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FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

INTERNATIONAL COURT OF JUSTICE

CASE STUDY



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THE CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE PEOPLE'S REPUBLIC OF BELARIA

PEOPLE'S REPUBLIC OF BELARIA v. FEDERATION OF VALIRIA

1. People's Republic of Belaria (hereinafter Belaria) and Federation of Valiria (hereinafter Valiria) are neighbouring States.
2. Belaria is a developing country with a population of 20 million, whose economy is based primarily on agriculture, being one of the largest exporters of wheat in the world. It is a culturally and ethnically divided country. The ethnical majority of Abdians live predominantly in the south in the Great Fields region, and the western part of the country, where the capital city Ragusa is located, while the largest minority Magorians live mostly in the northeast, which is industrially the most developed part of the Country.
3. Valiria is a developed country with the fifth largest military expenditure in the world and the second largest armed forces. It has a population of 100 million and is one of the global leaders in the field of IT, A.I., and high-tech military equipment.
4. Albeit being the majority in Belaria, Abdians were essentially barred from political participation in Belaria. All the highest positions in the government were held by Magorians, which have been gradually enforcing a so-called program of "*magorianization*" by promoting Magorian language and culture.
5. Both states are members of the Peace Union (hereinafter PU). PU is a regional organisation whose purpose is to uphold human rights, democracy, and rule of law in the region, with 45 member states in the region of 60 states.

6. Relations between Belaria and Valiria worsened when Valiria started to conduct testing of experimental military weapons near Belaria's border, which caused substantial environmental harm due to pollution by harmful toxins that polluted the river Acos, which provides potable water for Belaria. Moreover, the river represented an important source of water for irrigation systems, used for wheat production in Belaria. In addition to environmental harm, which caused several bad crop years, sudden eruptions of barley yellow dwarf virus (BYDV) occurred every 5 years and decreased exports of wheat by 40 %. This led to years of economic instability in Belaria, with the majority of the public blaming Valiria for the economic hardship. Eventually, both States decided to use diplomatic channels to resolve their dispute. After lengthy negotiations, Belaria and Valiria concluded a bilateral Agreement on Friendly Relations and Economic Cooperation in 2000, which led to the normalisation of their relations.
7. However, after two decades of relatively friendly relations, tensions between Magorians and Abdians rose yet again as the government of Belaria decided to adopt a law, which prohibited the use of Abdian language in all levels of education through the country and censored media that used it. That led to large-scale civil riots in most parts of Belaria, including its capital city Ragusa. After seven months of negotiations, facilitated by Valiria, demonstrators and the Government of Belaria concluded an agreement that free and fair elections, allowing equal participation of all political parties, were to be held in the following two months.
8. During and after the elections, several foreign and domestic newspapers published reports that the government of Valiria conducted covert cyber operations, aimed at influencing the outcome of the elections. Although most of the polls before the elections predicted a victory for the political parties representing Magorians, the ruling party of Magorians won by a narrow margin.

- 9.** Soon after the elections, an independent journalist in Belaria published an article in the most renowned newspaper *Ragusun Times* that the government of Valiria conducted a covert cyber-operation, which purportedly manipulated the result of the elections in favour of Magorians. Afterwards, a high-ranking official in the Foreign Civil Security Service Valiria (hereinafter FSC), who supposedly provided the relevant information for the article, was poisoned in unexplained circumstances. According to media reports, FSC's agents were responsible for the poisoning. Nevertheless, she survived the poisoning and was now in hiding in Ragusa.
- 10.** Consequently, massive riots broke out in the centre of Ragusa, during which a masked group of rioters broke into and took over government buildings. Under the pressure from the demonstrations and not being able to suppress the demonstrations, the Government of Belaria eventually decided to resign.
- 11.** After the resignation, a new government was formed by the demonstrators. Steps were taken by the new government to promote the exclusive use of the Abdian language in education and public spaces. This caused problems for the Magorians as the majority of them did not speak or write the Abdian language.
- 12.** During its first session, the newly formed government adopted Regulation No. 2, which prescribed that all small wheat producers must sell their produce to a state-owned company operated by the Government of Belaria. This led to food shortages in the northern part of Belaria, where most of the small wheat producers are located. The Government of Belaria exported all the wheat collected by the public company and justified its actions with the need to modernize its armed forces due to a "*clear threat to the very existence of Belaria*". It stated that the future of the country depended on the increase of wheat exports, as it was the most exportable product of the PRB.

