

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

BETWEEN THE REPUBLIC OF ANGHORE (APPLICANT)

AND

**THE REPUBLICS OF RATANKA AND CARISTHAN
(RESPONDENTS)**

TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE

THE DIFFERENCES BETWEEN THE STATES

**CONCERNING THE CONSEQUENCES OF THE DISASTER AT
MONRON FACTORY AND OTHER RELATED MATTERS**

JOINT NOTIFICATION ADDRESSED TO THE REGISTRAR OF THE COURT

The Hague, February 10, 2008

On behalf of the Republic of Anghore (“the Applicant”) and the Republics of Ratanka and Caristhan (“the Respondents”), 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 Respondents Concerning the Consequences of the Disaster at the Monron Factory and Other Related Matters.

Ambassador of the Republic of Anghore to the Kingdom of The Netherlands
Ambassador of the Republic of Ratanka to the Kingdom of The Netherlands
Ambassador of the Republic of Caristhan to the Kingdom of The Netherlands

COMPROMIS SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE

Ratanka, Anghore and Caristhan,

Considering the differences have arisen between them concerning the consequences of the disaster at the Monron Factory and other related matters;

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 Anghore to the Kingdom of The Netherlands
Ambassador of the Republic of Ratanka to the Kingdom of The Netherlands
Ambassador of the Republic of Caristhan to the Kingdom of The Netherlands

COMPROMIS

1. The Mithali River flows through the Mithalian Peninsula comprising of three nations; Ratanka, Anghore and Caristhan. Ratanka and Anghore share a common boundary and the same is true of Anghore and Caristhan – however there is no shared boundary between Ratanka and Caristhan. The Mithali starts in the snow capped mountains of Ratanka (close to the Ratankia Glacier, one of the highest glaciers in the world), flows through the mountains of Ratanka, through the Transeian Forest (that exists on the border between Ratanka and Anghore) into the plains of Anghore and Caristhan and then into the Caristhan Sea.
2. As Ratanka is a mountainous nation, the Ratankians have historically been involved in subsistence farming and animal husbandry. In the last 50 years, the Government of Ratanka has built a mixed economy; mixed in terms of an agrarian base and industrial activity and mixed in terms of private and government owned enterprise. Economists are of the view that the policies of the government were responsible for an improved standard of life for at least 30% of the population of Ratanka – though a lot more needed to be done for a bulk of the population that were still involved in farming and animal husbandry. The Ratankians are primarily of the same ethnic and religious background and this has been one of the reasons why this country has seen peace in the past 500 years.
3. Anghore and Caristhan are significantly better off when compared to Ratanka as they were almost completely based in the Mithalian Plains. They benefited from the resources of the Mithali with thriving agricultural and industrial bases. Many economists marvelled at the economic progress of the two nations. In the case of Anghore, it was well accepted that its economic progress was largely dependent on the Mithali River, without which its people would have been poor and dependent on subsistence farming. Almost all of the Anghore economy is in private hands with the Government of Anghore concentrating on providing infrastructure. The relations between Ratanka and Anghore have been strong

and cordial ever since Ratanka had seen peace notwithstanding occasional problems due to the differences in economic progress between the two nations.

4. Caristhan, on the other hand, being a coastal nation has had strong historical trade relations with a number of nations around the world. Throughout its history it had also maintained a strong military to protect its trading community and the trading routes. In terms of economic activity, today it is similar to Anghore. The Caristhanis were of a different ethnic origin when compared to the Ratankians and the two ethnic groups had almost no historical linkages despite the fact they were relatively proximate to each other. A leading sociologist attributed this to the fact that the Caristhanis concentrated on international trade and therefore did not look inwards towards the peninsula. Interestingly however, despite the strong linkages with the external world, there was no ethnic diversity in Caristhan as historically the rulers of Caristhan had discouraged foreigners from settling down in Caristhan. The total population of Caristhan is 14 million.
5. Over the last few years, there has been a significant climatic change in the region which has had the most impact on Ratanka. Scientists have recorded rapid melting of the Ratankia Glacier and a shrinking of the Transeian Forest. An international body of environmentalists and scientists was of the view that these climatic changes were due to global warming compounded, in addition, by over 200 years of industrial activity in Anghore and to some degree in Caristhan. Both these changes and deforestation in Ratanka, on account of its economic activity, have caused a number of flash floods in the last few years which have caused widespread loss of life and economic devastation.
6. Interestingly, however, Anghore is now considered to be a world leader in environmental protection. Even prior to these changes being noticed, had Anghore made considerable changes in its regulations and its industrial activity – and was a leading proponent of responsible industrial activity and use of environmental friendly technology.

