

**1st ANSAL UNIVERSITY INTERNATIONAL MOOT COURT
COMPETITION**

7th April-9th April, 2017



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HOSTED BY

SCHOOL OF LAW, ANSAL UNIVERSITY, GURGAON

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

BETWEEN THE REPUBLIC OF RODOLAND (APPLICANT)

AND THE REPUBLIC OF ADONALAND (RESPONDENT)

**TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE THE DIFFERENCES
BETWEEN THE PARTIES AS REGARDS THE LEGALITY OF THE USE OF FORCE IN THE
TERRITORY OF RODOLAND AND OTHER MATTERS**

JOINTLY NOTIFIED TO THE COURT ON 20th DECEMBER 2016

JOINT NOTIFICATION ADDRESSED TO THE REGISTRAR OF THE COURT

THE HAGUE, 20th DECEMBER 2016

On behalf of the Republic of Rodoland (Applicant) and the Republic of Adonaland (Respondent), in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honour and pleasure to submit to you an original of the Compromis for submission to the International Court of Justice pertaining to the differences between the Republic of Rodoland and the Republic of Adonaland concerning the legality of the use of force in the territory of Rodoland and other matters, signed in The Hague on the Twentieth Day of December in the year Two Thousand and Sixteen. However, this address is subject to the issue of jurisdiction which the parties mutually agree can be argued upon.

REPUBLIC OF RODOLAND

REPUBLIC OF ADONALAND

COMPROMIS

**SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE APPLICANT AND
RESPONDENT**

**ON THE DIFFERENCES BETWEEN THEM CONCERNING THE LEGALITY OF THE USE OF
FORCE IN THE TERRITORY OF RODOLAND AND OTHER MATTERS**

The Republic of Rodoland and The Republic of Adonaland

In light of the differences and legal dispute raised in connection with the use of force in the territory of Rodoland and acknowledging that the parties have been unable to settle the said disputes by way of negotiations and mediation and desiring to further define the issues to be submitted to the International Court of Justice, the following Compromis has been finalized for settling the legal dispute arising out of the facts of the Compromis.

Article 1

The parties submit to the jurisdiction of the International Court of Justice the said questions and legal issues raised in the Compromis pursuant to Article 40 (1) of the Statute of the International Court of Justice. However, the submission is subject to the issue of Jurisdiction being debated and argued upon.

Article 2

It is agreed that the Republic of Rodoland will act as the Applicant and the Republic of Adonaland as the Respondent and such understanding shall not vitiate questions of burden of proof.

Article 3

The Court is requested to decide the case in light of accepted rules and principles of international law, including Treaty provisions, customary principles of International law and other secondary sources of international law accepted under Article 38 of the Statute of the International Court of Justice.

Article 4

The parties are legally bound to accept the decision of the court irrespective of the judgment and proceed with the case on such an understanding. Additionally, the enforcement of the judgment shall be carried out in good faith and without prejudice to the rights and sovereignty of international states.

Article 6

The parties mutually agree that all proceedings will take place in English alone including oral and written submissions notwithstanding French being an additional official language of the court.

Article 5

Procedures shall be regulated by the Official Rules of the 1st ANSALUNIVERSITY INTERNATIONAL MOOT COURT COMPETITION, 2017.

The parties in the presence of witnesses sign and agree to the above terms and conditions.

