** Robetia has not breached any Treaty or customary norm when they closed the Robetia Canal for Anezian ships on 30.6.2024.
- ii.** Anezia's actions in Port Moon on 4.8.2024 were not in accordance with the Neutrality Treaty and Robetia's response did not constitute a violation of the Neutrality Treaty.

APPENDIX I: Treaty on the Permanent Neutrality of the Sea of Slavia and the Robetia Canal

The High Contracting Parties,

Recognizing the exceptional geographical, economic and strategic importance of the Sea of Slavia and the Robetia Canal;

Desiring to ensure the permanent neutrality of the Sea of Slavia and the Robetia Canal and to preserve their use for peaceful navigation;

Recognizing the common interest of the States of Atlantia in maintaining the Canal as an open and reliable maritime route;

Determined to prevent the Canal from becoming an instrument of political coercion or military confrontation;

Have agreed as follows:

Article 1

Permanent Neutrality

1. The Sea of Slavia and the Robetia Canal shall remain permanently neutral.
2. The High Contracting Parties undertake to respect and preserve the permanent neutrality of the Sea of Slavia and the Robetia Canal.
3. No High Contracting Party shall use the Canal or the Sea of Slavia for the purpose of undertaking hostile acts against another State.
4. The neutrality established by the present Treaty shall not prejudice the right of any High Contracting Party to take measures necessary for the protection of its territory, population or essential security interests, provided that such measures are consistent with the present Treaty.
5. The Robetia Canal and its coast, stretching five kilometers inland shall not be subject to construction of fortifications or emplacements intended for military use.

Article 2

Freedom of Commercial Navigation

1. The Robetia Canal shall remain open to merchant vessels of all States, without discrimination as to their flag, nationality, ownership or cargo.
2. Merchant vessels shall enjoy freedom of passage through the Canal in time of peace.
3. In time of war, where Robetia is not a belligerent, merchant vessels of all States shall continue to enjoy freedom of passage, subject to the provisions of the present Treaty.
4. No High Contracting Party shall be denied passage through the Canal solely on account of its political alignment, diplomatic relations or economic disputes with another High Contracting Party.

Article 3

Administration of the Canal

1. Robetia shall retain sovereignty and administrative control over the Robetia Canal.
2. In exercising such control, Robetia shall administer the Canal impartially and in accordance with the present Treaty.
3. Robetia shall take all reasonable measures necessary to ensure the safety, efficiency and continuity of navigation through the Canal.
4. Robetia may establish regulations concerning navigation, pilotage, safety, sanitation and the prevention of pollution, provided that such regulations are applied without discrimination and are consistent with the present Treaty.

Article 4

Charges and Services

1. No charge shall be imposed upon a vessel solely by reason of its passage through the Canal.

2. Reasonable charges may be imposed for services actually rendered to vessels, including pilotage, towage, navigation assistance and other services necessary for the safe operation of the Canal.

3. Charges imposed pursuant to this Article shall be applied on an equal basis to vessels in comparable circumstances.

Article 5

Warships

1. Warships of the High Contracting Parties shall enjoy the right of passage through the Robetia Canal, subject to the provisions of the present Treaty.

2. A High Contracting Party intending to send warships through the Canal shall provide prior notification to the Government of Robetia through diplomatic channels.

3. Warships exercising the right of passage shall refrain from conducting hostile military operations, weapons testing, exercises or intelligence activities within the Canal.

4. Warships of States not party to the present Treaty may be admitted to the Canal with the consent of Robetia, subject to such conditions as Robetia may establish consistently with the present Treaty.

Article 6

Belligerent Warships

1. Where Robetia remains neutral during an international armed conflict, warships belonging to States engaged in that conflict shall not pass through the Robetia Canal.

2. The prohibition contained in paragraph 1 shall not apply to:

- a. warships returning to their established naval bases;
- b. vessels engaged exclusively in humanitarian or rescue operations, with the consent of Robetia; or
- c. vessels whose passage is authorized pursuant to a decision of all High Contracting Parties.

3. No belligerent State shall conduct acts of hostility, capture, visit or seizure within the Canal or the territorial waters of Robetia.

Article 7

Security and Neutrality of the Canal

1. Robetia shall take reasonable measures to prevent the Robetia Canal from being used in a manner incompatible with its permanent neutrality.
2. No High Contracting Party shall use the Canal to provide direct military support for hostile operations against another High Contracting Party.
3. The obligations contained in this Article shall not be interpreted as prohibiting ordinary commercial trade, including trade in goods capable of both civilian and military use, unless such trade is otherwise prohibited by the present Treaty or by a rule of international law binding upon the Parties.

Article 8

Equality of Treatment

1. Robetia shall accord equal treatment to vessels of all High Contracting Parties with respect to access to the Canal, passage, charges, pilotage and other navigational services.
2. No High Contracting Party shall receive preferential treatment in the allocation of passage through the Canal on the basis of its political or diplomatic relations with Robetia.
3. Nothing in this Article shall prevent Robetia from establishing reasonable rules concerning the order of passage where necessary for navigational safety, congestion management or other legitimate operational considerations.

