

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

**BETWEEN THE STATE OF ARDENIA (APPLICANT)
AND THE STATE OF RIGALIA (RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE STATES
CONCERNING THE ZETIAN PROVINCES**

jointly notified to the Court on 17 September, 2010

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**ENTRE L'ÉTAT D'ARDENIA (DEMANDEUR)
ET L'ÉTAT DE RIGALIA (DÉFENDEUR)
VISANT À SOUMETTRE À
LA COUR INTERNATIONALE DE JUSTICE
LES DIFFÉRENDS QUI OPOSENT LES DEUX ÉTATS
EN CE QUI CONCERNE LES PROVINCES ZÉTIENNES**

notifié conjointement à la Cour le 17 septembre 2010

**JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:**

The Hague, 17 September 2010

On behalf of the State of Ardenia ("the Applicant") and the State of Rigalia ("the Respondent"), 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 Compromis for submission to the International Court of Justice of the Differences between the Applicant and the Respondent concerning the Zetian Provinces, signed in The Hague, The Netherlands, on the seventeenth day of September in the year two thousand and ten.

Ambassador of the State of Ardenia
to the Kingdom of The Netherlands

Ambassador of the State of Rigalia
to the Kingdom of The Netherlands

COMPROMIS

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE STATE OF ARDENIA AND THE STATE OF RIGALIA ON THE DIFFERENCES BETWEEN THEM CONCERNING THE ZETIAN PROVINCES

The State of Ardenia and the State of Rigalia,

Considering that differences have arisen between them concerning the legality of Predator Drone strikes against Zetians in Ardenia and Rigalia and other matters;

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

Desiring further to define the issues to be submitted to the International Court of Justice (hereinafter referred to as "the Court") for settling this dispute;

In furtherance thereof the Parties have concluded the following Compromis:

Article 1

The Parties submit the questions contained in the Compromis (together with Clarifications to follow) to the Court pursuant to Article 40(1) of the Statute of the Court.

Article 2

It is agreed by the Parties that the State of Ardenia shall act as Applicant and the State of Rigalia 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 general international law, as well as 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) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the 2011 Philip C. Jessup International Law Moot Court Competition.
- (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 2011 Philip C. Jessup International Law Moot Court Competition.

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 Compromis and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this seventeenth day of September in the year two thousand and ten, in triplicate in the English language.

Ambassador of the State of Ardenia
to the Kingdom of The Netherlands

Ambassador of the State of Rigalia
to the Kingdom of the Netherlands

THE 2011 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

****COMPROMIS****

THE STATE OF ARDENIA V. THE STATE OF RIGALIA

THE CASE CONCERNING THE ZETIAN PROVINCES

1. Rigalia is a populous state comprised of 65% ethnic Rigalians and 35% ethnic Zetians that has been involved in border skirmishes with several of its neighbors for many years. It is a developing nation with several prosperous major cities. Rigalia's cities, including the capital, Rigaliaville, are largely inhabited by ethnic Rigalians.
2. The Rigalian countryside is economically underdeveloped and quite mountainous. The northern region of the country, composed of three large provinces – Moria, Tritar and Sirana (the Northern Provinces) – is largely inhabited by ethnic Zetians, who make up nearly 100% of the populace in the Northern Provinces. The Northern Provinces are also the situs of Rigalia's most important natural resource, columbite-tantalite (coltan), a mineral which, when refined, becomes metallic tantalum, a heat-resistant powder that can hold a high electrical charge. These properties make tantalum a vital element in creating capacitors, the electronic elements that control current flow inside miniature circuit boards. Tantalum capacitors are used in almost all cell phones, laptops, pagers and many other electronic products. The territory of the Northern Provinces constitutes approximately one-third of Rigalia's land mass.

3. It is difficult for Rigalia's central government to control the Northern Provinces, which are largely governed by tribal councils whose members have exclusively Zetian ethnicity, and who practice the Masinto religion. In these tribal communities, and in accordance with orthodox Masinto religious tenets, Zetian women and girls over the age of 14 are obliged by the tribal councils to wear a "Mavazi," a traditional head covering made from the hide of the Zorax, a small deer species native to the Northern Provinces that the Zetians hold to be sacred. The Mavazi covers the entire head, including the face, making identification of the wearer difficult. The Mavazi also heats up quickly in the sun, making it difficult for the wearer to work outdoors. Each Mavazi is exceptionally intricate, with ornate colors and designs unique to each tribe, and is usually, although not always, accompanied by a set of loose robes with matching designs. Women who refuse to wear the garment are forced to leave the Northern Provinces and live in non-Zetian locales within Rigalia, or, if they remain and are caught, are punished severely, either by being confined to their homes for long periods of time, or, in the most severe cases, by receiving as many as 40 lashes in a public flogging ceremony.

