



# **INTERNATIONAL COURT OF JUSTICE**

STUDY GUIDE



**MUNLAWS 2021**

**MUNLAWS 2021**

Faculty of Law, University of Ljubljana

**INTERNATIONAL COURT OF JUSTICE – STUDY GUIDE**

by Sergeja Hrvatič and Matej Padar

*Ljubljana, August 2021*

# THE CASE CONCERNING THE CONSTRUCTION OF THE ALASTRIA LINE CITY

UNITED ANDORIAN CALIPHATE v. DEMOCRATIC REMAN REPUBLIC

by Sergeja Hrvatič and Matej Padar

1. The United Andorian Caliphate (“**Andorian Caliphate**”) and the Democratic Reman Republic (“**Reman Republic**”) are neighbouring States, divided by the tropical forest Hema.
2. The Andorian Caliphate lies directly to the west of the Reman Republic and is a developed nation. It has a population of 5 million and a gross domestic product of €70 billion. It is mostly known for its beautiful tropical resorts, an abundance of pristine beaches, beautiful mountains and vast tropical forests, making it a popular tourist destination. It also possesses extensive underground drinking water deposits. The principal contributors to its GDP are the agricultural and forestry sector (25% of GDP) and tourism sector (75% of GDP). Its population consists of various clans of the Dewan ethnic minority, united under a single leader, Her Excellency Tara Aleymani, who is both political and spiritual leader of the Andorian Caliphate. The Dewan minority mostly resides in the Andorian Caliphate, however a small fraction of its people are settled in their ancestral home of Axinar (nowadays known as “Rhinshaara province”), which is located in the territory of the Reman Republic, approximately 50 km from the border between the Andorian Caliphate and the Reman Republic.

3. The Reman Republic is also a developed state with a population of approximately 25 million and a gross domestic product of €950 billion, representing one of the top twenty economies in the world. The principal contributors to its GDP are the petroleum sector (75% of GDP), banking and financial services sector (20% of GDP) and tourism sector (5% of GDP). Reman Republic is located in an arid and desert-ridden area rich in oil and has access to the sea at a narrow zone of 30 km in the south. There are only a handful of water sources, which means that the Reman population is heavily dependent on the supply of drinking water from the rest of the world, mostly from the neighbouring Andorian Caliphate.
4. Since the late 1990s the Andorian Caliphate and the Reman Republic were involved in several smaller armed conflicts mostly relating to abundant water deposits near the Andorian - Reman border and the disputes regarding the Dewan minority, who lived in the ancestral Axinar area, which at the time was under the *de facto* rule of the Reman Republic, albeit the legal status of the ancestral Axinar was, at the time, completely uncertain.
5. In 2005, after the long-term efforts of both the United Nations General Assembly (“**UNGA**”) and the United Nations Security Council (“**UNSC**”), the Andorian Caliphate and the Reman Republic ceased with hostilities and decided to resolve their long-lasting dispute through diplomatic channels.
6. This led to the adoption of a bilateral Agreement on Friendship and Mutual Cooperation between the Andorian Caliphate and the Reman Republic” (“**The Agreement**”).

The Agreement stated in the relevant part:

#### *Article 2*

All the hostilities and armed conflicts between the contracting Parties are considered to be terminated from the date the Agreement enters into force.

#### *Article 3*

- a) The United Andorian Caliphate pledges to provide supply of water to the Democratic Reman Republic under a fixed price, as arranged by the Ministers for the Economy of both States, and as defined in the Annex 1 to this Agreement.
- b) The United Andorian Caliphate pledges to provide supply of water to the Democratic Reman Republic continuously for the next 18 years after the date this Agreement enters into force.

#### *Article 4*

The Democratic Reman Republic pledges to sell the oil and other petroleum related products to the United Andorian Caliphate under a fixed price, as arranged by the Ministers for the Economy of both States, and as defined in the Annex 1 to this Agreement, for the next 18 years after the date this Agreement enters into force.