Article 9

Consultation and Cooperation

1. The High Contracting Parties shall cooperate in maintaining the security, neutrality and uninterrupted operation of the Robetia Canal.

2. The Annual Conference of the Five States of Atlantia shall constitute the principal forum for consultation concerning matters arising under the present Treaty.

3. Where any High Contracting Party considers that circumstances have arisen which may threaten the neutrality or security of the Canal, it may request an extraordinary meeting of the Conference.

4. The High Contracting Parties shall seek, in good faith, to resolve through consultation any dispute concerning the interpretation or application of the present Treaty.

Article 10

Suspension of Passage

1. Where a High Contracting Party commits a material violation of the present Treaty, Robetia may temporarily suspend the passage through the Canal of:

- a. vessels registered in that High Contracting Party; or
- b. vessels carrying cargo destined for ports situated in that High Contracting Party,

insofar as such suspension is necessary for the protection of the security and neutrality of the Canal.

2. A suspension adopted pursuant to paragraph 1 shall be limited to what is necessary and proportionate to the circumstances giving rise to it.

3. Before adopting measures pursuant to paragraph 1, Robetia shall, where circumstances permit, notify the High Contracting Party concerned of the alleged violation and provide it with an opportunity to respond.

4. Robetia shall immediately notify the other High Contracting Parties of any suspension adopted pursuant to this Article and shall communicate the reasons for such action.

5. Measures adopted pursuant to this Article shall cease when the circumstances giving rise to them have ended.

6. Nothing in this Article shall prejudice the rights and obligations of the High Contracting Parties under customary international law concerning State responsibility.

Article 10bis

Collective protection of the Neutrality of the Robetia Canal

1. Each High Contracting Party shall have the right and duty to protect and preserve the neutrality regime established by the present Treaty.
2. Where the neutrality or freedom of navigation of the Canal is threatened by an armed attack, occupation, blockade or other serious interference, each High Contracting Party may take measures reasonably necessary and proportionate to protect or restore the neutrality regime.
3. Measures involving the use of armed force shall be directed exclusively toward the protection or restoration of the neutrality and freedom of navigation of the Canal and shall not constitute a general authorization to interfere with the political independence, internal affairs or territorial integrity of another High Contracting Party.
4. Where circumstances permit, a High Contracting Party undertaking measures pursuant to this Article shall notify the other High Contracting Parties and consult with them concerning the measures undertaken.

Article 11

Settlement of Disputes

1. Any dispute between the High Contracting Parties concerning the interpretation or application of the present Treaty shall, in the first instance, be submitted to consultation within the Annual Conference of the Five States of Atlantia.
2. Where a dispute has not been resolved through consultation within six months, any State Party may submit the dispute to the International Court of Justice.
3. Nothing in this Article shall affect any other basis of jurisdiction of the International Court of Justice accepted by the High Contracting Parties.

Article 12

Final Provisions



1. The present Treaty shall remain in force indefinitely.
 2. Any amendment to the present Treaty shall require the consent of all High Contracting Parties.
 3. The present Treaty shall enter into force upon ratification by all High Contracting Parties.
- DONE at Lunor, in the year 1925 and AMENDED at Lunor, in the year 1979.

APPENDIX II: Extracts from the Travaux Préparatoires of the 1979 Amendment to the Treaty on the Permanent Neutrality of the Sea of Slavia and the Robetia Canal

Conference for the Amendment of the Treaty on the Permanent Neutrality of the Sea of Slavia and the Robetia Canal, Lunor, 1978–1979

In 1978, the High Contracting Parties convened a conference to consider amendments to the Treaty on the Permanent Neutrality of the Sea of Slavia and the Robetia Canal.

The principal purpose of the Conference was to clarify the obligations of the Parties concerning the protection and defence of the neutrality regime in light of developments in international law and the experience of other international waterways.

The Conference invited legal and diplomatic experts from several States possessing experience with international canal regimes. Among those invited were former United States and Panamanian negotiators and legal advisers who had participated in the negotiations and implementation of the regime governing the Panama Canal established by the 1977 treaties.

Session of 12 September 1978

The United States experts presented the Conference with an account of the recently concluded Panama Canal arrangements.

They explained that the Panama Canal regime distinguished between the ordinary operation of the Canal and the responsibility to ensure that its neutrality and freedom of navigation remained effective. The experts emphasized that, in their view, a permanent neutrality regime would be ineffective if the parties to that regime were unable to respond to an armed attack or serious threat directed against the Canal or the peaceful transit of vessels.

The Panamanian experts agreed that the preservation of neutrality required more than a purely declaratory obligation. They nevertheless emphasized that a right to defend a canal must not become a general right to intervene in the domestic affairs of the State exercising territorial sovereignty over it.

The Conference noted that the Panama arrangement sought to reconcile these two principles by recognizing a responsibility to protect the Canal while limiting the purpose of such action to maintaining its openness, security and neutrality.

The President of the Conference observed that the Panama arrangement appeared to provide a useful model for the clarification of the obligations contained in the 1925 Treaty.

