

ARGUMENTATION

Introduction

This document should help you in some way or the other, to make a complete argument every time you speak.

Read this document knowing full well that this is my subjective opinion in making an argument.

This is what helped me, and I've simply written every aspect of what I feel an argument should be.

How you make an argument is completely up to you, no one will mark you down for derogating from what's here – this is just a guide that I've always wanted as a delegate, be it at my first or my 20th.

Please, feel free to mail me at agastyavilla@gmail.com/ message me personally if you have any feedback or can improve upon this, it is my singular view.

Let's begin.

MAKING AN ARGUMENT

I'll divide argumentation into two portions, the first being Making and the second being contesting an argument. I'll leave the "what is an argument" nonsense and get right to it. Making an argument is simple, to learn how to make one what I did was, watch actual argumentation take place in actual debates.

I also, during my break at conferences observed other committees, always good to see debate on different agendas, different facts and different analyses.

This is what I would do first.

Second, I research and find out my objective. This objective may be far-fetched. When I did a committee as France in a Security Council, one of the issues we discussed was Crimea, so my objectives was to 'establish the Annexation of Crimea as illegal'- that's how I worded it. It was far-fetched, and I succeeded, in that, I convinced everyone that it is illegal through argumentation but I failed in that I couldn't establish it, i.e pass a resolution, because of the obvious Russia veto. This was expected from the beginning, but that was always my goal when discussing Crimea. I didn't care, I was the Permanent Representative of France to the United Nations Security Council; my country wants something I will do everything I can to get it done.

After forming your objective, your job is pretty much done.

You have your basic arguments in place since you came to your objective after thinking and research.

Now, we come to the framing of your argument – your line of argumentation (objective) is sorted so now all you have to do is satisfy your objective through verbal arguments.

ORAL ARGUMENTATION

Important aspects of a speech;

1. Research
2. Analysis

These form your content.

Your content must be outstanding, above all else – above diplomatic courtesy, respect to procedure etc.

The content I can see is the amount of content you display, don't tell us research, don't use only logic and reasoning – have a nice balance of the two.

How I balance the two in, let's say, a 90 second speech is; (Context of speech discussing Vietnam War, I am Ghana)

1. Lay out what I want to prove/ disprove [5-10 seconds]
“We believe that there should be a comprehensive regime for the regulation of nuclear weapons and an immediate de-escalation of the Vietnam War”
2. Lay out my arguments [60-70 seconds]
“We suggest these two solutions since the Vietnam war is turning out to be exactly like the situation in August 1945, when the atomic bomb was dropped we believe this for 3 reasons;
 1. Secretary of Defense Robert McNamara, appearing before a Senate subcommittee, testifies that US bombing raids against North Vietnam have been ineffective and that there needs to be an escalation of force. Further the morale of the enemy hasn't reduced - this is the exact same situation as in Japan.
 2. They have already used napalm, any escalation of force from here would be disastrous.
 2. The United States Pentagon published a report with the title “usage of Tactical Nuclear Weapons in South East Asia” specifically mentioning Vietnam. This indicates a direct intention to use nuclear weapons.

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3. Conclude [10-15 seconds]; Why are your arguments important? What is your objective?
“It’s abundantly clear, as I have shown, that the United States having already used atomic weapons, will be forced to use them so that they can win the war. They have discussed using them as shown through the report. Both these conclusions are extremely dangerous for the people of South East Asia and the world at large. The United States has used these weapons before and may use them again.”

I usually use the pan example when writing a speech;

1. That pan is hot.
2. I know it is hot since, when I pour water on it, there’s steam.
3. Since it is hot, we shouldn’t touch it.

Easy to remember, try it.

REFUTING AN ARGUMENT

To refute an argument is to reject it, you can do this;

By contesting the logical and/or factual nature of the premise.

If someone says that, “Child labour as a concept originated in the east.” – I would counter this on a logical and factual basis;

LOGIC

Child labour could not have originated in the East since it was the result of the industrial revolution. Pre-Industrial Revolution children did not engage in child labour since they weren’t physically developed enough to carry out manual labour. With the onset of the Industrial Revolution comes machines, and machines can easily be operated by children since there is no physical demand on their bodies. Further, a company could pay a lower salary to a child than it would to an adult.