COMPROMIS

1. 'Rodoland' is an Asian country with a population of approximately 65 million people. It is predominantly an Islamic country and is ethnically and culturally diverse. The major ethnic groups in Rodoland include the Pashtuns (who make up around half the population of Rodoland), Tajiks, Hazaras, Uzbeks and Turkmen. It's a country rich in natural resources and has significant oil and gas reserves and has remained peaceful for the most part of the 20th century. The country is also known by the sobriquet 'Heart of Asia'. The nation has a reputation of maintaining peaceful and cordial relations with neighbouring countries.
2. Rodoland was invaded in January 1985 by a country named 'Jonaland' which is situated around 2500 kms north of Rodoland; after they believed that the Rodoland elite were getting increasingly close to a country known as 'Adonaland', a rival power of Jonaland and drifting away from Jonaland. Jonaland and Adonaland are the two major powers of the world and strategic rivals. While Jonaland is in the Asian continent, Adonaland is in North America. The war began at a time when anti-government revolutions were taking place across 'Rodoland' and went on till around 15th November 1994, and resulted in the defeat of Jonaland and victory for a rebel group known as the 'Kayak', and the Rodoland resistance movement as a whole.
3. The 'Kayak' was a Rodoland resistance movement that came into being during the Jonaland invasion and was predominantly comprised of Pashtun tribesman as a direct response to the invasion. This group had the tacit backing of Adonaland. The need for a resistance group was necessary in Rodoland, as according to the Kayak, the Rodoland army was funded and trained by the Jonas and was apparently in place to serve their interests.
4. After invasion by Jonaland came to an end, Kayak strongman Mohammad Abdul Razzak Kassim declared himself the President of the country on 15th November 1994. However, Rodoland continued to face an uncertain future

and was still riddled with instability under the leadership of the new Kayak government. A civil war broke out in the country in 1995 which intensified in 1998, resulting in the assassination of Rodoland President Mohammad Abdul Razzak Kassim. The war itself went on for over a decade (coming to an end after an excruciating period of 14 years in 2009) and resulted in the deaths of approximately 400,000 people. The war resulted in the complete defeat of the Kayaks and resulted in a group called the Rodoland Fighters Movement (RFM) comprising Tajiks, Hazaras, Uzbeks and Turkmen seizing control of 'Zoverina' (capital of Rodoland) on 5th June 2009 and taking control over the government. Mohammed Nasser Sulaimen, a senior leader of the RPF declared himself the President of the country on 6th June 2009. RFM consisted mainly of Rodoland minorities of Central Asian descent including but not limited to the Tajiks, Hazaras, Uzbeks and Turkmen. The RFM after coming to power faced stiff resistance from erstwhile Kayak fighters, but managed to hold on to power without major hiccups. Ideologically, the RFM was close to Jonaland and distanced itself from Adonaland. The defeat and ouster of the Kayak government was not to the liking of Adonaland which used international platforms to chastise the RFM for its supposedly illegal route of occupying power.

5. In 2015, a group of terrorists claiming allegiance to the RFM government known as the '*Al Ahad*' (terror group comprising suicide bombers) hijack 4 planes in Adonaland territory and crash-land two of them on prominent buildings in 'Batawa City' a state in Adonaland. The third plane partially hits the 'Mural', the seat of the Adonaland Military establishment. The fourth hijacked plane mysteriously crash-lands in a farm in a rural Adonaland township without attacking/colliding against any ostensible target. These terror attacks, shock the world and come to be known as 17/11 as they happened on 17th November, 2015. An estimated 5000 individuals (almost all of them Adonaland citizens) were killed in the terror attacks apart from causing widespread destruction of property. *Al Ahad* while claiming

responsibility for the attacks, states Adonaland's frequent intervention and imperialist ambitions in Rodoland's internal matters were the reason for the attacks. While *Al Ahad* claims loyalty to the RFM government, the latter disassociated itself from the terror group stating that the former has no connection with *Al Ahad* whatsoever. The RFM claims to be a peaceful, law-abiding government having a strong interest in maintaining friendly ties with all countries. *Al Ahad* is a terror organization based in Rodoland and all the top leadership and cadre of the organization stay in the hilly rocky terrains of the remote northern frontiers of the country.

