



THE SARAH F. KPODO INTERNATIONAL MOOT COURT COMPETITION

ACCRA, GHANA

14TH TO 19TH OCTOBER

***THEME:* EMPOWERING FUTURE GENERATIONS OF LEGAL PROFESSIONALS:
THE ROLE OF MOOT COURT COMPETITIONS IN SHAPING THE FUTURE OF
JUSTICE.**

HYPOTHETICAL CASE

Copyright Statement:

The problem question and materials for this moot court competition are the exclusive property of the African Law Students' Association and the Organizers of the Sarah F. Kpodo International Moot Court Competition. **Copyright © 2024** African Law Students' Association. All rights reserved.

Disclaimer:

This moot court scenario is a hypothetical case and any resemblance to real events or cases is purely coincidental and not intentional. The scenario is designed for educational purposes only and does not reflect the views or opinions of the African Law Students' Association, the Organizers of the Sarah F. Kpodo International Moot Court Competition, or any other entity. Any similarity to actual legal issues or scenarios is unintentional and does not imply any endorsement or sponsorship.

Before the International Court of Justice

In the Case Between

The United Republic of Maridhiano (URM)

And

The Republic of KijaniKila

JOINT NOTIFICATION

ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 1st October 2024

On behalf of Applicant, the United Republic of Maridhiano, and Respondent, the Republic of KijaniKila, and 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 Special Agreement for submission to the International Court of Justice on the Differences between the Applicant and the Respondent concerning the Respondent's activities in the Republic of Tanoura, signed in The Hague, The Netherlands, on the first day of the month of October two thousand and twenty four.

(Signed) Her Excellency Kiongozi,

Ambassador of the The United Republic of Maridhiano to the Kingdom of Netherlands

(Signed) His Excellency MajiMazuri,

Ambassador of the Republic of KijaniKila to the Kingdom of Netherlands

SPECIAL AGREEMENT

**SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE
BY THE UNITED REPUBLIC OF MARIDHIANO AND THE REPUBLIC OF
KIJANIKILA
ON THE DIFFERENCES BETWEEN THEM
CONCERNING THE RESPONDENT’S ACTIVITIES IN THE REPUBLIC OF
TANOURA**

*The United Republic of Maridhiano (“Applicant”) and the Republic of KijaniKila
 (“Respondent”) (hereinafter “the Parties”);*

Considering that differences have arisen between them concerning the Respondent’s activities in
the Republic of Tanoura and other matters;

Recognizing that the Parties have been unable to settle these differences by direct 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 concluded this Special Agreement:

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 United Republic of Maridhiano shall appear as Applicant and the Republic of KijaniKila as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

The Court is requested to adjudicate the claims of the United Republic of Maridhiano specified in paragraph — below, applying the rules and principles of international law, including any applicable treaties, in accordance with Article 38, paragraph 1, of the Statute of the Court.

Article 4

(a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the 2024 African Law Students Association International Law Moot Court Competition.

(b) The Parties request the Court to order that the written proceedings should consist of one round of written Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the 2024 African Law Students Association Moot Court Competition.

Article 5

(a) The Parties shall accept any Judgement 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 authorised, have signed the present Special Agreement and have affixed thereto their respective seals of office.

Done in Kigali, Rwanda, this third day of October in the year two thousand and twenty four, in triplicate in the English language.

(Signed) MR. KWAME JUNIOR

Minister of Foreign Affairs the United Republic of Maridhiano

(Signed) DR. SAMAWATI ANGA

Minister of Foreign Affairs the Republic of KijaniKila

**CASE CONCERNING THE REPUBLIC OF KIJANIKILA'S ACTIVITIES IN THE
REPUBLIC OF TANOURA**

(The United Republic of Maridhiano v The Republic of KijaniKila)