#### *Article 6*

- a) Both contracting Parties to this Agreement, recognize that the ancestral Axinar territory (nowadays referred to as the "Rhinshaara province") falls under exclusive jurisdiction of the Reman Republic, after the date this Agreement enters into force.

- b) United Andorian Caliphate pledges to waive any claims it may have regarding the ancestral Axinar territory (nowadays referred to as the "Rhinshaara province") from the date this Agreement enters into force, onwards.

#### *Article 7*

- a) The Dewan minority has the right to reside undisturbed in the territory of their ancestral Axinar (nowadays Rhinshaara Province) under a special status.
- b) The special status for the purposes of this Agreement consists of the following: right to enjoy their own culture, right to profess and practice their own religion, including their affiliation to environmental protection, especially their significant spiritual ties to the Hema tropical forest and right to use their own language, in private and in public, freely and without any interference or any form of discrimination.
- c) The Reman Republic pledges to actively protect the Dewans culture and nature, with special efforts to the Hema tropical forest.

#### *Article 24*

Any disagreements regarding this Agreement shall be resolved before the International Court of Justice, unless agreed otherwise by the competent national authorities.

#### *Article 28*

Agreement on Friendship and Mutual Cooperation and Annex 1 to the Agreement on Friendship and Mutual Cooperation, enters into force on May 4th 2005.

7. In 2017, while attending the International Summit on the Degree of Multiculturalism, a Special Envoy of the Reman Republic in the Andorian Caliphate, Ms. Jacqueline Clements, stated that the Reman Republic would do “everything in its power to continue legally and effectively protecting the Dewan Minority living in Rhinshaara Province”, as the Dewan minority “represents an important element of the Reman multiculturalism”. The international community welcomed her words with great approval, however, some leaders and several journalists remained more cautious in their assessment, as Ms. Jacqueline Clements’ political support in the Reman Republic plummeted in 2017.
8. After the elections in 2018, the newly elected Reman president, Mr. Bossonio unveiled an ambitious plan, which was said to be "the biggest project in all of Remans history, called “Alastria Line City - the pinnacle of human development”. The city would in the next four years become the largest line city in the world.
9. Alastria is a planned line city which will cover a total area of 26,500 km<sup>2</sup> and will extend from the northernmost part of the Reman Republic, all the way to Rhinshaara province in the west. It will contain the fastest underground railway in the world, lush green parks, artificial lakes, which will provide the city with water supply, a giant artificial moon and is planned to be totally powered by renewable energy, meaning the inhabitants of Alastria line city will become completely independent in regard to natural resources. There will also be a large number of hotels, shopping centers and several prestigious residential buildings in Alastria.
10. In January 2019, the Reman Republic officially started with the construction of Alastria city, which involved two construction teams consisting of workers, engineers and other support staff. The construction began at the two extreme geographic points of the construction plans, the northernmost part of the Reman Republic and the Rhinshaara Province. Each team began with the construction in their respective area and they were planned to meet at the Rakmoor Crossing, in the centre of the Reman Republic, on June 20th 2022, when the Alastria line city would be constructed.

11. Celebrations due to the start of construction took place at both locations, with Mr. Bossonio attending the celebrations in Rhinshaara Province. At an official news conference just before the celebrations, several journalists expressed their concerns about the Dewan minority who had to leave their homes due to the start of the construction. Mr. Bossonio replied to the reporters: “It is true that due to the construction of Alastria line city, the Dewans were temporarily relocated. We decided that such a measure was needed after careful consideration and numerous consultations with various Reman experts. The temporary relocation of the Dewan minority was the only possibility to provide them with an adequate level of protection, as the Reman Republic has done in the past. Do not be afraid. The Dewans were relocated, only a few kilometres to the south, to the heart of the Reman Republic, where a Special Accommodation Camp (“**SAC**”) has been established specifically for them, consisting of mobile houses and all the necessary infrastructure they need for a normal life. The Dewans were also offered several high-salary job positions at the newly built construction site, which some of them gladly accepted”.
12. Several weeks after the official start of the construction in Rhinshaara province, some well-established foreign news sources and some independent media began reporting about the worrying situation of the Dewans in the SAC. The Reman government was accused of systematic human rights violations in the SAC, and in one report, the media even accused the Reman government of enslaving the Dewans.
13. Andorian leader, Ms. Aleymani expressed her deepest concerns regarding the situation of her fellow Dewans located in the SAC in the Reman Republic. Due to the allegations of serious human rights violations she requested an immediate and independent inquiry from the Reman Government. She also demanded immediate international surveillance of the Alastria line city project and information from the Reman government about any findings related to their inquiries.



