

INTERNATIONAL COURT OF JUSTICE
COMPROMIS
BETWEEN THE REPUBLIC OF RONISTAN
AND
THE REPUBLIC OF JOTRIA
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE STATES
CASE CONCERNING THE BLOCKADE ON RONISTAN BY JOTRIA AND THE
ATTACKS ON JOTRIAN INSTITUTIONS BY THE UC

JOINT NOTIFICATION ADDRESSED TO THE REGISTRAR OF THE COURT

The Hague, February 10, 2008

On behalf of the Republic of Ronistan and the Republic of Jotria, in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Compromis for Submission to the International Court of Justice of the Differences between the Applicant and the Respondent Concerning the Blockade on Ronistan by Jotria and the Attacks on Jotrian Institutions by the UC

Ambassador of the Republic of Ronistan to the Kingdom of The Netherlands
Ambassador of the Republic of Jotria to the Kingdom of The Netherlands

COMPROMIS SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE

Ronistan and Jotria,

Considering that differences have arisen between them concerning the blockade on Ronistan by Jotria and the attacks on Jotrian institutions by the UC;

Desiring further to submit their differences to the International Court of Justice

Article 1: The Parties submit the issues contained in the Compromis (together with Clarifications to the follow, if any) to the International Court of Justice pursuant to Article 40(1) of the Statue of the Court.

Article 2: The Court is requested to decide the Case on the basis of the rules and principles of general international law, as well as any applicable treaties. The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its judgment

Article 3: All questions of procedure and rules shall be regulated in accordance with the provisions of the D. M. Harish Memorial Moot Court Competition. The Parties request the Court to order that written proceedings consist of Memorials.

Article 4: The Parties shall accept any judgment of the Court as final and binding and shall execute it in its entirety and in good faith. Immediately after transmission of judgment, the Parties will enter into discussions on modalities for execution.

In WITNESS whereof, the undersigned, being duly authorized to do so, have signed the present Compromis and have affixed thereto their respective seals of office.

Ambassador of the Republic of Ronistan to the Kingdom of The Netherlands
Ambassador of the Republic of Jotria to the Kingdom of The Netherlands

COMPROMIS

1. Ronistan and Jotria are both developing countries that share a common history and a common boundary. The idea of Ronistan and Jotria as nations emerged when colonial rule ended. During the years of colonial rule they were governed as one nation. In the 75 years of post colonial history, relations between the two countries have by and large been friendly and the governments of the two nations invested considerable financial and other resources to ensure that the historical social and economic ties continue.
2. Despite the shared history, the trajectory of the two nations could not have been different. Ronistan adopted a model of local democratic governance that resulted in the decentralization of decision making and governance. This also resulted in stronger local communities, a greater reliance on local resources and less dependence on government. The people of Ronistan did not have strong national identities and the country did not have robust central institutions like universities, the military and the judiciary. The Ronistan Constitution (which was drafted at the time of independence) guaranteed its people (and indeed, all human beings) a number of rights and civil liberties but the jurisprudence of the country evolved with a greater emphasis on the local community and local decision making. The local community was seen as more important than the individual or indeed the nation. The central government was fairly weak and largely handled matters of foreign policy and a few matters of governance.
3. Jotria, on the other hand, adopted a centralized form of democratic governance with a strong central government and with very little role for local governance. This centralization of authority resulted in the creation of strong central institutions but very little emphasis on the sustainability of local communities. The Jotrian Constitution (which was also drafted at the time of independence) also guaranteed a number of rights and civil liberties to its citizens and these were enforceable against government – consequently, there was occasional tension between the country's desire for strong central control and governance and the rights of individuals. The courts were known for their independence and on a balance protected the interests of individuals except in matters of national security. Parliament was strong and formed policy on all matters of importance in the country.
4. Social scientists around the world had long studied these nations. It was clear that when it came to issues of water, sanitation, primary education, small businesses and efficiency in utilization of local resources, Ronistan was ahead. However, when it came to issues such as higher education, comprehensive healthcare and large businesses, Jotria was ahead. Given the historical ties between the two countries, people regularly travelled between the two countries. It was not uncommon for Ronistanis to have family that were Jotrian and vice versa. To many economists, the relationship between these two countries was interesting for a different reason. Ronistan natural resources (local communities had rights to these resources) were actively sourced by large businesses in Jotria, in effect creating a situation where payments by Jotrian businesses were made to local communities feeding local development in Ronistan.