6. However, Adonaland does not accept the claims of the RFM government and prepares to launch full scale military operations against the RFM government in retaliation and also responds by suspending economic activities with the Rodoland government on 22th November, 2015. In response they additionally train 3000 Kayak militia fighters in Adonaland to topple the RFM government as part of a full scale war known as the 'War on Terror' against the RFM government. On 25th November, 2015 the Congress of Adonaland endorses military action by Adonaland Federal Government in Rodoland authorizing the President of Adonaland, Harry Willis to do anything and everything within the realm of strategic diplomacy including the use of force to identify, trace, extradite, deal with the person/persons/ organizations/government/s responsible for the 17/11 attacks and a budgetary allocation to the tune of 250 billion Adona dollars was made in this regard as well. Attempts to involve the Security Council fail as Johnaland vetos resolutions pertaining to the use of force in Rodoland. (Both Adonaland and Rhodoland are permanent members of the UN Security Council having veto powers).
7. This sets the stage for direct military intervention by Adonaland in Rodoland which starts on 5th December 2015 pursuant to a notification to the UN Security Council by Adonaland on 4th December. Adonaland provides financial support for the top leaders of the Kayak militia as well as payment for the militia operators of Kayak, supplies weapons, intelligence and logistics

support to the Kayak militia as well. Employing the resources provided by Adonaland, the Kayak militia initiates attacks against the 'Raizada', 'Turk wail' ports and 3 major oil installations in an attempt to paralyse the economy of Rodoland. Additionally, seventy (70) Rodoland civilians who were suspected to be *Al-Ahad* sympathizers are kidnapped and taken to Adonaland by the Adonaland military where they were tortured. The armed conflict between the Adonaland backed Kayak militia and the RFM government (official government of Rodoland) and paralelly between the Adonaland military and the RFM government goes on for 11 months and which results in the defeat of the Kayak though the Adonaland military continued to be engaged in the conflict. The Adonaland intervention in Rodoland had no precedence in modern history since the end of the Second World War and leads to large scale destruction in Rodoland and the deaths of close to 50,000 civilian population of Rodoland in addition to 25000 Rodoland soldiers and destruction to the tune of billions of Adona dollars. As per the reports in international media, Adonaland has also suffered a loss of 5000 members of its armed forces. The war also taken the lives of 2000 Kayak militias.

8. Interestingly, Adonaland and Rodoland had signed a Friendship and Mutual Trust Treaty (FMTT) on 25th June 1967 which stipulated that the two countries would not engage in armed conflict provided that the governments do not harm the interests of the respective nations and complied with International Law including the use of force.
9. Delegations of the highest levels of both Rodoland and Adonaland fail to arrive at a mutually satisfactory settlement of the dispute after exhausting the remedies of negotiation and mediation and agree to have the issue settled through the channel of the International Court of Justice (ICJ). The parties agree to end the conflict with the filing of an application before the ICJ and agree to abide by the verdict of the ICJ.

10. On 20th December 2016, Rodoland filed an application in the International Court of Justice (ICJ) charging Adonaland with illegal use of force against Rodoland in violation of the obligations enshrined in relevant provisions of Charter of the United Nations, Article 18 of the Friendship and Mutual Trust Treaty (FMTT) and Customary International Law all of which prohibit the illegal use of force by one nation against another. Adonaland is also a joint applicant and agrees to the jurisdiction of the court subject to the right to dispute jurisdiction. The application before the ICJ prayed for a declaration that the activities of Adonaland were illegal and unlawful and the latter be ordered to accord appropriate compensation by way of reparations to Rodoland as determined by the Court. However, Article 45 of the FMTT also states that matters arising under the treaty are to be settled bilaterally and the jurisdiction of the ICJ can be invoked only where both the parties expressly consent to accept the jurisdiction of the ICJ. However, the express consent required would be presumed to be waived if either of the nations engages in conduct that is violative of the Charter of the United Nations or principles of Customary International Law. Adonaland while accepting control over the Kayak militiamen fighting the RFM government and its independent use of force against Rodoland claims both forms of use of force to be instances of pre-emptive and preventive self defence well accepted in International law.