4. Under tribal council rules, women in the Northern Provinces are not permitted to drive or have paid employment, and they are often married off by their parents in traditional ceremonies at ages as young as 8 or 9, even though the official marriageable age is 18 for males and 16 for females under Rigalian law. The Rigalian authorities have made sporadic attempts to enforce Rigalia's marriage and anti-discrimination laws in the Northern Provinces, but have never made a concerted effort to do so, preferring to avoid direct confrontation with Zetian tribal leaders.

5. Ardenia is a small state on the northern border of Rigalia. It is a developed and prosperous nation, with the exception of the tribal areas in Ardenia's southern provinces of Teka and Bakchar (the Southern Provinces) which comprise about 20% of Ardenia's total land mass, and whose population is 90% ethnic Zetian. By contrast, the population of the capital province, Junonia, is composed of a mixture of Zetians, Junonians, and Donaxes, in approximately equal parts. Junoniaville, the capital of Ardenia, is a sophisticated international city, and women in Junoniaville are allowed to wear clothing that permits their faces, parts of their bodies and their hair to be visible.
6. Ardenia has a highly decentralized system of government and permits each of its 10 provinces (Ardenia's administrative regional units) to establish their own court systems and legal rules to govern family law, property law, criminal law and contract law. The Ardenian constitution reserves for the national government only matters deemed to be of national importance, such as those involving the national economy and Ardenia's external affairs. In contrast, Rigalia is a highly centralized state and, although it is divided into 12 provinces for administrative purposes, all individuals are subjected to Rigalian law, and there are no official provincial courts or provincial laws. Tribal council rules are not recognized by the State as legally binding, although they have virtually 100% practical effect in the Northern Provinces.
7. Zetians in the Southern Provinces enjoy substantial autonomy from the central government in Junonia, particularly with regard to religious and family matters which are governed by provincial law. Like the Zetians living in Rigalia, women in the Southern Provinces are obliged by custom and provincial law to wear Mavazis which do not permit any part of their face, body or hair to be visible. Women are not permitted to drive or

have paid employment, and they are often married off by their parents in traditional ceremonies at ages as young as 8 or 9. There is no official marriageable age in Ardenia as each province establishes its own rules.

8. Because the Zetians are a traditionally nomadic people, moving their herds and their villages among the five provinces straddling the border between Rigalia and Ardenia, ethnic Zetians have been granted full citizenship rights by both States. This arrangement was memorialized in 1924 in an agreement between Rigalia and Ardenia entered into when the two States first came into existence. It has been adhered to ever since, even though many Zetians now live in settled communities in one State or the other.
9. For many years, the Zetian Democratic Party (ZDP), which reportedly represents more than 75% of the ethnic Zetians living in Rigalia, has sponsored several secession efforts in Rigalia. The ZDP's goal is to unite the five provinces composing the largely Zetian tribal areas in both Rigalia and Ardenia into a single state, and the ZDP has tried to encourage Zetians in Ardenia to join it. Zetians living in Ardenia have not actively participated in this secessionist movement. However, because there has been so much intermarriage between Zetian communities based primarily in Rigalia and Ardenia, Ardenian Zetians have always been sympathetic to the nationalist desires of their Rigalian brethren, even if they have not been politically active themselves.
10. Ardenia and Rigalia have had mostly positive bilateral economic relations and have enjoyed healthy cross-border trade and investment. In 1994, Leo Bikra, President and Director General of the newly created Rigalian state-owned enterprise Rigalian Refining Inc. (RRI), in charge of industrializing Rigalia's coltan reserves, issued a call for tender

for a five-year exploration and development contract for a large coltan mine, the Moria Mine, located in the Northern Provinces, on behalf of RRI. Ardenian and Rigalian companies were permitted to present bids. After a lengthy bidding process of three years in which Rigalia and RRI followed the bidding procedure set out in their regulations, the contract was ultimately awarded in 1997 to Mineral Dynamics Incorporated (MDI), a major Ardenian state-owned corporation specialized in mineral extraction and transportation.

