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NALSAR PUBLIC INTERNATIONAL LAW
MOOT COURT COMPETITION

**1ST NALSAR PUBLIC
INTERNATIONAL LAW
MOOT COURT
COMPETITION**

16-18 August, 2019

NALSAR UNIVERSITY OF LAW



KNOWLEDGE PARTNERS



INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

**BETWEEN THE STATE OF MAZIA (APPLICANT) AND THE REPUBLIC
OF GRASONA (RESPONDENT) TO SUBMIT TO THE INTERNATIONAL
COURT OF JUSTICE THE DIFFERENCES BETWEEN THE PARTIES
CONCERNING THE MILITARY ATTACKS BY THE STATE OF MAZIA
AND BY THE REPUBLIC OF GRASONA**

jointly notified to the Court on 17 April 2019

JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 17 April 2019

On behalf of the State of Mazia and the Republic of Grasona, and in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honor to transmit to you an original of the Special Agreement for submission to the International Court of Justice of the Differences between the Applicant and the Respondent concerning the military attacks by the State of Mazia and by the Republic of Grasona, signed in The Hague, The Netherlands, on the seventeenth day of April in the year two thousand nineteen.

His Excellency Pamali Poya
Ambassador of the State of Mazia
To the Kingdom of The Netherlands

His Excellency Ben Jayomi
Ambassador of the Republic of Grasona
To the Kingdom of The Netherlands

SPECIAL AGREEMENT
SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE
BY THE STATE OF MAZIA
AND THE REPUBLIC OF GRASONA
ON THE DIFFERENCES BETWEEN THEM
CONCERNING THE MILITARY ATTACKS BY THE STATE OF MAZIA AND BY
THE REPUBLIC OF GRASONA

The State of Mazia (“the Applicant”) and the Republic of Grasona (“the Respondent”)
(hereinafter “the Parties”);

Considering that differences have arisen between them concerning the Military Attacks by the State of Mazia and by the Republic of Grasona;

Recognizing that the Parties have been unable to settle these differences by negotiations;

Desiring further to define the issues to be submitted to the International Court of Justice (“the Court”) for resolution;

In furtherance thereof the Parties have agreed as follows:

Article 1

The Parties submit the questions contained in the Special Agreement (together with Corrections and Clarifications to follow) (“the Case”) to the Court pursuant to Article 40(1) of the Court’s Statute.

Article 2

It is agreed by the Parties that the State of Mazia shall appear as Applicant and the Republic of Grasona as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

(a) The Court is requested to decide the Case on the basis of the rules and principles of international law, including any applicable treaties.

(b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

Article 4

(a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the NALSAR Public International Law Moot Court Competition-2019.

(b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the NALSAR Public International Law Moot Court Competition-2019.

Article 5

(a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

(b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Special Agreement and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this seventeenth day of April in the year two thousand nineteen, in triplicate in the English language.

His Excellency Pamali Poya
Ambassador of the State of Mazia
To the Kingdom of Netherlands

His Excellency Ben Jayomi
Ambassador of the Republic of Grasona
To the Kingdom of The Netherlands

SPECIAL AGREEMENT

THE CASE CONCERNING THE MILITARY ATTACKS BY THE STATE OF MAZIA AND BY THE REPUBLIC OF GRASONA STATE OF MAZIA V. REPUBLIC OF GRASONA

1. Mazia and Grasona are neighbouring States in the continent of Monahi. They are in the northern part of Monahi. Both States were colonies of Javisha. Mazia attained independence from colonialism in 1965 and Grasona in 1968. Mazia is on the west of Grasona. The population of Mazia and Grasona is 50 million and 102 million respectively. During the colonial rule, Mazia and Grasona were ruled under the single centralized administration with two local administration units. As a result of the anti-colonial movement, Javisha colonial administration granted independence to Mazia in 1965 because of the ethnic resistance movement Javisha experienced in Mazia. Mazia population predominantly belongs to Faronas ethnicity. They constitute 88 percent of the total population. 8 percent population belongs to Itoka ethnicity. Remaining 4 percent consists of other minorities. Grasona population consists of 75 percent Itokas, 20 percent Faronas and the remaining population consists of other minorities. Grasona is divided into three provinces: Western Province, Eastern Province and Southern Province. Population composition of Western Province is different from the other two provinces. In comparison to the other two provinces, Western Province is small and consists of 26 percent of the total population of Grasona. Of the total population of Western Province 70 percent are Faronas.