1. The Republic of Tanoura is a country located in the Southern part of Africa with a relatively high density population. It is bordered to the North by the Republic of Kijanikila and surrounded on the East, South and West by the Zephyra Ocean, making it completely dependent on the Republic of Kijanikila for trade and transportation connections to the rest of the continent. 70% of Tanoura's 450,000 sq Km lands contain rich minerals which makes the country renowned not only in Africa but also in the rest of the world. The Northern region is rich in Silica, essential for the manufacture of mobile and smartphones. The Eastern Region boasts of significant deposits of aluminium, copper and Tin. The Western Region is solely dedicated to agriculture, producing both subsistence crops and the famous "*Oranges of Tanoura*" exported worldwide. In 2020, fossil fuels were discovered in the Southern Region which experts report are crucial for fuel production that will see fuel supply for the whole of Africa.
2. Despite these abundant resources, Tanoura remains a developing country with a very low Gross Domestic Product (GDP) of approximately 10 Billion USD annually and a GDP growth of 1.8%. Moreover, the country is largely underdeveloped without access to most basic necessities such as clean water, reliable infrastructure, healthcare and education. It currently has a population of 46.8 million people with 90% living below the poverty line of 1 USD per day and living in temporary houses made of sand and *makuti*.

3. Since Tanoura gained independence in 1974, it has been plagued with political instability, with every leader being overthrown by coups. The country's first President, Rashid, only reigned for two years before being overthrown by the military, Tanoura Force Military (TFM) in 1976. He was succeeded by President Musa who ruled for 10 years and became infamous for his dictatorial leadership and favouritism towards his home region, the Western Region. In yet another successful coup in 1986, President Musa was assassinated by TFM, his government overthrown and replaced by President Jabari. President Jabari, still from the Western Region, was also infamous for his dictatorial regime and his corrupt deeds. To maintain his grip on power, he reshuffled TFM's top commanders to ensure their loyalty, trustworthiness and sole commitment to him. Instead of investing in infrastructure, Jabari diverted most of the national budget to manufacturing weaponry and creating rebel military groups within the Western Region of Tanoura, so as to safeguard his regime from an overthrow.
4. Despite being a member of the United Nations and the African Union, the Republic of Tanoura has limited its international commitments to only the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights. President Jabari has deliberately avoided ratifying other multilateral treaties, citing a desire to prevent what he calls, "*unnecessary interference of sovereignty of the wealthy Tanoura by nations from the west.*"
5. In 2008, the world faced a major recession from which Tanoura has yet to recover. Due to the corrupt and wasteful nature of President Jabari, Tanoura fell deeper into debt and failed to generate enough revenue to support basic necessities that any government would offer. By the end of the great recession in 2009, Tanoura owed a debt of over 10 Trillion

USD to one of the developed countries, The States of Morell (SOM). Moreover, it owed its neighbouring country, Kijanikali a debt of 5 Trillion USD. Unable to repay its debts, President Jabari negotiated bilateral agreements with the Republic of KijaniKali. In this agreement, President Jabari signed off all the mining rights that it had over its vast resources including the rights to own, excavate, manufacture and process the minerals within the Northern and Eastern Regions, and any future mineral discoveries. This agreement would terminate at the end of the next ten years.

Key clauses in the agreement included

Clause 3.3: *The Republic of KijaniKali can enter into agreements with other States and Corporations, whether multilateral or State Owned, to assist in the excavation, manufacture and sale of the minerals mined in the Republic of Tanoura.*

Clause 5.5: *For ten years, The Republic of KijaniKali shall use 40% of the profits it garnered from the mining activities in the Republic of Tanoura to repay its 5 trillion USD debt and any recurring debt from Tanoura, while the remaining 60% of the profits shall be used to repay the 10 Trillion USD and recurring debt owed to The States of Morell.*

6. The agreement took effect immediately. In 2010, the Republic of KijaniKali started its mining activities in the Republic of Tanoura. In the Eastern Region, they mined the silica which was used to manufacture smartphones, branded as “Orange” and “Glasi”. These smartphones have generated immense profits to the Republic of Kijanikali of about 365.5

Billion USD annually. In the Western Region, KijaniKali mined aluminium, tin and copper, earning approximately profits worth 200 Billion USD per year. The World Bank and the International Monetary Fund (IMF) estimate these profits will grow by 40% in the next 10 years due to the increasing demand for the manufactured products such as the smartphones, “Orange” and “Glasi”.