14. Mr. Bossonio strongly opposed any foreign interference in the Reman Republic's internal affairs, however he invited Ms. Aleymani and other high Andorian dignitaries to visit Alastria city construction works and SAC where the Dewans were housed, stating: "You are kindly invited to see for yourself that the Dewans are provided with the best possible care. Nowhere else in the known world, the conditions for any minority are as perfect as they are in the Reman Republic."
15. On April 27th 2020, when the Andorian delegation visited the Rhinshaara province construction site, a man, who was later confirmed to be of Dewan ethnicity, threw himself from the construction crane after yelling that his daughters had been raped and murdered in the SAC by the State officials. The incident started a rebellion of the Dewan minority, under the leadership of Alexandra Tersio, who begged the international community to help them protect their lives and dignity. With the help of Andorian national television, Ms. Tersio was able to inform the international community about the conditions in which the Dewan minority lives and about the inhumane treatment they are experiencing daily by the Reman officials, who guard and control the SAC. She concluded her interview with the following words: "Accommodation and conditions in the SAC, which were "generously" provided by the Government of the Reman Republic, can only be compared to concentration camps. We have no privacy, we are being forced to work in construction sites for miserable wages, women are subjected to daily threats of rape and men are subjected to severe physical punishments every time the Reman guards wish to do so."
16. After the interview with Ms. Tersio was broadcasted around the globe, the Reman Government was quick to respond. Mr. Bossonio strongly opposed any allegations of human rights violations. He stated: "The Reman Republic is a sovereign State and will not allow its reputation to be tarnished by such appalling allegations. The events that unfolded on April 27th 2020 were unfortunate, however before making any unreasonable conclusions, the events need to be thoroughly investigated by the relevant Reman

authorities. Consequently, this matter is a completely internal affair and it should be treated as such.”

17. In the following weeks, both the international community’s and Andorian attempts to investigate the conditions in the SAC proved to be futile. The relations between the Dewans and the Reman officials, unfortunately, became even more tense and violent. Reman’s media even reported on several violent conflicts between the Dewans and the Reman Army. The Dewans supposedly attacked the Reman Army with stones and other sharp objects they could gather around the SAC, while the Reman Army responded with severe physical violence and stricter repression.
18. Following those unfortunate events, new tensions between the Andorian Caliphate and the Reman Republic arose. As Andorian demands for independent surveillance and sufficient investigation of the SAC were ignored and as the alleged human rights violations against the Dewan minority have not been resolved, the Andorian Caliphate decided to terminate the water supply to the Reman Republic. Ms. Aleymani stated that such a measure is completely lawful under international law and is consistent with the Andorian Constitution which prohibits enforcing any existing contractual relations with countries that violate human rights.
19. Reman’s Minister of foreign affairs Ms. Volonia demanded immediate re-establishment of water supply. She stated that unilateral termination of a fixed agreement is not possible under international law. She also warned the Andorian Caliphate that if they do not comply with the Agreement, the Reman Republic will, in return, raise the price of the supplied oil and other petroleum-related products.
20. On May 25th 2020, on the initiative of both, UNGA and UNSC, the neighbouring Kingdom of Grenovia, held the “High Summit for the revival of Friendly Relations and Peaceful Cooperation between the Andorian Caliphate and the Reman Republic” (“**the Summit**”), as the third, neutral party. The purpose of the Summit, as the name implies,

was primarily to improve diplomatic relations between the Andorian Caliphate and the Reman Republic.