11. MDI has an active community service program and, since the launch of its website in 2000, has published information about the financial support it has provided to the Zetian Refugees Fund (ZRF), a charity incorporated in Ardenia and founded by Leo Bikra's nephew, Clyde Zangara. Although Leo Bikra is of Rigalian ethnicity, his wife, Ilona Bikra, is Zetian, and most of her family, including Clyde Zangara's parents, live in Bakchar Province in Ardenia. The ZRF's mission statement claims that it was created to provide educational opportunities and humanitarian assistance to Zetians living in both Rigalia and Ardenia, and it has offices in both countries. For some time, however, the Rigalian authorities have suspected the ZRF of promoting Zetian autonomy and separatist ideology, as many of ZRF's board members are known supporters of the ZDP.
12. When the Moria Mine contract was renewed for an additional ten years in 2002, it was reported in the media that the deal had been secured through MDI's offer of support to the ZRF and through cash payment of large sums of money and shares in MDI, amounting in total to \$10 million, held in trust for Clyde Zangara. The Rigalian government believes that some of these monies are also being funneled through the ZRF to support political activities of the ZDP. Allegations also surfaced that transporters for

MDI received solicitations from members of the provincial tribal councils in the Northern Provinces, to pay mandatory undocumented fees to ensure the protection of the extraction site and the smooth delivery of the product to RRI's plant in Rigaliaville.

13. From May 3-5, 2008, all of the tribal councils of the Northern Provinces met in the first regional Joint Tribal Council meeting in more than twenty years. The meeting was officially convened to prepare a demand for an increased share for the Northern Provinces of the revenues from the coltan mining operation. However, the meeting was dominated by council members who were also members of the ZDP, and the debates were punctuated by frequent calls for outright independence for the Northern Provinces. On May 5, 2008, the Joint Tribal Council issued a Manifesto calling for increased autonomy for Zetian tribal lands in both Rigalia and Ardenia with an ultimate goal of independence, a larger portion of the revenues from the coltan mining operations in Rigalia to be shared with Zetians in both Ardenia and Rigalia, and demanding respect for their traditional, tribal way of life.
14. In response to the May 5th Manifesto, the President of Rigalia, Teemu Khutai, responded that "the Northern Provinces are an integral part of Rigalia, and their people governed by Rigalian law." Moreover, in a long interview aired on Rigalian national television, President Khutai stated that his goal was "to modernize the Northern Provinces so that no Zetians would ever again suffer from barbaric tribal customs that oppressed women and girls." In the same interview, President Khutai also disparaged Zetian traditional medicine and tribal structures, and concluded that "if the Zetian provinces are less well-off than the rest of Rigalia, it is because of the backwards mentality and insularity of their tribal leaders."

15. Ethnic Zetians were incensed by President Khutai's remarks and sporadic fighting broke out in the Northern Provinces, with Rigalian soldiers attempting to quell the disturbance. Tens of thousands of Zetians marched on both the Rigalian and Ardenian capitals, the Ardenian Zetians to show their solidarity with their Rigalian brethren. Many of the marchers wore arm bands with the initials "ZRF", and many carried a proposed Zetian "flag," which was purple with five white stars, the traditional banner of the ZDP.
16. Rigalia responded to the violence and protests with measures including increased surveillance and arrest of protesters. This sparked increased violence, as protestors rebelled and began resisting arrest. Subsequently, President Khutai invoked the emergency powers clause of the Rigalian Constitution and imposed a ban on groups organizing and assembling in public places. This led to an expanded Zetian propaganda campaign to which Rigalian officials responded by detaining suspected ZDP members for questioning. President Khutai also introduced a bill into Parliament prohibiting all Rigalians, including Zetians, from wearing a Mavazi in public or from receiving public services while wearing a Mavazi, arguing that the subjugation of Zetian women and girls was a direct cause of poverty in the Northern Provinces and contributed to the radicalization of Zetians living in the tribal areas. In his speech introducing the bill, President Khutai vowed to "enforce the human rights of all Rigalian women and children." In addition, President Khutai noted that Mavazis posed a threat to public safety, as the garments permitted terrorists and suicide bombers to escape detection.
17. The Ardenian government, led by President Glenda Arwen, responded to the May 5th Manifesto with an information campaign. It has dedicated substantial funds to schools and agricultural subsidies for the Zetian tribal areas to try to win "hearts and minds" and