Corroborate the logic with;

FACT

Various historians have pegged the revolution to have began in Europe in the 1780s, by the early 1800s there were over 2 million child labourers in the UK.

LEGAL ARGUMENTS

Legal arguments are slightly different, in that arguing law for me depends on satisfaction of criteria (what can be in many cases objective) and interpretational (subjective). Most laws or provisions have criteria that need to be specified before they can be applied; for example for something to be a part of Customary International Law it needs to satisfy State Practice and *Opinio Juris*.

Satisfaction of criteria example -

“Syria is not a State since it doesn’t satisfy the requirements set forth under the Montevideo Convention.

Syria doesn’t have a defined civilian population, due to the refugee situation and lack of any effective government registry for accounting of population post the civil war. They don’t have a defined civilian population either since most people are non-combatants, under CIHL, and not civilians owing to the fact that it is a Non-international Armed Conflict.

Syria doesn’t also have a defined territory, since a defined territory requires exercise of jurisdiction over the entirety of territory and not parts of and since that part keeps changing due to the Islamic State and rebels - they don’t have a defined territory [Use effective control requirements].

They neither have a capacity to enter into relations, since most embassies have left the Syrian Arab Republic, the Head of State has had his diplomatic immunity revoked by a number of countries and they’ve been voted out of major multi-national organisations.

They neither have a government; It is ruled by a dictator whose elections were called into question by most organisation. There has been no adherence to the constitutional amendments of 2012 regarding elections and term of office and don’t have the capacity to hold new elections. The representative parties of government considers the other half of the government illegitimate, and both are correct: one regime took power by through force, and the other is supported by UN designated terror groups. There is no legal governing body.”

Interpretational example -

Article 59 of the ICJ Statute

The decision of the Court has no binding force except between the parties and in respect of that particular case.

To me, this Article doesn't make sense since;

1. Written submissions by parties part of proceedings include past ICJ judgements, oral argumentation before the Court includes past judgements , the Court itself uses past judgements when it gives its judgements (Article 38(d)) – the exception is for it to be binding. This makes the judicial decision arbitrary since in a broad spectrum Public International Law isn't regional, nor is it situational.
2. In the *Barcelona Traction Case*, the Court created a distinction between the obiter dicta (general observations of the Court, therefore non-binding as precedent) and the ratio decidendi (application of law specific to the facts of the case, binding as precedent), the moment it does this it accepts the Common Law notion of a judgement (division of a judgement into two parts - binding as precedent and non-binding as precedent). The ICJ in this case, divided the judgement into two parts, therefore implying that there was a part that is not binding as precedent along with a part that is - and therefore violating Article 59 by having a part that is binding as precedent.
3. In *Land and Maritime Boundary between Cameroon and Nigeria*, Nigeria objected to the use of a past judicial decision and the Court responded with asking 'why there was a need to not follow it' while also affirming Article 59. I think these are two contradictory things, since if you say that, "Past judicial decisions need not be followed, but, why should we not follow it." And then proceed to give a binding judgement to someone who is not supposed to be bound by the law in the first place – you've contravened their rights (not be held accountable to laws they are under no obligation to follow) and the Statute (decision of the Court has no binding force except between the parties and in respect of that particular case). Exactly what the Court did in the above mentioned case.

[Not to be condescending, but if this was tough to understand, don't worry, I've researched on this – so I used it as an example. I'm sure if there's an issue where you're well researched and I'm not, your arguments will go over my head. Forget the substance, the part that you need to focus on is that I looked at the law and came to my conclusion through research and logic.]

Therefore, after concluding that I disagree, substantively and logically, with Article 59, my **objective** would be to 'delete Article 59 from the Statute of the ICJ'. This is far-fetched, but I, along with all of you am a member of the United Nations and have the power and authority to make that suggestion.

I really do hope this was helpful, it's again, something I have used. Figure out what works best for you.

Best of luck!

Regards,
Agastya Sen.