5. Around 20 years ago, Sharian Ami, a Jotrian by birth and Ronistani by residence, decided to form a social and cultural action group called the HOTWA (a term that was used in the region and meant "life"). HOTWA started off helping local communities on energy projects and Sharian quickly established relationships across the country. A number of local communities reached out to him for help and he developed a national reputation as someone who could help local communities become self-reliant and efficient when it came to use of local natural resources. Based on the work he was doing with a number of local communities, he quickly started to realize that there was efficiency in scale – for example, he would be able to lower the cost of his energy projects if he was working on a number of projects at the same time. He also started to realize that a network of like-minded individuals could stand for elections in different local communities and in essence, create a human network to drive significant social, economic and most importantly, cultural change.
6. Sharian Ami moved quickly and very soon individuals affiliated with HOTWA quickly came to govern over 60% of the local communities. The central government in Ronistan, which was run by the political party that had fought for Ronistani independence, underestimated the impact HOTWA was having on the politics of the country. Despite his Jotrian birth, Sharian Ami was able to convince his key supporters in HOTWA to form the HOTWA Political Action Congress (HPAC), a political party with the explicit goal of establishing a strong nation with its roots in the historic social and cultural fabric of the nation – and more importantly, in the Roni religion that almost all people in Ronistan believed in. The Roni faith is based on the worship of the basic elements in nature – as the giver, provider and the taker of all life. HPAC considered itself as a democratic party that emphasized two key principles. Firstly, it stood for a strong, nationalist state of Ronistan. Secondly, it stressed the importance of culture and religious issues over civil liberties such as free speech and expression.
7. Using the political influence of the HPAC, Sharian Ami became a Ronistani citizen. Soon based on the groundswell of political support, HPAC came to power at the central government and Sharian Ami became Prime Minister of Ronistan. Within 9 months of assuming power, HPAC decided to use a provision in the Ronistan Constitution that allowed for the creation of a constitutional body to recommend changes to the Ronistan Constitution. A number of changes were pushed through that in effect transformed Ronistan from a country of decentralization to a centralized system when it came to matters of business, military, education and foreign policy. Citizens enjoyed absolute rights when it came to enjoying their cultural and religious freedoms but civil liberties such as free speech and expression could be suspended by the Government if they felt that it was necessary to protect the overall religious and cultural fabric of the country. Matters such as water, energy and natural resources remained within the realm of local governance.
8. Using his new constitutional powers, Sharian announced that Ronistan would invest in building a strong military and a military intelligence unit. Ronistan quickly ramped up its annual military expenditure to almost 10% of GDP. These changes were extremely popular and based on his personal credibility, its balance between local governance

and central governance and its emphasis on cultural and religious identity, the HPAC continued to gain political strength and won three elections in the country, the last of which completely decimated the opposition – with only 10% of seats in Parliament being won by the opposition party.