permit Zetians the kind of autonomy that it hopes will keep them content. President Arwen has suggested that women uncomfortable wearing the Mavazi can take it off while inside their homes and in special “women’s gardens” created for that purpose. She has also stated that although she is married to a Zetian and does not herself wear the Mavazi, having grown up in Junoniaville, she admires the piety of those who do and respects their choice.

18. As tensions increased between Rigalians, Zetians and Ardenians, a group of Zetian tribal leaders, all known ZDP members, began mounting a violent campaign to press for full independence by attacking infrastructure in Rigalia, kidnapping citizens of Rigalia, and demanding the release of arrested Zetian protestors in exchange for the safe release of the kidnap victims. In December 2008, a bridge was blown up in Rigaliaville, killing more than 130 Rigalians, and soon afterwards, in January and February of 2009, a series of suicide bombings took place at two government buildings – a school and a hospital – killing more than 25 civilians, and wounding 112 others. One of the suicide bombers was a man wearing a Mavazi, who had been able to approach the government-run school without being questioned because of the garment he was wearing.
19. A nonprofit humanitarian organization giving microcredit loans to Zetians in the areas around the border, the International Loan Syndicate Association (ILSA), has gathered a great deal of evidence in the context of preparing confidential reports for funders of its Zetian loan program, that Rigalian Zetians have been holding meetings in Ardenia out of fear of attack by Rigalian troops. A copy of the ILSA report was obtained by Rigalian intelligence, which claims to have corroborated its findings. The Ardenian government denies any knowledge of the meetings, but a spokesperson for the government has noted

that “even if the information is true, there is nothing illegal about these meetings, as Zetians all hold Ardenian citizenship.”

20. On March 15, 2009, the *Rigalian Daily Monitor* published a story alleging that sometime in January, 2009, President Arwen met with Rigalian and Ardenian Zetian tribal leaders in Ardenia and promised that she would (1) permit them to retain their tribal customs, including requiring women to wear Mavazis and keeping the marital age for girls as low as 8 years of age; and (2) support a future Zetian State located on Rigalian territory. According to the story, this “secret agreement” was memorialized in writing and also included promises whereby, in exchange for these concessions, Zetian separatists agreed to renounce any secessionist claims against Ardenia and promised not to use violence against Ardenian civilians or the Ardenian government. According to the *Daily Monitor*, when asked about the agreement, President Arwen’s office issued a press release confirming that the President had met with the tribal leaders and discussed how best to strengthen the friendly ties between the two peoples. In a subsequent press conference, President Arwen’s office refused to disclose the contents of the discussions and would neither confirm nor deny the existence of any agreement.
21. In response to Zetian acts of violence and furious at what he believed to be the betrayal of President Arwen, on March 22, 2009, President Khutai addressed the Rigalian Parliament and declared his government to be at “war” with the Zetian secessionist movement and its supporters. In his address, he specified that all Zetians taking up arms against the government, or supporting violent secession of the Northern Provinces, whether found in Rigalia or Ardenia, were engaged in an unlawful secessionist conflict against the Rigalian central government. Also at President Khutai’s urging, the Parliament took up the

controversial “Mavazi ban” and adopted it by a vote of 275-25. All those voting against it were of Zetian ethnicity.

