AMIMUN'22

AMITY INTERNATIONAL MODEL UNITED NATIONS

AMITY UNIVERSITY

PERSEVERANTIA OMNIA VINCIT

ICJ

BACKGROUND GUIDE

22ND - 23RD JANUARY 2022

RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM (PALESTINE V. UNITED STATES OF AMERICA)

LETTER FROM THE SECRETARIAT

Dear Delegates,

It gives us great pleasure to invite you all to the second e-Edition of Amity International Model United Nations, a two-day conference scheduled for January 22nd and 23rd, 2022. AMIMUN has established a name for itself on the international stage, as indicated by its status as one of Asia's top MUNs. AMIMUN delegates obtain a better understanding of the UN's inner workings by engaging in diplomatic debates and broadening their awareness of global relations.

Model United Nations allows students to stand up for what they believe in and create a mark on the world. This platform assists delegates in developing into future pioneers who are certain, determined, and energetic. It is hardly an exaggeration to say that MUN has formed us into the people we are today. We are recognized by the United Nations as a conference, and our collaboration with various international and national bodies such as the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the UN Global Compact Network India, Fridays for Future Delhi, Youth for Peace International, the United Nations Population Fund, and PETA India allows us to further enhance the learning experience of the individuals taking part in the Conference.

By adhering to the theme of AMIMUN'22, "***Perseverantia Omnia Vincit*: *Perseverance Conquers All***" the AMIMUN family hopes to inspire delegates from all over the world, to foster powerful discussions that result in solutions, solutions that are borne out of a steel-like determination and perseverance to lead each debate to its rightful conclusion, and to ensure that delegates can navigate the diplomatic complexities that come with representing the agendas and resolutions they have crafted. It is a platform for legislators to conceptualize their opinions in the midst of the COVID-19 pandemic. Whether you are new to Model United Nations or a seasoned veteran, we are confident that you will have a beneficial engagement in the environment of learning that permeates each part of AMIMUN'22.

Please do not hesitate to contact us if you have any inquiries.

Regards,

The Secretariat

AMIMUN 2022

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Relocation of the United States Embassy to Jerusalem
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LETTER FROM THE EXECUTIVE BOARD

Greetings delegates,

Though, we shall try our level best to give you all a very comprehensive guide, however, the responsibility of reading between the lines and joining the dots lays on you. We, as moderators, can just bring information on the table; it's on you how you wish to pursue that information. Considering the uniqueness of this case, among all the pending cases in ICJ, we are not providing any statement in this guide that will, at all, convey the inclination of the executive board.

So, in this guide, we shall bring in a wide range of information to your notice, ranging from official statements to scholarly views, however the responsibility of prioritizing what to focus on and not is yours. When we talk of prioritizing information, what we mean is not to prioritize information according to what you think should be focused on, but to prioritize information according to what your portfolio thinks to be focused on. Before coming to the conference, it is very important to break the larger agenda into smaller subtopics and ask questions to yourself about the agenda.

It is also crucial to enhance your leadership skills and lobbying capacity since we would give equal importance to overall participation in the committee.

We would take this opportunity to elaborate upon the criteria for judgment which we will follow in the committee:

1. Arguments
2. Guidance of debate
3. Adherence to portfolio policy
4. Question of law
5. Lobbying
6. Procedures
7. Documentation
8. Verbatim

We shall, to the best of our abilities, ensure that a fair simulation is conducted and there is ample scope for fruitful and meaningful discussion which paves the way for a nuanced learning experience.

Regards,

Isabella Cabrera — **Vice President**

Shikhar Tripathi — **President**

BACKGROUND

The modern history of international arbitration is generally recognized as dating from the so-called Jay Treaty of 1794 between the United States of America and Great Britain. This Treaty of Amity, Commerce and Navigation provided for the creation of three mixed commissions, composed of equal numbers of American and British nationals, whose task it would be to settle several outstanding questions between the two countries which it had not been possible to resolve by negotiation. While it is true that these mixed commissions were not strictly speaking organs of third-party adjudication, they were intended to function to some extent as tribunals. They reawakened interest in the process of arbitration. Throughout the nineteenth century, the United States and the United Kingdom had recourse to them, as did other States in Europe and the Americas.