21. At the Summit, the Andorian Minister of Economy Ms. Henaydi and the Reman Minister of Economy and Development, Mr. Zlony managed to meet in an informal setting to discuss several questions regarding their line of work. Ms. Henaydi and Mr. Zlony started with the negotiations to resolve the problem regarding the supply of water. Ms. Henaydi stated that its national constitution prohibits supplying natural resources to countries that do not comply with fundamental human rights provisions. Mr. Zlony on the other hand denied any allegations of human rights violations. Moreover, he assured that the Reman Republic will conduct a national investigation and punish violent individuals from both sides - the Dewans and the Reman's officials, who may have committed any crimes. They concluded their meeting with temporary re-establishment of the Agreement, until the Reman's investigation of the potential human rights violations will be finalized.
22. In the morning, the day after the Summit, a powerful explosion erupted in the town of Sounita, in the far north of Rhinshaara province. Authorities soon determined that the explosion and associated fire outbreak originated from a nearby oil refining plant. The latter alongside all of the associated machinery was completely destroyed. Twenty workers, seven of whom were members of the Dewan minority, lost their lives. The fire was rapidly spreading across the region, getting closer and closer to the Hema border forest. As the water supply from the neighbouring Andorian Caliphate, despite the promise from the previous day, was not re-established, the Reman Republic did not have enough resources to successfully extinguish the fire, which was consequently spreading uncontrollably. Accompanied with the favourable winds blowing from the north and extreme heat, the fire, unfortunately, managed to spread to the border Hema forest where it destroyed more than 50 000ha of flora and fauna. Thick smoke and soot managed to penetrate deep into the heart of the Andorian Caliphate, forcing many tourists to end their "dream vacation" in the Andorian Caliphate prematurely.

23. In the following days after the explosion, the Reman Republic succeeded in extinguishing the fire in its territory with the help of the neighbouring Kingdom of Grenovia, while the Andorian Caliphate managed to extinguish the fire on its own.
24. An official press-conference was held a few weeks after the explosion, where Mr. Bossonio revealed conclusive information prepared by an independent expert group, which disclosed that the accident was a consequence of an engineer mistake on an oil pump. He also stated that the consequences of the explosion and resulting fire would be much less severe, if the Reman Republic had the much-needed resources to stop the spread of the fire. He also expressed his sincerest gratitude to the Kingdom of Grenovia, which selflessly helped the Remans to extinguish the fire. When asked about his thoughts on the Andorian lack of help, he stated: “I am outraged! The Andorian Caliphate, despite its contractual duty arising from the Agreement to supply the water to the Reman Republic, let down both the Remans and the Dewans residing in the Rhinshaara province. The Andorian Caliphate had the necessary resources to help the Reman Republic, but it selfishly decided not to do so.”
25. Ms. Aleymani responded to Mr. Bossonio’s allegations and explained that States are not obligated under international law to tolerate severe human rights violations committed by other States. She also declared that the unilateral termination of a bilateral agreement is lawful under international law. She concluded her statement with the following: “Mr. Bossonio is a fool if he truly believes that the Andorian and Reman Ministers managed to reach an agreement at the Summit. The Andorian Minister of the Economy did not have the required authority to enforce the already terminated Agreement. The meeting between the two Ministers, held at the Summit, was also informal in nature and as such cannot bind the Andorian Caliphate.” She continued: “Mr. Bossonio should devote more time to ensuring that natural disasters do not affect other countries, rather than to spew untrue allegations. With this in mind, the Reman Republic will be held responsible and will have to compensate the Andorian Caliphate for the

damages done to the Hema forest, caused by the fire, or so help me God, the Reman Republic will see the true wrath of the Andorian Caliphate!”