2. Western province of Grasona borders with Mazia and almost the entire border area is covered with forest on both sides. After attaining independence from colonialism, both the States adopted the parliamentary form of democracy. Grasona arguably has stable political governance in comparison to Mazia, which experienced two military revolts in 1973 and 1977. Grasona's constitution provides fundamental rights applicable to all its citizens. These fundamental rights also include minority rights to protect ethnic and religious minorities. There has been resentment among the Faronas of Grasona for long. They argue that they are not adequately represented in political positions as well as in employment.

3. In 1997, a group was formed by certain sections of Faronas in Grasona, mainly from the Western Province. The group was named as Faronas Rights Unity (FRU). The manifesto of the

FRU states that the primary purpose of the FRU is to attain equal representation to Faronas in political participation and in employment. FRU created an ideal forum for the articulation of the demands of the Faronas. Most of the activities of the FRU were mainly confined to the Western Province. FRU demanded more autonomy for the provincial administration of the Western Province in the areas of taxation and employment recruitment. FRU organized protests across the Western Province in the later part of 1997. Protests continued for more than six months in 1998. These protests compelled the federal government of Grasona to devolve more powers on the Western Province government. The federal government undertook necessary administrative measures to this effect in July 1998. Some sections of the Faronas population of Western Province were skeptical of the devolution of powers. They were of the view that the problem of the Faronas people's representation was more structural and needed systemic changes.

4. The changes that were brought through the devolution of more powers to the Western Provincial administration have impacted in certain respects. However, a survey conducted in 2015 on the impact of changes that were implemented in 1998 revealed significant information. The survey was conducted by an independent think tank known as the Institute for Social Analysis (ISA). The survey report stated that the changes made through the 1998 measures did not significantly impact the Faronas population. There was only marginal improvement in terms of their participation. The survey supported its conclusions with recent statistics.

5. In Mazia, there are some sections of Faronas who believe that a United Faronaland should be established which should include Mazia and the Western Province of Grasona. These sections of Faronas population in Mazia started 'Association for United Faronaland (AUF)' in 1996. AUF also believes that Mazia should be governed in accordance with the Faronas ethnic practices. Faronas themselves do not strictly call as a religious group. However, they claim that they have their own spiritual supreme 'YOMO' who they refer to as their god. Specific practices are followed by Faronas which include social and cultural practices, which have an impact on marriage, family and property inheritance. AUF believes that after the end of the colonialism in Mazia, the parliamentary democratic system failed to give due recognition to the Faronas ethnic identity. They believe that their identity can be protected only by making the Faronas ethnic precepts as governing principles of Mazia. While they do not deny minority rights, they strongly believe that Mazia should be governed in accordance with Faronas ethnic practices.

6. AUF started establishing schools and forming cultural groups with a view to promoting Faronas ethnic way of life. They fielded candidates in the national elections in 2000. However, none of their candidates won elections. On 10 January 2002, AUF gave a call for a nationwide strike to make the Faroni language as the compulsory medium of instruction in schools as well as in institutions of higher education. Currently, most of the education in Mazia takes place in English medium. They consider English as a foreign language and argue that it should be stopped. AUF did not succeed in their demand for Faroni medium of instruction. They continue to make several demands that the government should adopt. All their demands are primarily anchored to Faronas ethnicity and to its cultural, social and spiritual world. There is no single religious text based on which Faronas in Mazia make their demands. They argue that the substance of the Faronas spirituality and cultural and social life need to be drawn from several texts allegedly written by Faronas priests in the past and also the practices followed by Faronas allegedly for a longer period.

7. In 2002, AUF came out with a policy paper. The policy paper proclaimed that the AUF aimed to establish a United Faronaland which would include Mazia and the Western Province of Grasona. The policy paper proclaimed that they had the support of all Faronas people in Mazia. The policy paper also mentioned that the Faronas people of the Western Province of Grasona would be convinced to join the future United Faronaland.