7. The Republic of KijaniKali and the States of Morell are members of the United Nations and have ratified all UN Conventions and Treaties. Moreover, they brand themselves as the champions of world peace and justice. The States of Morell is also a member of the United Nations Security Council and grants huge donations to the works of the United Nations bodies of more than 40 Billion USD every year. The Republic of Kijani Kali, a developing State in Africa, donates 3 Billion USD every year and is a member of the General Assembly. In 2015, both The States of Morell and KijaniKali, spearheaded a campaign for the ratification of the Paris Agreement, aiming to mitigate climate change. Their respective diplomats to the United Nations, argued that the signing of the agreement would bolster efforts to combat climate change, protect the world for future generations. Moreover, they argued that it would complement the State's obligation under the United Nations Framework Convention on Climate Change (UNFCCC).

8. President Carrington of The States of Morell further emphasised on the Express platform;

“We do not have time to waste. The world is in need of a better future and we must take action now. All like-minded States should commit to the Paris Agreement and reduce carbon emissions for a better and safer world not only for us but also for future generations. Together with the Republic of KijaniKila we

shall ensure that we reduce our carbon emissions in our mining activities at Tanoura by 40% and maintain the average temperature below pre-industrial levels.”

9. Since the Republic of Tanoura signed off its mining rights to the Republic of KijaniKila, the country's development of infrastructure and environmental conditions have deteriorated. The Republic of KijaniKali, invoking clause 3.3 of the bilateral agreement, entered into another bilateral agreement with The States of Morell, allowing Morell's State owned enterprise, Dex Corporation, to excavate and manufacture all the minerals within the Republic of Tanoura. Moreover, the two states changed the terms of the original bilateral agreement between Tanoura and KijaniKali, particularly on the profit-sharing ratio from 40:60 to 20:80 in favour of The States of Morell. President Carrington justified this by stating that the States of Morell handled the majority of the operations, that is, the excavation, mining and manufacture while KijaniKali only provided the mineral rights, sale and a ready market for the manufactured goods. To add, the bilateral agreement between KijaniKila and the States of Morell was to lapse after 50 years. These changes to the original bilateral agreement were not disclosed to President Jabari.
10. Additionally, the bilateral agreement between the Republic of KijaniKali and The States of Morell included environmental conservation commitments, such as avoiding harmful mining methods like deep earth excavations and ensuring proper site reclamation. Nonetheless, Dex Corporation disregarded the environmental and safety measures mandated by the bilateral agreement, UNFCCC and the Paris Agreement. With

deliberate intent, they employed harmful methods of deep mining and excavation, justifying their actions by citing the rising market demand for the minerals. Moreover, they employed children and women to assist in the mining without giving them any protective equipment such as hand gloves, earbuds, safety clothing and even helmets. This has in turn led to widespread hearing loss, especially in the Northern and Eastern parts of Tanoura. Moreover, most of the women and children have respiratory diseases as a result of the exposure to dangerous fumes and exposure to the harmful mineral chemicals. A January 2024 Report by the United Nations Environmental Program (UNEP) showed that since 2010, the desertification of the Republic of Tanoura has been growing at a rate of 10% every two years. Moreover, studies by various environmental research institutes led by The African Climate Foundation in March 2024, found that the Republic of Tanoura has become warmer by 2 degrees celsius since the commencement of extensive mining excavation activities began in 2010.

11. In 2021, as the bilateral agreement between KijaniKila and Tanoura neared its end, the people of Tanoura were filled with hope, seeing it as an end to their debt-induced suffering. Through the Express Platform, they expressed messages such as, “*Very soon we will be able to enjoy the fruits of the rich minerals located in our country*” “*It is high time we enjoy what we truly deserve.*” However, on 20th May 2021, President Jabari delivered a keynote address that dashed their hopes;

“Dear citizens of Tanoura, since the Great Recession a decade ago, our beloved country has never been the same as it has been burdened with immense debt. We hoped that by signing off all our mining rights to KijaniKila, we would be able to

repay our debts. Despite our efforts, the Ministry of Treasury of KijaniKila and the States of Morell report that we still owe 10 Trillion USD. Though we know it's very difficult, we have decided to renew our agreement with KijaniKila for another 20 years. However, we successfully negotiated outside the renewed agreement to secure 10% of the profits, especially because fossil fuels have been discovered in the Southern Region and the goodwill of KijaniKila and the States of Morell to support our development. These fossil fuels, scientists say, could be enough to generate fuel that will be used for consumption to the whole of Africa, and the States of Morell are committed to making this dream a reality. Moreover, they have agreed to employ our children and import “*the Oranges of Tanoura.*”