22. In a further attempt to pressure the Ardenian government, President Khutai asked the Rigalian Minister of Justice, Charlene Finch, to open an investigation into the allegations of bribery by MDI surrounding the renewal of the exploration contract for the Moria Mine. A former MDI employee who was involved in the renewal of the contract gave a statement on condition of anonymity to the Rigalian police authorities. His statement, incorporated in a preliminary police report, substantiated the media allegations of corruption reported in 2001, implicating Leo Bikra, Clyde Zangara and the ZRF. The employee could not directly confirm specific payment of fees to the provincial tribal councils but stated that it was common practice for MDI to ensure “cooperation” from local communities when operating in sensitive areas.
23. Based on this report, Charlene Finch suspended Leo Bikra as President and Director General of RRI. On April 30, 2009, Rigalia sent a request for mutual legal assistance (MLA) to Ardenia, inviting its government to provide information regarding MDI’s activities in support of the ZRF and possible financial transactions with Clyde Zangara and the members of the tribal councils. In particular, Rigalia asked Ardenia to cooperate with the Rigalian authorities in their investigation, by providing, *inter alia*, the bank records of MDI since 2001 as well as correspondence between Clyde Zangara or other ZRF high level officers and Leo Bikra or the President of MDI. Rigalia also requested correspondence between ZRF and members of the provincial tribal councils. Ardenia initiated an inquiry but did not respond to Rigalia’s MLA request.

24. At the March 23-24, 2010 meeting of the Working Group on Bribery in International Business Transactions (Working Group on Bribery) held during the Phase 2 examination of Ardenia's implementation of the OECD Anti-Bribery Convention, Rigalia raised the issue of the pending MLA request. Ardenia argued that it had not rejected the MLA request but that it was trying to find a way to satisfy Rigalia's request, given that its legislation did not allow the authorities to access certain information on bank records. Ardenia added that correspondence between ZRF officers and members of the provincial tribal councils was not within the scope of the corruption investigation and therefore could not be the subject of an MLA request.
25. MDI engaged in strong lobbying activities with a number of influential judges, members of parliament, and officials of the Ardenian government to get the inquiry dropped, and invited them to lavish receptions and other events. On June 3, 2009, the Public Prosecutor of Ardenia, Sam Strong, dropped the investigation, stating that "it was necessary to balance the need to maintain the rule of law against the wider public interest in security." Although Prosecutor Strong indicated that the investigation had been suspended for national security reasons, in an interview published on June 15, 2009 with *The Ardenian Times-Picayune*, Ardenia's largest national newspaper, President Arwen hinted that this decision was founded in part on a concern over the cost of the investigation, which could have resulted in the loss of hundreds of jobs and millions of dollars for Ardenian industry.
26. On July 1, 2009, the Committee for Responsible Business Conduct (CRBC), a Rigalian non-governmental organization that receives up to 30% of its total operating budget in subsidies from the Rigalian Government, filed a complaint against MDI and RRI for

violation of chapter VI of the MNE Guidelines to the National Contact Point (NCP) established by Ardenia in accordance with the Decision of the OECD Council on the OECD Guidelines for Multinational Enterprises [C(2000)96] (OECD Decision on MNE Guidelines). On July 3, 2009, the CRBC received a letter from the Ardenian NCP stating that it refused to examine the complaint on the grounds, *inter alia*, that: 1) the complaint should be dealt with by the NCP of Rigalia where the alleged misconduct occurred, 2) the MNE Guidelines do not apply to RRI and 3) in any event, it could not deal with the complaint since investigations had been launched in Ardenia and Rigalia concerning these allegations. In response, the CRBC sent a letter to Ardenia's NCP requesting that it organize a meeting with all the parties involved to discuss ways to resolve these issues, including the possibility for the NCP to cooperate with Rigalia's NCP in addressing the complaint. Ardenia's NCP never answered this request.

27. Still frustrated with his inability to address the Zetian situation and annoyed by the lack of cooperation Ardenia was providing in investigating the alleged corruption of MDI, President Khutai sought assistance on behalf of Rigalia from his long-time friend and ally, President Sophia Ratko of Morgania. For many years, Morgania, a highly developed, industrialized nation, has been giving financial and military assistance to Rigalia in exchange for favorable treatment vis-à-vis Rigalia's important coltan reserves, which Morgania uses extensively in military manufacturing. Recently, Zetian attacks have started to target locales where Morganian expatriates generally congregate, and credible threats have been made against Morganian interests around the world.
28. The mountainous terrain and close tribal loyalties of the inhabitants of the five provinces straddling the two countries have made it very difficult to pursue the individuals

responsible for the increasingly deadly attacks taking place in Rigalia. Still infuriated by the alleged secret Ardenian-Zetian peace agreement, President Khutai asked Morgania to deploy Predator Drones, unmanned aerial vehicles, to attack suspected Zetian separatists in the mountainous region along the border between Rigalia and Ardenia. Upset by Zetian threats to Morganian citizens and interests, President Ratko agreed to cooperate with the Rigalian Defense Force in combating Zetian terrorism. She instructed the Morganian Air Force to deploy drones to Fort Raucus, a Morganian Air Force Base located within Rigalia. Fort Raucus was leased to the Morganian government in October of 2005 and is home to soldiers and civilians from both Morgania and Rigalia.