Session of 15 September 1978

The Robetian delegation proposed that any new defence provision should confirm that Robetia, as the territorial sovereign and operator of the Canal, possessed the primary responsibility for its physical defence.

The Anezian delegation objected that the neutrality of the Canal could not properly be regarded as an exclusively Robetian concern.

The Anezian representative stated:

“The Canal is situated within Robetian territory, but its neutrality is created by an international instrument to which all five States have entrusted essential rights and obligations. The protection of that regime cannot therefore belong exclusively to one Party.”

The Veritatian delegation supported the Anezian position, while emphasizing that collective responsibility should not be transformed into a general authorization for military intervention between the Parties.

The Conference accordingly agreed that the amendment should distinguish between:

the primary responsibility of Robetia for the ordinary security and operation of the Canal; and the common responsibility of all High Contracting Parties for the preservation of the neutrality regime.

Session of 20 September 1978

The Conference considered whether the collective responsibility proposed by Anezia should include an express right to take coercive measures.

The United States experts advised that the Panama experience demonstrated the importance of recognizing that a neutrality guarantee must be capable of practical enforcement. They stated that, where a Canal was subjected to an armed attack or serious interference with peaceful navigation, the States responsible for maintaining the neutrality regime could not be expected merely to protest diplomatically.

The Panamanian experts agreed with this principle but emphasized that any such right must be directed exclusively toward protecting the Canal and restoring its neutral and accessible character.

The Anezian delegation proposed that the amendment should therefore provide that:

“Each High Contracting Party shall have the right and duty to protect and preserve the neutrality regime established by the present Treaty.”

The Sinistrian delegation expressed concern that this formulation could permit one State to enter the territory of another State under the pretext of defending neutrality.

The Robetian delegation proposed that the provision expressly state that measures taken pursuant to the collective guarantee could not be directed toward territorial acquisition, political domination or interference unrelated to the Canal.

The proposal was accepted.

Session of 7 October 1978

The Conference then considered whether the term “measures” should expressly include the use of military force.

The United States experts stated that, in exceptional circumstances, an armed attack against a Canal could only realistically be repelled through the use of armed force. They therefore recommended that the treaty not exclude military measures where necessary to preserve the neutrality regime.

The Panamanian experts concurred that a neutrality guarantee could not be effective if it prohibited all military measures against an armed attack on the Canal.

Several delegations nevertheless insisted that the amendment should not create an unrestricted right of intervention.

The Conference agreed upon three limitations:

1. military measures could be taken only in response to an immediate and serious threat to the neutrality or freedom of navigation of the Canal;
2. such measures must be necessary and proportionate to that threat; and
3. the purpose of such measures must be limited to the protection or restoration of the neutrality regime, and not the alteration of the political independence or territorial integrity of another High Contracting Party.

Session of 14 January 1979

The Robetian delegation proposed that the amendment recognize Robetia’s primary responsibility for the day-to-day protection of the Canal.

The Anezian delegation accepted this proposal but insisted that Robetia's territorial sovereignty could not be invoked to prevent the other Parties from fulfilling their obligations under the neutrality regime.

The final compromise distinguished between **sovereignty over the Canal** and **responsibility for its international neutrality**.

The Conference agreed that Robetia would retain sovereignty and primary responsibility for ordinary security, while all five States would possess a collective right and duty to respond to serious threats to the neutrality regime.

Session of 3 March 1979

The Conference adopted the following amendment: Amendment Concerning the Collective Protection of the Neutrality Regime.

The High Contracting Parties recognizing that the permanent neutrality and freedom of navigation of the Robetia Canal constitute a common interest and responsibility of all Parties, amend the Treaty on the Permanent Neutrality of the Sea Of Slavia and the Robetia Canal so that the following Article 10bis is added:

Article 10bis

Collective protection of the Neutrality of the Robetia Canal

- 1. Each High Contracting Party shall have the right and duty to protect and preserve the neutrality regime established by the present Treaty.*
- 2. Where the neutrality or freedom of navigation of the Canal is threatened by an armed attack, occupation, blockade or other serious interference, each High Contracting Party may take measures reasonably necessary and proportionate to protect or restore the neutrality regime.*

3. *Measures involving the use of armed force shall be directed exclusively toward the protection or restoration of the neutrality and freedom of navigation of the Canal and shall not constitute a general authorization to interfere with the political independence, internal affairs or territorial integrity of another High Contracting Party.*

4. *Where circumstances permit, a High Contracting Party undertaking measures pursuant to this Article shall notify the other High Contracting Parties and consult with them concerning the measures undertaken.*

The amendment was adopted unanimously and entered into force in 1979.

In closing the Conference, the President of the Conference stated:

“The original Treaty established neutrality as a permanent legal regime. This Amendment establishes the means by which that regime may be protected. The Canal remains under the sovereignty of Robetia, but its neutrality is the common responsibility of all five Parties. No Party may use this responsibility as a pretext for intervention unrelated to the Canal; equally, no Party may invoke sovereignty as a reason to render the neutrality regime incapable of defence.”