11. Subject to the jurisdictional claims as stated above, Adonaland and Rodoland have accepted the Compulsory jurisdiction of the ICJ under Article 36, Para 2 for 'legal' disputes and are before the ICJ to argue the case concerning the legality of the military and paramilitary activities stated above.

12. The applicant Rodoland submits that:

- A. There exists a valid 'Legal Dispute' which can be settled by the ICJ in light of the mandate of the Court.**

- B. The use of force by Adonaland backed Kayak militia was illegal and contrary to existing Multilateral and FMTT provisions and principles of Customary International Law.**
- C. The Use of Force by Adonaland military independently was illegal and contrary to existing Multilateral and FMTT provisions and principles of Customary International Law.**
- D. The Congress of Adonaland authorizing the use of use of force and making a budgetary allocation of 250 billion dollars to finance the 'War on Terror' was an abuse of sovereign powers.**

E. Suspension of Economic Activities was illegal.

F. Specific retaliations after *Al Ahad* attack on the following counts is illegal:

- i. Training 3000 Kayak militias in Adonaland for the purposes of attacking Rodoland.**
- ii. The invasion by Adonaland and its ally - Kayak militia, that resulted in the death of approximately 50,000 Rodoland citizens.**
- iii. Providing Financial, Intelligence and Logistics Support to the Kayak militias by Adonaland.**
- iv. Attack on Raizada and Turkwail ports by Kayak militiamen.**
- v. Attack on 3 oil installations by Kayak militiamen.**
- vi. The kidnapping and abduction of Rodoland terror suspects by the Adonaland military is a violation of International Law.**

G. Appropriate reparations may be awarded to Rodoland for the illegal acts of Adonaland in violation of International Law as determined by the Court.

13. The Respondent Adonaland submits that:

- i. There exists no legal dispute for the ICJ to settle as the issues are to be settled under the relevant terms of the FMTT . Even if a legal dispute exists Adonaland has acted in accordance with International law.**
- ii. The use of force is a valid exercise of self-defence under Article 51 of the UN Charter.**
- iii. Training 3000 Kayak militias in Adonaland for the purposes of attacking Rodoland was an act of Self Defence.**
- iv. Suspension of economic activities was legal.**
- v. Launching a full scale military invasion on Rodoland by Adonaland was an act of self-defence**
- vi. Providing Financial, Intelligence and Logistics Support to the Kayak militias by Adonaland was essential for the act of self-defence to materialize and is a legally accepted principle in international law.**
- vii. Attack on Raizada and Turkwail ports was a key strategy to cut off the economic reserves of *Al-Ahad* and thus justified under the Self-Defence doctrine.**
- viii. Attack on 3 oil installations was legal and a key strategy to cut off the economic reserves of *Al-Ahad* and thus justified under the Self-Defence doctrine.**
- ix. The kidnapping and abduction of 70 *Al-Ahad* sympathizers by the Adonaland military in a country of 65 million people is not a disproportionate use of force and was for the purpose of interrogation a justified exercise of police powers.**

APPENDIX 1

Friendship and Mutual Trust Treaty- Relevant Provisions

Article 18: Use of Force by either of the parties is prohibited except to the extent permitted by International Law. Use of Force is defined as any act, direct or indirect, explicit or implicit which involves the use of armed forces one country against the other.

Article 45: All issues between the two countries will have to be settled bilaterally and the jurisdiction of the ICJ can be invoked only where both the parties expressly consent to accept the jurisdiction of the ICJ (subject to jurisdiction reservations). However, the express consent required would be presumed to be waived if either of the nations uses force in violation of the accepted principles of International law, Customary International Law and the UN Charter.

APPENDIX 2

- 1. Both Rodoland and Adonoland are parties to the UN Charter and all important existing Multilateral agreements in force as on date.**
- 2. Additional relevant issues may be incorporated as well.**