The *Alabama Claims* arbitration in 1872 between the United Kingdom and the United States marked the start of a second, even more decisive, phase. Under the Treaty of Washington of 1871, the United States and the United Kingdom agreed to submit to arbitration claims by the former for alleged breaches of neutrality by the latter during the American Civil War. The two countries set forth certain rules governing the duties of neutral governments that were to be applied by the tribunal, which they agreed should consist of five members, to be appointed by the Heads of State of the United States, the United Kingdom, Brazil, Italy and Switzerland, the last three States not being parties to the case. The arbitral tribunal's award ordered the United Kingdom to pay compensation, which it duly did. The proceedings served to demonstrate the effectiveness of arbitration in settling a major dispute, and led during the latter years of the nineteenth century to a range of developments, namely:

- a sharp growth in the practice of inserting in treaties clauses providing for recourse to arbitration in the event of a dispute between the parties.
- the conclusion of general treaties of arbitration for the settlement of specified classes of inter-State disputes;
- efforts to construct a general law of arbitration, so that countries wishing to have recourse to this means of settling disputes would not be obliged to agree each time on the procedure to be adopted, the composition of the tribunal, the rules to be followed and the factors to be taken into consideration in making the award;
- proposals for the creation of a permanent international arbitral tribunal to avoid the need to set up a special *ad hoc* tribunal to decide each individual dispute.

THE CASE IN CHIEF

I. Opening Statements by Counsels
The Counsel for applicants shall give their opening statements, followed by those by the respondents. The opening statements MUST include the question of law and the establishment of facts.

II. Judges' Questions
There will be around a one-hour period where all judges are allowed, and, indeed, expected, to ask questions of the advocates. While the procedure may vary depending on time constraints, the number of participants, etc., the Presidents should generally monitor questions and keep order. These questions should not be adversarial. The period is provided to clarify issues, facts, and points of law. Questions should be directed at one set of advocates or the other, addressing them as "Counsel for (Country)". Questions should not be open-ended. Follow-up questions are granted at the discretion of the President.

III. Deliberations
This shall involve argument between the two parties and discussion among the panel of judges, separately. Deliberations can be done in multiple rounds.

IV. Closing Arguments
Each party is given 30 minutes maximum, to sum up its case, and tie together the evidence and the legal elements. Post that, the judges have to present their opinion on the matter, to the President.

At the end of day 1, each party has to summarize its arguments in a brief document, that shall include the question of law and the summarized deliberation. Similarly, at the end of day 2, the judges have to submit their judgements. In case of split judgement/multiple judgements, a vote shall be taken among the panel.

To facilitate the proceedings in this committee, we shall consider the hearing to be taking place post the interim order by the court, post the adjournment in lieu of the COVID pandemic. [*Hypothetical information*]

INSTITUTION OF PROCEEDINGS

The State of Palestine,

To the Registrar of the International Court of Justice,

1. The undersigned, duly authorized by the Government of the State of Palestine, has the honour to submit to the International Court of Justice, in accordance with Security Council resolution 9 (1946) and Article 35 (2) of the Statute of the Court, this Application instituting proceedings against the United States of America.

2. By the present Application, the State of Palestine requests the Court to settle the dispute it has with the United States of America over the relocation of the Embassy of the United States of America in Israel to the Holy City of Jerusalem. In so doing, it places its faith in the Court to resolve the dispute in accordance with its Statute and jurisprudence, based on the Vienna Convention on Diplomatic Relations (VCDR) read in an appropriate context.

I. Factual and Legal Background

3. The subject of the dispute being the relocation of the United States Embassy in Israel to the Holy City of Jerusalem, it is essential to explain the factual and legal context in which the decision to relocate the United States Embassy and its implementation took place.

4. The Holy City of Jerusalem is endowed with unique spiritual, religious and cultural dimensions. This special character of the City continues to prompt the United Nations to adopt numerous resolutions that aim to protect and preserve its unique and special status.

5. As early as 29 November 1947, the United Nations General Assembly adopted the Partition Plan in resolution 181 (II), Future Government of Palestine providing for "Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem" in Palestine. It further specified that:

"The City of Jerusalem shall be established as a corpus separatum under a special international regime . . . The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat."

6. The principles underlying this resolution, in particular, the need to protect the special character of the City and the recognition of a specific status within the set boundaries of the City, have continued to serve as a solid foundation for all subsequent resolutions relating to Jerusalem since then.