26. In the following days, the Reman Republic raised the price of oil for the Andorian Caliphate by 150%, stating that it is a logical consequence of the accident in its oil industry. Andorian diplomats stationed in the Reman Republic strongly protested against the increased oil prices, especially after they got information that the Reman Republic in the same period lowered the oil price to the Kingdom of Grenovia, and demanded immediate explanations, with special regard to the Agreement concluded between the two States.
27. Mr. Bossonio sent a *note verbale* to Ms. Aleymani, stating that the Reman Republic owes nothing to the Andorian Caliphate, and that the Reman Republic does not need to justify their internal decisions regarding the trade agreements conducted with other countries. He also argued that the Andorian Caliphate is not entitled to invoke any violations of the Agreement against the Reman Republic, as the Andorian Caliphate was the one who violated the Agreement first and is therefore precluded from seeking any equitable remedies in respect of the Agreement.
28. As the tensions between the Andorian Caliphate and the Reman Republic reached its peak since the 1990s, Ms. Aleymani concluded that resolving the dispute through diplomatic channels would be virtually impossible. Nevertheless, in good faith, she decided to send a “final” *note verbale* to Mr. Bossonio, in which she tried to resolve the dispute diplomatically. Mr. Bossonio, however, ignored her request entirely. He even informed Ms. Aleymani about his intentions to expel the Andorian diplomats from the Reman Republic, stating that he has no intent to host the State’s enemies any longer. With a heavy heart, Ms. Aleymani foresaw that the proceedings before the International Court of Justice were the only feasible solution to the ongoing dispute.

29. On August 23rd 2021, the United Andorian Caliphate filed an Application with the International Court of Justice instituting the present proceedings against the Democratic Reman Republic, alleging that the infringement on human rights of the Dewan minority, inactivity of the Reman Republic in extinguishing the fire as well as its increased oil prices to the Andorian Caliphate were in violation of international law. Consequently, the Andorian Caliphate demanded just compensation for the severe violations of international law.
30. At a meeting with the President of the Court, held on 30 June 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.
31. At all relevant times both States were contracting Parties to the United Nations, Charter of the United Nations, the Statute of the International Court of Justice, Geneva Conventions from 1949 and its both Additional Protocols from 1977, Rome Statute of the International Criminal Court, International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, Indigenous and Tribal Peoples Convention, The Convention on the Prevention and Punishment of the Crime of Genocide, Vienna Convention on Consular Relations, Vienna Convention on Diplomatic Relations, Vienna Convention on the Law of the Treaties, the bilateral Agreement on Friendship and Mutual Cooperation. In 2005 the Andorian Caliphate also became a contracting Party to the Council of Europe's Framework Convention for the Protection of National Minorities. The Reman Republic however, merely signed the Council of Europe's Framework Convention for the Protection of National Minorities without formally and legally ratifying the aforementioned convention.
32. The two States are not Parties to any other multilateral or bilateral agreements relevant to the present proceedings.

33. The Andorian Caliphate requests the Court to adjudge and declare that:
- (i) The Democratic Reman Republic violated international law with its conduct concerning the Dewan minority;
  - (ii) The Democratic Reman Republic violated international law by not preventing the spread of the fire to the Hema forest and to the Andorian tropical forest;
  - (iii) The Democratic Reman Republic violated international law as it increased oil prices to the Andorian Caliphate;
  - (iv) The Democratic Reman Republic is obligated to provide just compensation to the Andorian Caliphate for all violations of international law.
33. The Democratic Reman Republic requests the Court to adjudge and declare that:
- (i) The Democratic Reman Republic did not violate international law with its conduct concerning the Dewan minority;
  - (ii) The Democratic Reman Republic did not violate international law regarding the spread of the fire to the Hema forest and to the Andorian tropical forest;
  - (iii) The Democratic Reman Republic did not violate international law by increasing oil prices to the Andorian Caliphate;
  - (iv) The Democratic Reman Republic is not obligated to compensate the Andorian Caliphate.