12. The President’s speech was received with widespread outrage by the people of Tanoura. The following day, protests erupted in the Northern, Eastern and Southern Regions against the renewed bilateral mining agreement. The demonstrators condemned the renewed mining agreements, accusing KijaniKila and the States of Morell for impoverishing them, denying them better infrastructure and perpetuating neocolonialism. They also demanded an end to the reign of President Jabari, claiming that he was the Western nations puppet and had not initiated any transition to a lawfully elected government since taking power in 1986. The demonstrators however, were met with violence from the police, resulting in deaths of 100 people, arrests and widespread unrest.
13. That evening, during the Prime Time News, an investigative report by a renowned journalist and protestor, Mr. Jicho Pevu, exposed the contents of the bilateral agreement between KijaniKila and the States of Morell, which outlined plans to continue the mining activities in Tanoura for half a century. This revelation sparked widespread protests and

demonstrations within all regions of Tanoura, save the Western Region, demanding for the immediate departure of KijaniKila and the States of Morell from their country. Amid the turmoil, commanders from the Northern Eastern and Southern regions of TFM held secret meetings to plan the overthrow of President Jabari. Led by Commander Bishar from the Northern Region, they aimed to liberate the people of Tanoura from modern day colonialism. They even hatched a plan of how they would topple the leaders of the Republic of KijaniKila into expelling them from their country.

14. On 3rd June 2021, Tanoura woke up to news of President Jabari's overthrow and was replaced by Commander Bishar's "Ukombozi Military." This coup was not welcomed by the TFM military soldiers from the Western Region, who, along with Jabari's loyal rebels, retaliated against the Ukombozi Military. The fights between Ukombozi Military and Western TFM Troops combined with President Jabari rebels, resulted in approximately 15,000 deaths, with 60% from the Western region. Over 50,000 people, including children and women, were displaced. The fighting continued until early 2023, culminating with the arrest, public torture and final assassination of President Jabari. During the assassination of President Jabari on 15th January 2023, Commander Bishar gave the following speech;

"Today we show the people who call themselves the champions of peace and justice that we mean business. Tanoura is our business and we are in the process of reclaiming it back from the hands of our enemies who have tricked us into colonialism."

15. Following President Jabari's assassination, President Bishar declared himself President.

This move was received with jubilation by the people from the East, North and South who remarked that it was the beginning of a new dawn. Nonetheless, through the Express Platform, President Mundane of KijaniKila and Carrington from The States of Morell refused to halt the mining activities claiming that they won't be pressured into cowering to terrorists. Moreover, they condemned the coup led by President Bishar and failed to recognise him as the new President of Tanoura. They further committed to approach the International Criminal Court Prosecutor to start investigations against Commander Bishar for crimes against humanity. They also employed various sanctions against Tanoura by stating that they would not honour the 10% sharing of the profits nor import the "*oranges of Tanoura.*"

16. The mining activities by KijaniKila and the States of Morell still continued in Tanoura.

However, on the 7th of July 2023, Ukombozi Military forces raided the Southern City of KijaniKila known as Mwanagaza, abducting 15,000 citizens during an African music concert. The Ukombozi military troops used grenades and gunshots to intimidate the abducted citizens into submission immediately claiming the lives of 2,000 people. A disturbing video, shared anonymously on the Express Platform and directed at the President of KijaniKila, depicted the execution of 100 abducted citizens, blindfolded and shot without mercy. Such videos were shared through anonymous accounts. The next day, President Bishar acknowledged the attack on local Tanoura channels, warning that more assaults would occur until KijaniKila and the States of Morell departed from their land.

17. The following day, 8th July 2023, President Mundane of KijaniKila, condemned the abduction by Ukombozi Military and issued a 24 hours ultimatum for the safe return of

the abducted persons. He warned of dire consequences, hinting at the potential outbreak of a catastrophic world war if his plea was not honoured. Nonetheless, the Ukombozi Military ignored his plea and instead declared on the Express Platform that 5,000 of the abducted citizens had already been killed and that this would continue if KijaniKila and the States of Tanoura did not leave the Republic of Tanoura. The following day, 9th July 2023, nuclear missiles were dropped in the capital city of Tanoura, claiming the lives of more than 50,000 civilian Tanourans. In a desperate act of retaliation, The Ukombozi Military, lacking sophisticated weaponry, resulted in using grenades that only affected the Southern city of the Republic of KijaniKila. KijaniKila continued responding to the attacks, by launching more missiles in all regions of Tanoura. They would launch these missiles at night and did not care to distinguish between civilians and members of the Ukombozi Military. By 30th July 2023, the death toll had soared to over 100,000, with 60% of the victims being innocent children.