7. Despite the clear special protected status of the City of Jerusalem, Israel, the occupying power, adopted a set of illegal policies to gradually acquire control over the territory, including by the illegal use of force and by imposing illegal administrative and legislative measures, in an attempt to annex the City.

8. During the war that lasted between December 1947 and January 1949, Israeli forces occupied

West Jerusalem, in violation of resolution 181. The Armistice Agreement of 3 April 1949 lead to the de facto division of the City between East and West Jerusalem; meanwhile, the UN continued to advocate for the special status of the City.

9. On 9 December 1949, the General Assembly adopted resolution 303 (IV), "Palestine: Question of an international regime for the Jerusalem area and the protection of the Holy Places", in which it restated
"its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem, and to confirm specifically the following provisions of General Assembly resolution 181 (II): (1) the City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations".

10. In June 1967, Israel occupied the Gaza Strip and the West Bank, including East Jerusalem. Thereafter, Israel took a number of legislative and administrative measures in an attempt to extend its jurisdiction over the City of Jerusalem. It initially utilized local legislation to change the legal status of the entire area of Jerusalem.

11. In response, on 4 July 1967, the General Assembly held its fifth Emergency Special Session during which it adopted resolution 2253 (ES-V), "Measures taken by Israel to change the status of the City of Jerusalem". In this resolution, the General Assembly, deeply concerned "at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City", considered that these measures were "invalid" and further called upon "Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem".

12. Subsequently, both the Security Council and General Assembly, while consistently reaffirming the inadmissibility of the acquisition of territory by use of force 1, and the overriding necessity of the withdrawal of Israel's armed forces from occupied territories2, censured in the strongest terms all measures taken to change the status of the City of Jerusalem.

13. On 21 May 1968, the Security Council adopted resolution 252 in which it inter alia stated that "all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon which tend to change the legal status of Jerusalem are invalid and cannot change that status". The Security Council maintained its position and reaffirmed resolution 252 in resolutions 267 of 3 July 1969, 271 of 15 September 1969 and 298 of 25 September 1971.

14. In 1980, the Security Council, in the wake of and then by way of a response to Israel's adoption of the "Basic Law" that proclaims Jerusalem to be the "complete and united capital of Israel", adopted two very important resolutions concerning the status of the Holy City of Jerusalem. Resolution 476 (1980):

"3. Reconfirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the [Fourth] Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

4. Reiterates that all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council;

5. Urgently calls on Israel, the occupying Power, to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem."

15. Shortly later, the Security Council, in resolution 478, noting that Israel had not complied with resolution 476 (1980) decided "not to recognize the 'basic law' and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem" and, besides, called upon

"(a) All Member States to accept this decision;

(b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City".

16. It is particularly worth noting that all those States that had in the meantime established their embassies in Jerusalem, decided to relocate them elsewhere, in compliance with that Security Council resolution.

17. Chile, Ecuador and Venezuela had announced their decision to withdraw their diplomatic missions from Jerusalem, and at the time of the resolution's adoption, between 22 August and 9 September, Bolivia, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Haiti, the Netherlands, Panama, and Uruguay informed the Secretary-General they had decided to also withdraw their respective embassies from Jerusalem.

18. Most recently, the Republic of Paraguay, which had decided to move its Embassy to Jerusalem at the same time the decision was taken by the United States, rescinded its decision and moved its Embassy back to Tel Aviv on 5 September 2018. The Republic of Paraguay noted that it took this decision in line with its constitutional commitments to respect international law.

19. In its more recent resolution 2334 of 23 December 2016, the Security Council inter alia had reaffirmed its previous resolutions concerning Jerusalem, including resolution 478 (1980).

20. Both the General Assembly and the Security Council have consistently stated that actions or decisions purporting to alter the character, status or demographic composition of the Holy City of Jerusalem are deprived of legal effect and are null and void under international law.

II. Statement of Facts

21. On 6 December 2017, the President of the United States of America unilaterally recognized the Holy City of Jerusalem as the capital of Israel and announced the relocation of the United States Embassy in Israel from Tel Aviv to the Holy City of Jerusalem.

22. On 18 December 2017, due solely to the veto of the United States of America, the concerned Party to the present dispute, the Security Council failed to adopt a resolution reiterating that

"any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council".

23. The Security Council's failure to discharge its responsibilities on behalf of all the Member States to maintain international peace and security7 led the General Assembly to hold an Emergency Special Session, in which it adopted resolution ES-10/19 and affirmed

"that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council".

and further called upon "all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to Council resolution 478 (1980)".