- 13.** Meanwhile, Magorians living in the northern part of the Country were outraged due to the violent change of the government and its policies. This led to an armed rebellion, which concluded in rebels taking control of the northern part of Belaria and proclaiming the Independent Republic of Novovaliria (hereinafter Novovaliria). Members of the armed forces of Belaria that were of Magorian ethnicity joined the rebels.
- 14.** Consequently, the newly formed government of Belaria initiated a military operation with the aim to reconquer the lost territory. Due to a shortage of qualified pilots, Belaria decided to conduct air operations by flying its air missions at high altitudes in order to reduce the loss of pilots to air defence missiles. High altitude made it difficult for the pilots to verify targets with the naked eye, meaning that they relied primarily on the technology on board the aircraft.
- 15.** After six months of intense fighting, on September 5th, 2020, a military aircraft operated by the armed forces of Belaria flew a mission near a town called Velun, where according to the intelligence information a military convoy was moving towards the front. The pilot, who flew at an altitude of 15,000 feet, spotted a convoy of four vehicles remotely via technology on board the aircraft. Upon verification with the naked eye, the pilot concluded due to the colour, size, and shape of the vehicles that they were military personnel carrying vehicles. Locking on the target, the pilot dropped a guided missile on the convoy.
- 16.** The following day, the spokesperson for the Prime Minister of Valiria held a press conference. During the press conference, the Prime Minister of Valiria presented footage of the attack on the convoy showing that the convoy bombed by the Belaria was in fact a civilian one. After the attack on the convoy, rebels requested military assistance from Valiria.

- 17.** Upon an agreement between the leader of the Novovaliria and the Valiria's Minister of Defence, Valyrian troops began to arrive and established their presence in Novovaliria. New military hardware brought to Novovaliria by Valiria sparked enthusiasm in teenagers, who wanted to record it. Consequently, sites on social media, where teenagers published drone footage of military hardware, became very popular.
- 18.** It was not long before the intelligence services of Belaria became aware of these sites on social media and started to coordinate Belaria's missile strikes against military targets in Novovaliria based on the intelligence provided by these sites. The public became aware of this when a report came out in a daily newspaper in Belaria that the armed forces of Valiria stationed in Novovalira fatally wounded a thirteen-year-old boy, who was using a drone to record a military base in Novovalira.
- 19.** The report caused a major upheaval in the international community with many high-ranking officials of third States condemning Valiria. However, the President of Valira, speaking before the Parliament of Valiria, pinned the blame for the death of the boy on Belaria, stating that *"People's Republic of Baleria holds responsibility for the death of the boy by using him as cannon fodder for its war against its own people"*.
- 20.** Deployment of the armed forces of Valiria changed the nature of warfare. As Valira had superiority in air and artillery, Belaria had difficulties conducting military operations outside of urban areas, leading its military to establish bases and operate weapons systems in populated residential areas. According to several reports, strikes were being launched from populated areas.

- 21.** As the war progressed, Valiria's armed forces attempted to attack fortified positions in populated civilian areas. However, the attacks were unsuccessful and resulted in major losses for Valiria, which decided to use thermobaric rockets to conduct military operations against fortified positions in urban areas. On November 1st, 2020, Valiria deployed rocket launchers equipped with thermobaric rockets against a fortified position in the vicinity of a hospital. The operation was successful; however, it resulted in 15 civilian casualties and 37 civilians being seriously injured, while the hospital endured significant structural damage. The military base had 50 soldiers, 28 of whom lost their lives immediately and the rest shortly after the attack due to ruptured lungs and internal organs.
- 22.** Approximately a month later, on December 8th, 2020, a diplomatic meeting between the two conflicting parties was held at the headquarters of PU. Representatives of both States agreed that the bloodshed must stop. It was agreed that Novovaliria would remain an independent province in the state and that Magorians in Valiria will not be discriminated against. In these circumstances, Valiria agreed to demilitarize the territory and to formally recognise Belaria's new government. Both States, wanting to achieve complete reconciliation, concluded a special agreement, according to which the International Court of Justice (hereinafter the Court) shall decide unresolved issues regarding the conflict.
- 23.** At a meeting with the President of the Court, held on May 20th, 2021, both States confirmed the accuracy of the presented facts in the Case Study. Both Parties have also agreed that they shall each submit one written Memorial and make oral pleadings solely on the issues presented at the end of the present Case Study.

24. There is no issue of jurisdiction or admissibility before the Court. At all relevant times both States were contracting Parties to the Charter of the United Nations, the Statute of the International Court of Justice, Geneva Conventions from 1949 and its both Additional Protocols and all major UN Treaties. However, Baleria merely signed the Vienna Convention on the Law of the Treaties on March 1st, 1994, without formally and legally ratifying it.

25. The two States are not Parties to any other multilateral or bilateral agreements relevant to the present proceedings.

26. Following the events as described, The Peoples Republic of Belaria requests the Court to adjudge and declare:

- i. That Federation of Valiria acted contrary to international law by interfering in the elections,
- ii. That Federation of Valiria acted contrary to international law by using thermobaric weapons in urban areas,
- iii. That Federation of Valiria acted contrary to international law by using lethal force against civilians, not participating in hostilities, and
- iv. That Federation of Valira's claims are unfounded.

27. The Federation of Valiria requests the Court to adjudge and declare that:

- i. That People's Republic of Belaria acted contrary to international law by inducing famine in Novovaliria,
- ii. That People's Republic of Belaria acted contrary to international law by attacking a civilian convoy next to Velun,
- iii. That People's Republic of Belaria acted contrary to international law by recruiting children to take part in hostilities, and
- iv. That People's Republic of Belaria's claims are unfounded.

ANNEX 1

MAP OF PEOPLE'S REPUBLIC OF BELARIA AND FEDERATION OF VALIRIA