9. Jotrian history could not have been more different. Around 10 years ago, the country went through a massive financial crisis. Its currency devalued significantly, its stock markets crashed and business confidence hit rock bottom. Two of its banks collapsed and the overall economic and financial system came close to collapse. This affected the credibility of its political class and using the groundswell of emotion in the country, the military of the country staged a coup, temporarily suspended the Constitution using a provision that allowed for its suspension and established martial law in the country. Visuals of people dancing on military tanks and with soldiers were seen all over the country. The judiciary, known for its independence, held that in times of national emergency, the Constitution could be suspended, in effect upholding the validity of military rule. They went so far as to say that the military was fulfilling its responsibilities to the country. They also held that the Constitution per its terms could be suspended for a maximum of 6 months.
10. 6 months later, the military rulers lifted the suspension of the Constitution and called for elections. The military supported a number of civilian candidates in these elections; most won and formed a government. Consequently, the military was able to continue to maintain its influence on the political fabric of the country. The courts passed a judgment recognizing the risks involved in this but were of the view that since military personnel were not directly standing for elections, it would not be consistent with the democratic structure of Jotria for them to prevent military backed civilian candidates from contesting elections. Independent legal commentators were by and large of the view that this decision was consistent with the framework of the Constitution. The trend of military backed civilian candidates continued in future elections with similar results.
11. The government of Jotria did not have a favourable view of the developments in Ronistan and felt in particular that a combination of cultural and religious nationalism mixed with a strong military would have long term consequences for Jotria and had to be nipped in the bud. They consequently decided to de-focus the long term cultural ties between the nations and worked to move away from their economic dependence on the natural resources of Ronistan. This had tremendous implications for the Ronistan economy, the ability of its local communities to meet the needs of its citizens and created additional demand for scarce central resources. Even while they rejected any suggestions from Jotria to step back from their new model of governance, Ronistan made numerous appeals to Jotria to roll back what they called an “effective economic blockade” of the country, all of which were turned down by Jotria.
12. Jotria merely maintained that they had the right to take decisions in their economic national interests and believed that “the cocktail of religion, culture and a military in Ronistan” compelled them to take such a decision. In Ronistan, all of this was

interpreted as the death knell of its way of governance and life – as the very lifeline of economic sustenance of its local communities was destroyed. All of this led to a stronger central government and Sharian Ami decided to use the emergency provisions of the Constitution and arrested a number of people in the country (including leaders of the opposition and a number of Jotrian citizens) in order to “protect the basic structure of Ronistan, the religious and cultural freedom of its people and their way of life”. This of course, resulted, in Jotria strengthening the economic blockade and limit access of Ronistanis to Jotria.

13. In August 2007, Sharian Ami retired from active politics and his successor Darsh Panikhet took over. Darsh was one of the founding members of HOTWA and HPAC and was known as the hardliner within the party. Darsh was famous in Ronistan for a simple political slogan: “Destroy Jotrian economic imperialism”. He quickly moved to demonstrate his hard line credentials and decided to provide financial support to a number of popular social, economic and cultural groups including a group popularly known as UC (a reference to their founder). UC believed that Ronistan’s success as a country was inversely proportional to the success of Jotria. It had been founded by 9 people who viewed the “economic blockade” of local communities by Jotria as being primarily responsible for the degeneration of local governance in Ronistan – and therefore believed that Ronistan had to be responsible for its own economic development. They were popular because they had established a number of social businesses, hospitals and schools across the country. Many political experts believed that the political views of UC were very conservative but recognized that they enjoyed fairly broad based political support, additional proof of the shifting political realities in Ronistan.
14. UC quietly decided to actively intervene in Jotrian institutions and after a series of violent attacks on Jotrian institutions (its Supreme Court and Parliament), its Leadership Council openly announced that they had knowledge that these attacks would take place but disclaimed any specific involvement in the actual attacks – saying they merely provided moral support to local Jotrians freedom seekers who were unhappy with their government and the effective military rule in their country. A till then unknown group calling themselves Jotria Free claimed direct responsibility for the attack but security personnel in Jotria doubted the existence of any such group and were of the view that at best, it was a local chapter of UC. Ronistan intelligence believed that such a group did exist and was active in some of the leading universities in Jotria. The international community, on the other hand, believed that a faction of UC was behind the attack on the Jotrian institutions and had some support in Jotria. They also believed that it would be difficult to establish a link between the Ronistani government and UC when it came to the attacks but there was no doubt that the financial support provided by the government to UC was used in the attacks (even if the purpose of the funding was different).
15. The Prime Minister of Jotria announced that based on its investigations, it had declared UC as a terrorist group. In his view, there was absolutely no credibility to a distinction between “providing moral support” and “having specific involvement in the