8. The survey released by the ISA generated discussion in Grasona, mainly in the Western Province. FRU organized several meetings across the Western Province seeking views from Faronas. On 15 January 2016, FRU announced that they would intensify their struggle for their rights and demand for the right to self-determination of Faronas people and for the eventual formation of Faronaland as an independent State. They also announced that they would seek the necessary support from the neighbouring States towards achieving their goal of independent Faronaland. Soon after these announcements were made, the government started arresting people belonging to the FRU.

9. Core Committee is the highest decision-making body of the FRU which consists of ten members. All ten members went into hiding after the government started arresting people. 30 percent of the Western Province is covered with forest which is mainly on the border with

Mazia. Media reported that a large number of people belonging to FRU, including its Core Committee members went into hiding in the forest adjoining the border with Mazia. Several violent incidents took place during nights in March 2016. These violent incidents specifically targeted government property and premises. All these incidents were reported from the Western Province.

10. In April 2016, it was reported by the media that there were regular confrontations between the security forces and the groups of people with weapons who were suspected to belong to the FRU. In one such incident which occurred in Panya, the capital of Western Province, three persons allegedly belonging to FRU were killed. Security forces confirmed these killings. The federal government of Grasona deployed a large number of security forces in the Western Province and mainly around the forest area near the Mazia border. In December 2016, the federal government informed that in the operations conducted by the security forces in relation to the situation in Western Province, 78 militants belonging to FRU were killed and 19 security personnel lost their lives.

11. On 28 January 2017, media in Mazia and Grasona reported that AUF in a press note released to the media in Mazia declared its support to the FRU in its legitimate struggle for the right to self-determination. It also appealed to the FRU that it should shun its demand for the independent Faronaland and should fight along with the AUF for United Faronaland. AUF assured to extend every possible help to the FRU in its struggle. On 15 February 2017, the press note released in the name of the Core Committee of the FRU informed that their struggle for independent Faronaland would continue and they have the support from the people of Western Province. The months of March and April, 2017 witnessed six bomb explosions across the Western Province. In all these explosions suicide bombers specifically targeted security forces resulting in the killing of 123 security personnel.

12. The chief of the central security forces of Grasona informed the media on 05 May 2017, that they had credible information that these bombings were carried out by the AUF militants coming from Mazia. Accordingly, the government of Grasona urged the government of Mazia to take immediate action against the AUF militants and prevent its activities. Mazia responded to this appeal and stated that they would take necessary action and punish the culprits. The spokesperson of the central security forces of Grasona informed the media on 01 June 2017

that they shared the information regarding the involvement of the AUF in the bombings in the Western Province of Grasona.

13. On 06 July 2017, two suicide bombers exploded themselves at a security checkpoint in the Western Province in which 36 security personnel lost their lives. The federal government of Grasona informed the media that they found the evidence to prove that the suicide bombers belonged to the AUF from Mazia. The government spokesperson further said they would take stringent necessary action against those who support the AUF. The spokesperson also alleged that Mazia failed to take necessary action against the AUF bases in Mazia despite the credible evidence that they submitted to Mazian authorities.

14. On 21 July 2017, the spokesperson of the Ministry of Defence of Grasona conducted a press conference at 2:00 pm and informed that in the early hours the Grasonian Air Force bombed six locations in Mazia, specifically targeting AUF training centres and they were successful in killing several militants and their equipment. On the same day at 6:00 pm, the spokesperson of the armed forces of Mazia confirmed to the media that bombs were dropped by the Grasonian Air Force and they were ascertaining the damage and the nature of the attack. On 22 July 2017, the spokesperson of the armed forces of Mazia informed the media in a press meet that there were bombings at night as well on 21 July. The bombings hit at the civilian localities leading to several casualties of the civilians. Grasona confirmed the second round of bombings. The statement issued by the Ministry of Foreign Affairs of Grasona denied the allegations of civilian casualties and asserted that they specifically targeted only AUF training centres. The international media also reported the killing of 32 persons in the bombings near the border.