29. The drones are unmanned, and are quite large, with a wingspan of more than 48 feet and a length of 27 feet. They are equipped with Hellfire missiles that can be directed at targets on the ground, and can circle overhead for up to 24 hours at a time. The drones, launched from Fort Raucus under the supervision of Morganian soldiers, are operated by members of the Morganian army in Morganville, who receive targeting information from informants on the ground, and then decide whether or not to fire the missiles from the drones. The informants are paid by the Rigalian government, which recruits them from Rigalian prisons by offering them large sums of money and relocation for them and their families to homes in Rigalia outside of the Northern Provinces. The drones are equipped with video cameras that project an image onto a screen in Morganville. From September 14, 2009 until the end of March 2010, at the urging of the Rigalian Defense Force under the command of President Khutai, Predator Drones carried out more than 50 strikes against suspected Zetian separatists. Experts estimate that the strikes have resulted in the

deaths of 15 important Zetian separatist leaders; but they have also killed an estimated 230 Zetian civilians in Rigalia.

30. On March 15, 2010, a Predator Drone strike took place in Ardenia, about 15 miles north of its border with Rigalia. The strike killed a top commander, Adar Bermal, who was a prominent leader of the ZDP and committed to the Zetian separatist movement. The strike, which was conducted at night and without warning, also killed his entire family, including his wife, four children and elderly parents. The Bakchar Valley hospital, a 300-bed public hospital, was next to commander Bermal's home and was also struck that night. According to the Incident Report filed with her commanding officer in Morgania, although the drone operator saw a red cross on top of the hospital, she was distracted at the time she was firing the missiles at Bermal and fired at the hospital as well. The Incident Report notes that the drone operator was distracted by a frantic call from one of the informants about another strike, even though informants were not authorized to contact the drone operators directly. Although she realized her mistake, it was too late as the missile launching sequence had already been engaged and could not be aborted. The missile was fired and hit the hospital, killing 150 persons, and wounding 200 more.
31. Ardenia immediately lodged a protest with Rigalia, which has denied targeting innocent civilians. Rigalia's defense minister issued a statement to the press claiming that his instructions to Morgania were to "avoid unnecessary and disproportionate" military actions and that the incident was "a regrettable consequence of Rigalia's fight to defend itself and its people."

32. On March 20, 2010, President Arwen held a major international press conference in which she condemned Rigalia's entire drone program as illegal under international law. In her interview, which was published in major papers around the world, she contended that there was no armed conflict permitting the use of military force against civilians – even alleged terrorists – because neither Rigalia nor Ardenia was “at war” but are nations at peace addressing disturbances to public safety and public order. In her remarks she also stated that “Rigalia's illegal and unwarranted use of Predator Drones is terrifying the Zetian people on both sides of the border, violating Ardenia's sovereignty, and undermining Ardenia's efforts to live peacefully in a multi-ethnic state by polarizing the Zetians in Ardenia.” Moreover, she condemned the Bakchar Hospital attack as an “act of aggression” against the people of Ardenia. President Arwen also notified the Security Council of the United Nations that she was “deeply concerned” about the possible escalation of Rigalia's drone program and the worsening relations between the two countries. In a meeting on March 22, 2010, the Security Council discussed the “Zetian situation” and urged Ardenia and Rigalia to resolve their differences by peaceful means.
33. On March 28, 2010, President Arwen sent a formal diplomatic note to President Khutai: (1) protesting the use of Predator Drones against Zetians as a violation of their rights under international human rights law and international humanitarian law; (2) requesting the immediate cessation of the drone attacks, as well as a full inquiry into and compensation for the victims of the Bakchar Hospital incident and their families; and (3) asserting that the Rigalian Mavazi ban violates the rights of Zetian women and girls who wear the Mavazi in accordance with their religious beliefs and traditions.