attacks". In any event, he believed that the evidence was clear – that UC had not just funded but also carried out the attacks on its institutions. He called upon Ronistan to arrest and handover the UC leadership within 72 hours, the failure of which would be considered an act of war by Ronistan. Darsh Panikhet immediately called a press conference and said that he was powerless to act in the absence of any specific evidence linking UC to these attacks and that he would be willing to act if he was provided evidence. Jotria responded with a simple statement from its Defence Minister – take the leadership of UC into custody first and allow Jotrian security officials access to them for interrogation purposes. Ronistan, refused to do so till evidence was provided.

16. The 72 hour deadline passed with the international community putting pressure on both countries to talk through their differences and to recognize that the current dispute was merely the flashpoint in a long standing dispute between the two countries. The Security Council passed a resolution asking Ronistan to cooperate with Jotria in every way possible and called upon Jotria to exhaust all means available for a peaceful resolution. Ronistan expressed its disappointment with the resolution as it had "already demonstrated its willingness to act once Jotria provided evidence" and more importantly, for not recognizing that "peaceful resolution of disputes cannot take place under the threat of war". Jotria on the other hand said they the failure of Ronistan to even arrest the leadership of UC established Ronistani government support and they were willing to give Ronistan an additional 72 hours to make the arrest.
17. As international parleys continued, troops of both countries were mobilized. The UC Leadership Council decided to escalate matters and called for the unification of Jotria and Ronistan under the leadership of Darsh Panikhet. Jotria responded by saying that this was ample proof of the involvement of the Ronistani government in supporting UC and by extension, the attacks on Jotria.
18. 24 hours later, in a bizarre incident, a public rally (being held by the UC Leadership Council to protest against the "war mongering actions of Jotria") was bombed and the half the leadership of the Council were killed. UC immediately announced that Jotria was behind the attacks based on unconfirmed sightings of Jotrian military personnel crossing the borders of the two nations a few hours earlier. Darsh Panikhet also made an announcement that Jotria had violated the territorial integrity of Ronistan and that the attack on the public rally amounted to an armed attack on Ronistan. Jotria decided not to make any official statement on the attack maintaining "they have no comments to offer on matters of national security". When pressed on whether the Jotrian army was behind the attack on the public rally, the Prime Minister of Jotria merely said "justice has been done" and that "Jotria does not confirm or deny the involvement of its military personnel in the attack on the UC Leadership Council.
19. Fearing that war was inevitable, the Security Council passed a resolution asking the parties to resolve matters expeditiously and in a peaceful manner. On the intervention of the Secretary General of the United Nations, the leadership of Jotria and Ronistan

decided to show some statesmanship and agreed that the dispute was not limited to the recent attacks on Jotrian institutions and the UC Leadership Council and was indeed much more complex.

20. Ronistan essentially believed that the effective economic blockade and the destruction of its local communities by a non-democratic Jotrian government was the real root of the problems. It also believed that Jotria could not unilaterally decide on culpability of groups acting within Ronistan and that Ronistan was not required to act in the absence of evidence. Jotria believed that the economic blockade was merely a response to the suppression of civil liberties in Ronistan, including the arrest of its citizens, and the use of religion and cultural factors to create instability and that their subsequent actions was merely in response to a brutal attack on its territory. Both countries recognized that their systems of governance were at the root of many of their differences and were based on their understanding of what was consistent with the "universal rights of all people". Both believed that countries were increasingly being called upon to be democratic and that international law created some degree of hierarchy in the human rights framework and that they were acting consistent with the established hierarchy and the need to be democratic.
21. These and a number of co-related legal and factual issues were referred to the International Court of Justice by Ronistan and Jotria. Both parties have accepted the jurisdiction of the Court and are members of the United Nations.