15. On 23 July 2017, the Ministry of Foreign Affairs of Mazia issued a statement. The statement read:

"The two rounds of bombings undertaken by the Grasonian Air Force aircraft on 21 July 2017 clearly amounted to a violation of the sovereignty and territorial integrity of Mazia. They were in violation of the UN Charter and other relevant international law. The second round of bombings resulted in the killing of civilians in two villages at the border. The targeting of civilians was in violation of international humanitarian law as no military person lost life and

there was also no military objective near the bombing site. Mazia would respond to the situation appropriately."

16. on 25 July 2017, Mazia Ministry of Foreign Affairs issued a statement informing that their air force attacked the two military bases of Grasona that morning. The statement said that on the credible information that there would be military attacks on Mazia, they undertook these attacks on the military bases of Grasona as a measure of self-defence. The spokesperson of the armed forces of Grasona confirmed the attacks in the evening of 25 July 2019. Meanwhile, on the same day, the permanent representative of Mazia to the United Nations in New York submitted a letter to the president of the United Nations Security Council informing their attacks on the military of bases of Grasona as a measure of self-defence.

17. The spokesperson of the Ministry of External affairs of Grasona issued a statement on 26 July 2019. The statement read:

"The attacks undertaken by Mazian Air Force aircraft on 25 July 2019 on the military bases of Grasona clearly amounted to the violation of the United Nations Charter and international law. Grasonian Air Force bombings on 21 July only targeted the AUF training centres, and they were executed as a measure of self-defence because Mazia was unwilling and unable to take action against the AUF which is indulging in activities specifically targeting Grasona. Therefore, the bombings by Grasonian Air Force on 21 July 2019 were very much in accordance with international law."

18. North Monahi Regional Cooperation Organization (NMRCO), a regional organization in which Grasona and Mazia are members, met in its urgent meeting on 29 July 2017. They appealed to the parties to stop the military confrontation and enter into negotiations. Grasona and Mazia were accusing each other of violation of territorial integrity and sovereignty. NMRCO negotiated an understanding for referring the matter of legality of actions of both States to the International Court of Justice (ICJ). Accordingly, an agreement would be reached between Mazia and Grasona referring the matter to the ICJ.

19. Accordingly, Mazia and Grasona enter into this special agreement on 17 April 2019 and submit the same to the International Court of Justice in accordance with Article 40(1) of the

Statute of the Court. It is agreed in the special agreement that Mazia would act as the Applicant and Grasona as the Respondent.

Accordingly,

20. Mazia requests the Court to adjudge and declare that:

a) Grasona's bombings on the territory of Mazia on 21 July 2017 are in violation of sovereignty and territorial integrity of Mazia and amounted to the violation of the provisions of the United Nations Charter on the use of force and other relevant international law.

b) Grasona's bombings on the civilian localities and killing of civilians during the second round of bombings on 21 July 2019 on the territory of Mazia amounted to a violation of the Four Geneva Conventions and the Additional Protocol I of 1977 and other relevant international laws.

21. Grasona requests the Court to adjudge and declare that:

a) Grasona's bombings on the territory of Mazia on 21 July 2017 were undertaken as a measure of right of self-defence and, therefore, were not in violation of sovereignty and territorial integrity of Mazia and did not amount to the violation of the provisions of the United Nations Charter on the use of force and any other relevant international law.

b) Grasona's bombings during the second round of bombings on 21 July 2019 on the territory

of Mazia specifically targeted the AUF training centres and not the civilian localities and, therefore, did not amount to a violation of the Four Geneva Conventions and the Additional Protocol I of 1977 or any other relevant international laws.

Some of the relevant treaties to which Mazia and Grasona are parties are: United Nations Charter, Four Geneva Conventions of 1949, two Additional Protocols of 1977, International Covenant on Civil Political Rights of 1966, International Covenant on Economic, Social and Cultural Rights of 1966, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, and the Vienna Convention on the Law of Treaties of 1969.

Please note that any attempt to contact the problem drafter in relation to the moot would lead to immediate disqualification.