24. On 14 May 2018, the United States of America inaugurated its Embassy in the Holy City of Jerusalem.

III. Jurisdiction of the Court

25. The Court has jurisdiction over the issues addressed in this Application under Article 1 of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes.

26. The State of Palestine acceded to the Vienna Convention on Diplomatic Relations on 2 April 2014 and to the Optional Protocol on 22 March 2018 whereas the United States of America has been a party to both these instruments since 13 November 1972.

27. Article VII of the Optional Protocol provides that it "shall remain open for accession by all States which may become Parties to the Convention".

28. As for the Vienna Convention on Diplomatic Relations itself, its Article 48 provides that the Convention

"shall be open for signature by all States Members of the United Nations or of any of the specialized agencies Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention".

29. Article 50 of the Vienna Convention on Diplomatic Relations, in turn, further provides that "[t]he present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 48".

30. The State of Palestine submitted on 4 July 2018, in accordance with Security Council resolution 9 (1946) and Article 35 (2) of the Statute of the Court, a "Declaration recognizing the Competence of the International Court of Justice" for the settlement of all disputes that may arise or that have already arisen covered by Articles I and II of the Optional Protocol.

31. Article I of the Optional Protocol concerning the Compulsory Settlement of Disputes provides that:

"Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to the present Protocol."

32. This provision covers any dispute related to the interpretation or application of the Convention on Diplomatic Relations to which, as stated above, both the State of Palestine and the United States of America are contracting parties.

33. Article II of the Optional Protocol concerning the Compulsory Settlement of Disputes provides that:

"The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application."

34. Prior to the implementation of the decision to move the Embassy, through a Note Verbale, dated 14 May 2018, the State of Palestine formally informed the State Department of the United States of America of its position that any steps taken to relocate the Embassy constitute a violation of the VCDR, read in conjunction with the relevant UNSC resolutions and requested that the United States inform the State of Palestine of "any steps the United States is considering to ensure that its actions are in line with the Vienna Convention on Diplomatic Relations".

35. Not having been informed of any steps taken as requested, the Ministry of Foreign Affairs and Expatriates of the State of Palestine13 notified the State Department of the United States of America, through a Note Verbale dated 4 July 2018, of the existence of a dispute between the two Parties, pursuant to Articles I and II of the Optional Protocol concerning the Compulsory Settlement of Disputes, arising out of the interpretation or application of the Vienna Convention on Diplomatic Relations 14, read in conjunction with relevant Security Council resolutions on the alteration of the status of the Holy City of Jerusalem, specifically resolution 478 (1980) adopted on 20 August 1980.

IV. Legal Grounds for the Claims

36. The relocation of the United States Embassy in Israel to the Holy City of Jerusalem constitutes a breach of the Vienna Convention on Diplomatic Relations of 18 April 1961. It is undeniable that the Convention was conceived as a tool for the pacification of international relations. This is clear from the Preamble of the Convention in which the States parties declare:

"Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security and the promotion of friendly relations among nations".

and

"Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their

differing constitutional and social systems".

37. Article 3, paragraph 1, of the Convention provides that:

"1. The functions of a diplomatic mission consist, inter alia, in:
(a) Representing the sending State in the receiving State;
(b) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
(c) Negotiating with the Government of the receiving State;
(d) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
(e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations."

38. It is clear from this article that one of the main functions of a diplomatic mission consists in "[r]epresenting the sending State in the receiving State"15. The very wording of subparagraph (a) is self-explanatory and leaves no doubt on the fact that the representational function of any diplomatic mission should be performed on the territory of the receiving State.

39. In addition to that, out of the four other functions of diplomatic missions enumerated in Article 3 of the Vienna Convention on Diplomatic Relations, two functions are to be performed "in the receiving State".

40. This is true with regards to subparagraph (b), which deals with the function consisting in "[p]rotecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law", as well as with regards to subparagraph (d) which provides that one of the functions of a diplomatic mission consists in "[a]scertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State".

41. The only functions of a diplomatic mission that are not specifically required to be performed "in the receiving State" are the negotiation function of subparagraph (c) and the promotion of friendly relations with the receiving State mentioned in subparagraph (e).