34. On April 15, 2010, President Khutai responded that (1) the use of Predator Drones against terrorists in an armed conflict is consistent with international humanitarian law, particularly in light of the fact that Ardenian territory was being used to attack targets in Rigalia, and that international human rights law was inapplicable during the armed conflict involving the Zetians; (2) that Rigalia is not responsible for the Bakchar Hospital attack; (3) that the Mavazi ban is a legitimate public safety measure imposed to protect the rights of Zetian women and girls and protect Rigalian citizens from terrorism; and (4) that Ardenia's failure to respond to Rigalia's MLA request and to investigate the bribery allegations against MDI, in particular due to considerations of national economic interest, as well as its NCP's failure to respond to the CRBC's complaints, constitute a violation of Ardenia's international obligations.
35. On April 25, 2010, diplomats from Ardenia and Rigalia met to try to negotiate a settlement of the Zetian situation and the claims related to corruption. Following three days of fruitless negotiations, however, they could not reach an agreement. Ardenia decided to bring the matter to the International Court of Justice and filed an Application on May 5, 2010, invoking Article 36(2) of the Court's Statute as both Rigalia and Ardenia had unconditional declarations recognizing the compulsory jurisdiction of the Court on file with the Registrar.
36. Rigalia filed preliminary objections pursuant to Article 79 of the Rules of Court arguing that Ardenia's Application was inadmissible since, in deciding the case, the Court would have to determine the rights and obligations of Morgania. By a vote of 8 to 7, the Court rejected Rigalia's preliminary objections. The majority determined that Morgania was not a necessary third party because the questions presented to the Court by Rigalia and

Ardenia did not require the Court to determine the rights and obligations of Morgania. The Court also determined, by a vote of 9-6, to defer consideration of Ardenia's request for provisional measures until the merits phase of the proceedings.

37. Rigalia and Ardenia are both members of the United Nations, and are parties to the United Nations Charter, the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, the four Geneva Conventions of 1949 and additional Protocols I and II thereto, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of all Forms of Discrimination Against Women. Neither State has made any reservations, declarations or understandings with regard to any of these treaties.

38. Ardenia is a Member of the OECD and is a party to all the instruments adopted by the OECD. Rigalia is not an OECD Member, but is a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention) and as such, it accepts all related OECD anti-bribery instruments and participates in the work of the Working Group on Bribery. Both Rigalia and Ardenia have incorporated the offense of bribing a foreign public official (including liability for natural and legal persons) into their domestic legislation. Ardenia's legislation includes an exception to the bribery offense for small facilitation payments. Rigalia has also adhered to the Declaration on International Investment and Multinational Enterprises and the OECD Decision on MNE Guidelines. Neither Ardenia nor Rigalia are members of the World Trade Organization.

39. Applicant, Ardenia, asks the Court to adjudge and declare that:

- (1) Rigalia's Predator Drone strikes in Rigalia and in Ardenia violate international law and the Court should order their immediate cessation;
- (2) The attack on the Bakchar Valley hospital is attributable to Rigalia, Rigalia has an obligation to investigate the attack and to compensate Ardenia therefore and, moreover, the attack was a disproportionate and unlawful act of aggression against the people of Ardenia;
- (3) Rigalia's ban of the Mavazi for Zetian women and girls violates their rights under international law; and
- (4) Ardenia did not violate the OECD Anti-Bribery Convention or the OECD Decision on MNE Guidelines.

40. Respondent, Rigalia, asks the Court to adjudge and declare that:

- (1) Rigalia's Predator Drone strikes against Zetian terrorists in Rigalia and Ardenia are consistent with Rigalia's rights under international law, and thus the Court has no authority to order cessation of the drone attacks;
- (2) The attack on the Bakchar Valley hospital was not attributable to Rigalia and Rigalia has no obligation to investigate the attack or to compensate Ardenia therefore; moreover, the act was not an act of aggression but part of a legitimate and proportionate operation to defend against Zetian terrorists;

- (3) Rigalia's limited ban of the Mavazi for Zetian women and girls is consistent with international law; and
- (4) Ardenia's failure to investigate and prosecute the alleged corruption and to provide legal assistance to Rigalia constitute breaches of the OECD Anti-Bribery Convention, and the failure of the Ardenian NCP to respond to the complaint by the CRBC constitutes a breach of the OECD Decision on MNE Guidelines.