7. The shrinking of the Transeian Forest and the increased waters in the Mithali River on account of the melting of the glacier had the most impact on a small tribal minority known as the Anseia who have lived in the Transeian Forest for over 1200 years. The Anseians have never claimed any citizenship and therefore some legal experts are of the view that there is doubt as to whose citizens they are. Determination of citizenship has also been difficult as they are nomadic in the Transeian Forest and have traditionally avoided any linkages with the outside world. However, a treaty between Ratanka and Anghore, 200 years ago, had said that Ratanka would exercise sovereignty over the Anseians. Over the last few years on account of the changes in their environment, the Anseians have emerged out of the forest mostly on the Ratankian side due to their greater degree of familiarity with the mountains rather than the plains of Anghore. They have however found it hard to integrate into Ratanka due to a variety of reasons including different economic priorities for the Government which has caused some social unrest.
8. In 2003, the Government of Caristhan decided to pursue an aggressive policy of military and trade expansion in different parts of the world. As part of this policy, they entered into discussions with Ratanka to provide USD 20 billion in aid to support the setting up of a number of industrial units in Ratanka. The aid that Caristhan provided was used to set up a number of chemical industrial units and for the generation of hydro-electricity and wind energy. Many of these units used technology from Caristhan or at the very least were build using technical assistance from Caristhan.
9. Due to confidentiality reasons and claims of national interests being affected, both countries did not expressly highlight which units had received technical assistance or technology from Caristhan. Ratanka and Caristhan got increasingly close post these discussions and Caristhan opened a military base in Ratanka and were also given rights to a few blocks for oil exploration. Many political commentators in both countries believed that both these measures were a quid pro quo for the aid that Caristhan had provided Ratanka – even though both governments denied that this was the case. This base became one of the most

important international military bases of Caristhan and supported over 100,000 military personnel.

10. One of the units that the Government of Ratanka set up using the aid provided by Caristhan was the Monron Factory, a large industrial chemicals unit – the raw materials for which were easily found in Ratanka. In less than 18 months Monron Factory became one of the largest chemicals units in the region. The Government of Anghore had expressed concerns about the hazardous nature of the unit and its proximity to the Transeian Forest and the Mithali River and was assured by the Ratanka that the latest international safety standards were in place. Caristhan maintained that it did not control the specific utilization of the aid they had provided – so long as it was used for setting up industrial units. Neither country confirmed or denied whether Caristhan technology or technical assistance had been provided in the case of the Monron Factory.
11. In early 2007, Ratanka was hit by unseasonal rains for over a month – which combined with all the environmental change caused a humanitarian crisis in the country. Just as the country was getting back to its feet, it was hit by renewed rain for more than a week. A massive flash flood resulted along the Mithali River – which overflowed its banks and caused widespread destruction of property and killed a lot of people. The Monron Factory was destroyed by the flash floods (and emergency crew had to rescue the staff who were working at the factory) and while the chemical containers initially held up, the continuous pressure of the water eventually breached the containers and Ratanka was faced with an environmental hazard of unprecedented proportions. Fortunately, in all this chaos, the oil drilling units that had been set up by Caristhan withstood the floods.
12. Fortunately the floods subsided less than 24 hours after the breach of the chemical containers and international experts were moved in to contain the breach and in particular, to try and limit the damage caused by the chemical leakage. They managed to accomplish their mission of containing the breach but on evaluating the extent of their breach, they realized that the chemicals had moved into the Mithali River and were now moving downstream into the

Transeian Forest and into Anghore. An immediate warning was issued but there was not much that could be done. The resultant spread of the chemicals made the waters of the Mithali undrinkable and unusable for any human or industrial activity. Environmentalists believed that it would take the Transeian Forest and the Mithali River in both countries over two to three years to recover – and the clean up costs would be as high as USD 15 billion. Experts in Anghore were of the view that the country would slip into recession and would take the country years to recover due to the country's dependence on the Mithali River.