42. The formula "in the receiving State" is not only used in Article 3 of the Vienna Convention on Diplomatic Relations. It is present in twelve other provisions of the Convention. This highlights the fact that the diplomatic mission of a sending State must be established on the territory of the receiving State.

43. The fact that the sending State can only establish a diplomatic mission on the territory of the receiving State is confirmed by Article 21, paragraph 1, of the Convention which provides that "[t]he receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way."

44. A diplomatic mission may have to perform various functions on the territory of the receiving State, whether or not these functions are mentioned in the article. Nonetheless, there are clear limitations to the actions of such a mission, both under the Vienna Convention on Diplomatic

Relations and general international law to which the Convention refers.

45. Subparagraphs (b) and (d) of Article 3, paragraph 1, of the Convention provide further limitations for the diplomatic mission of the sending State in per- forming specific functions that are expressly required to be performed "in the receiving State".
46. Thus, when a diplomatic mission protects the interests and the nationals of the sending State "in the receiving State", it may and must only do so "within the limits permitted by international law" as stated in subparagraph (b).

47. In a similar manner, when a diplomatic mission ascertains conditions and developments in the receiving State, it is bound to only use "all lawful means" as required by subparagraph (d).

48. Besides these specific limitations, Article 41, paragraph 3, of the Convention provides a general limitation and a framework for the action and purpose of a diplomatic mission. This article reads as follows:

"The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreement in force between the sending and the receiving State."

49. It is clear from the above provisions that the Convention on Diplomatic Relations requires the sending State to establish a diplomatic mission "in the receiving State" to perform its functions and demands that the diplomatic mission performs its functions while respecting the rule of law, especially international law.

50. The relocation of the US Embassy in Israel to the Holy City of Jerusalem is in breach of the provisions of the Convention on Diplomatic Relations mentioned above as well as, more generally, of its object and purpose and of "other rules of general international law" to which the Convention refers, including rights reiterated by the Court's Advisory Opinion of 4 July 2014.

V. Decision Requested

51. By the present Application, the State of Palestine ,therefore, requests the Court to declare that the relocation, to the Holy City of Jerusalem, of the United States Embassy in Israel is in breach of the Vienna Convention on Diplomatic Relations.

52. The State of Palestine further requests the Court to order the United States of America to withdraw the diplomatic mission from the Holy City of Jerusalem and to conform to the international obligations flowing from the Vienna Convention on Diplomatic Relations.

53. In addition, the State of Palestine asks the Court to order the United States of America to take all necessary steps to comply with its obligations, to refrain from taking any future measures that would violate its obligations and to provide assurances and guarantees of non-repetition of its unlawful conduct.

VI. Reservation of Rights

54. The State of Palestine reserves its rights to supplement or amend the present Application.

INTERIM ORDER

The Court decides that the written pleadings will first be addressed to the question of jurisdiction and that of the admissibility of the Application.

THE HAGUE, 30 November 2018. By an Order dated 15 November 2018, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, decided that the written pleadings in the case concerning the Relocation of the United States Embassy to Jerusalem (Palestine v. the United States of America) would first be addressed to the question of the jurisdiction of the Court and that of the admissibility of the Application. It fixed 15 May 2019 and 15 November 2019 as the respective time limits for the filing of a Memorial by the State of Palestine and a Counter-Memorial by the United States of America.

It is recalled in the Order that the State of Palestine seeks to find the jurisdiction of the Court on Article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes (1961), to which the State of Palestine acceded on 22 March 2018.

The Order notes that, by a letter dated 2 November 2018, the United States informed the Court of the communications it had submitted to the Secretary-General of the United Nations in 2014 and 2018, in which it declared that it did not consider itself to be in a treaty relationship with the Applicant under the Vienna Convention or the Optional Protocol. In its letters, the United States further observed that the Applicant had been aware of these communications before it submitted its Application, and it concluded that, in its view, “it [was] manifest that the Court ha[d] no jurisdiction in respect of the Application” and that the case ought to be removed from the List.

The Court further notes in its Order that, by a letter of the same date, the United States informed the Registry that it would not participate in the proposed meeting to be held on 5 November 2018 by the President with the representatives of the Parties, in order to ascertain their views with regard to questions of procedure in the case. The Court states that, at that meeting, Palestine expressed the wish that the Court decide in favor of its claim and indicated a strong preference for the submission of a Memorial dealing with both the jurisdiction of the Court and the merits, explaining that it would need six months to prepare that pleading.