18. President Mundane's message through the Express platform conveyed a solemn vow to persist until the abducted citizens of the Republic of KijaniKila were safely returned. Additionally, President Carrington of the State of Morell, expressed unwavering solidarity with KijaniKila, pledging to furnish them with the most advanced weaponry available. President Mundane reiterated his determination to combat terrorist acts perpetrated by the Ukombozi Military, vowing to eradicate the threat they posed to global security. Employing heightened surveillance measures, the KijaniKila Military dropped missiles in hospitals and schools, claiming that members of Ukombozi Military sought refuge in these locations, exploiting the protection afforded to civilians. This led to the deaths of more than 300,000 persons, 60% being children, 30% being women and 10%

being men. Moreover, with humanitarian aid solely accessible through KijaniKila, president Mundane ordered the closure of all borders to Tanoura, exacerbating hunger, malnutrition and disease outbreaks such as typhoid and cholera. The dire consequences of these actions have been particularly devastating for children, with 5,000 succumbing to starvation and sanitation-related illnesses.

19. Numerous institutions, organisations and individuals have condemned the attacks against Tanoura, labeling them as acts of genocide and launching the #FreeTanoura campaign. The Secretary General of the United Nations, has denounced the ongoing attacks against the people of Tanoura, and termed it as a “grave humanitarian crisis.” He has urged KijaniKila to adopt a ceasefire and engage in dialogue to halt the conflict. Similarly, The Human Rights Council has expressed grave concern particularly on the targeting of over 500,000 children and 800,000 civilians during the attacks. Moreover, it has condemned the obstruction of humanitarian aid by KijaniKila to the civilians of Tanoura. The African Union has also voiced alarm over the war and called upon KijaniKila to cease fire and permit the free entry of humanitarian aid into Tanoura, given that over 600,000 persons have suffered with 60% being children. The #FreeTanoura campaign has also garnered widespread support worldwide, denouncing the actions as genocidal. However, the Republic of KijaniKila with support of the States of Morell, maintains its stance, citing its mission to combat global terrorism. As of 20th June 2024, the Human Rights Council Report showed that the death toll had exceeded 2 million, with missiles raining down on every corner of Tanoura. Despite calls for peace talks the Ukombozi Military has also maintained its stance and insist on withholding the abducted citizens until KijaniKila and The State of Morell leave Tanoura.

20. On 31st September 2024, The United Republic of Maridhiano, a nation known for its commitment to human rights located in North Africa and a member of the United Nations and African Union voiced its concern over the violation of various Treaties by the Republic of KijaniKila, particularly, of the Paris Agreement, the United Nations Framework Convention on Climate Change and the Genocide Convention of which it is a party to. Despite attempts to negotiate a ceasefire and the withdrawal of KijaniKila from Tanoura, their efforts bore no fruits with KijaniKila maintaining its determination to end terrorism. On 1st October 2024, the United Republic of Maridhiano announced their intention to pursue legal action through the International Court of Justice. In response, the Republic of KijaniKila acknowledged the United Republic of Maridhiano's decision and affirmed its commitment to defending its actions and decisions in Tanoura. Subsequently, the United Republic of Maridhiano has thus approached the International Court of Justice on the following issues;

- a. The Republic of KijaniKila has violated its commitment under the Paris Agreement and the United Nations Framework Convention on Climate Change by employing harmful methods of excavating minerals in Tanoura and contributing to an increase of its warmth by 2%
- b. The sanctions employed denying Tanoura 10% of the profits from the mining agreements and banning of the export of "Tanoura Oranges" violates customary rules of International Law
- c. The Republic of KijaniKila has violated its obligations under the Genocide Convention through its attack against Tanourans and the Ukombozi Military

- d. The Republic of KijaniKila has violated international humanitarian law norms by denying Tanouran civilians access to humanitarian aid

Prepare written submissions for both the Applicant and Respondent, noting to address the preliminary issues of jurisdiction and admissibility including the desired remedies to be sought from the court.