13. The Anseians were now forced to move out of the Transeian Forest completely and due to the widespread destruction in Ratanka, made their way into Anghore. The movement of over 100,000 Anseians into Anghore created additional pressure in Anghore – and the country set up temporary camps for them to provide assistance. The Interior Minister of Anghore made a statement that Anghore would be willing to provide all possible assistance on humanitarian grounds but as they were not entitled to refugee protection under international law, it would be incumbent on Ratanka to adopt urgent steps to take the Anseians back. She also demanded compensation from Ratanka and Caristhan on two counts; firstly for the environmental damage caused and secondly, for the costs incurred in providing assistance and continued support to the Anseians.

14. The Prime Minister of Ratanka dismissed the demand for compensation saying that the environmental damage was a result of floods and there was no question of responsibility or fault on the part of Ratanka. He also stated that it could not be said that the Anseians were Ratankaians – however, given the dire human situation that the Anseians were facing, Ratanka would be willing to enter into discussions with Anghore and the Anseians on how to help the Anseians and even consider taking some or all of them back. He however added that Ratanka would be unable to, given the state of the country, to help the Anseians in any way (and in particular to take them back), till such time as Ratanka was back on its feet which would take at least two years. Caristhan merely issued a press statement saying that they had no role in this dispute as they had no direct or indirect role in the damage caused and the attempt by Anghore to bring them

into the dispute was unfortunate and inconsistent with the principles of international liability.

15. In the meantime, the spills in the Mithali River continued to move downstream and a warning was issued that it could enter Caristhan within a month. This caused widespread panic in Caristhan and the Government of Caristhan acted swiftly in requesting Anghore to provide all support in containing the spread of the spill. Anghore responded by saying that it would provide all assistance but insistent that Caristhan accept responsibility for the consequences of the aid it had provided Ratanka and commit to pay compensation as per its earlier demands. In the back and forth of statements between the two nations, the President of Caristhan fearing that precious time was being lost ordered military scientists based in Ratanka to fly into Anghore to conduct tests on the spill – and for military forces based in Ratanka to provide protection to the scientists. The Anghorian military was unable to put up any meaningful resistance due to the various problems in the country and the Caristhan military and scientists were on Anghore territory for three days – after which they withdrew.
16. Caristhan said they had no option but to conduct this operation to protect its people and its economy from an environmental disaster. Anghore protested this operation by calling in the ambassadors of both Caristhan and Ratanka and said that an environmental disaster was not recognized under international law as a possible justification for a violation of sovereignty. The Defence Minister of Ratanka however responded saying they were not involved in this military action and the fact that the Caristhan military base in Ratanka was used did not cast any responsibility on Ratanka.
17. Based on the tests conducted by its scientists, Caristhan was able to develop a chemical to break down the spill and to prevent any environmental damage to Caristhan. Anghore was even more upset when they heard about this development and issued a press statement saying that it was obvious that Caristhan had provided technical assistance to Monron Factory – as the speed within which they were able to develop a chemical to break down the spill could only have meant that they access to information from Monron Factory. They

also said that Caristhan had violated their comity obligations under international law in not offering assistance to Anghore to counter the effects of the spill.

18. Relations between Anghore and Caristhan on the one hand, and between Anghore and Ratanka on the other hand, started to deteriorate. Allegations and counter allegations were made – with Anghore insisting that Ratanka and Caristhan bore joint responsibility for the environmental damage, for the presence of the Anseians on Anghore territory and for the violation of its sovereignty. Anghore also insisted that Ratanka immediately take back the Anseians as they are under no obligation to allow them to continue on Anghorian territory. Anghore also stressed that Caristhan in particular needs to accept responsibility for the consequences of the aid it provided Ratanka – as the aid was an extension of its geo-political and military expansion in the region and in different parts of the world. The international community worried about the stability of the region brought all parties to the negotiation table – but relations were so strained that a solution could not be brokered. Consequently, a decision was taken to refer all disputes between the three nations to the International Court of Justice.

19. All parties accept the jurisdiction of the court and have committed to argue on the merits of the dispute without raising any preliminary objections. Both Ratanka and Caristhan are jointly represented even though they may have different positions or arguments on the issues arising in this dispute. All parties are members of the United Nations.