

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

**BETWEEN THE REPUBLIC OF ANTRANO (APPLICANT)
AND THE KINGDOM OF REMISIA (RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE PARTIES
CONCERNING THE STERREN FORTY**

jointly notified to the Court on 15 September 2023

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**ENTRE LA RÉPUBLIQUE D'ANTRANO (DEMANDERESSE)
ET LE ROYAUME DE REMISIA (DÉFENDEUR)
VISANT À SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE
LES DIVERGENCES QUI OPPOSENT LES DEUX PARTIES
CONCERNANT LES QUARANTE DE STERREN**

notifié conjointement à la Cour le 15 septembre 2023

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

The Hague, 15 September 2023

On behalf of Applicant, the Republic of Antrano, and Respondent, the Kingdom of Remisia, in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honour to transmit to you for submission to the International Court of Justice an original of the Special Agreement of the Differences between the Applicant and the Respondent concerning the Sterren Forty, signed in The Hague, The Netherlands, on the fifteenth day of September in the year two thousand twenty-three.

(Signed)

Their Excellency Moso Funile
Ambassador of the Republic of Antrano to
the Kingdom of the Netherlands

(Signed)

Her Excellency Ippolita Littlejohn
Ambassador of the Kingdom of Remisia to
the Kingdom of the Netherlands

SPECIAL AGREEMENT

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE REPUBLIC OF ANTRANO AND THE KINGDOM OF REMISIA ON THE DIFFERENCES BETWEEN THEM CONCERNING THE STERREN FORTY

The Republic of Antrano (“Applicant”) and the Kingdom of Remisia (“Respondent”) (hereinafter “the Parties”);

Considering that differences have arisen between them concerning the Sterren Forty and other matters;

Recognizing that the Parties have been unable to resolve these differences by means of negotiation;

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 Statute of the Court.

Article 2

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

Article 3

The rules and principles of international law applicable to the dispute, on the basis of which the Court is requested to decide the Case, are those referred to in Article 38, paragraph 1, of the Statute of the Court.

Article 4

- (a) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the 2024 Philip C. Jessup 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 Philip C. Jessup International Law 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 judgement, 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 The Hague, The Netherlands, this fourteenth day of September in the year two thousand twenty-three, in triplicate in the English language.

(Signed)
MAGANA DA DUNIYA
Minister of Foreign Relations
Republic of Antrano

(Signed)
EMIL BENOIT
Minister of Foreign Affairs
Kingdom of Remisia

SPECIAL AGREEMENT

THE CASE CONCERNING THE STERREN FORTY

ANTRANO / REMISIA

1. The Mahali Archipelago is a group of tropical and subtropical islands, coral reefs, and atolls located south of the equator in the Emerald Ocean. In the 17th century, the islands of the Mahali Archipelago were colonized by European countries. Boundaries were established by the colonial powers generally according to the lines separating identifiable ethnic groups. In the decade following World War II, these colonies gradually achieved independence, with their borders corresponding to the colonial boundaries.
2. Established in 1951, the Republic of Antrano consists of one large and 16 smaller islands within the Mahali Archipelago. Unlike its neighbors, Antrano was primarily a homeland for nomadic peoples, which welcomed ethnic and religious minorities from throughout the region. Consequently, Antrano was, and remains, home to a mix of races and ethnicities coexisting in a constitutional republic. As of its 2020 census, its population was one million.
3. The first President of Antrano, Muna Songida, elected in 1951, committed his nation to the plight of stateless persons around the globe, proclaiming that “Antrano, a new nation of people who were once stateless, must take the lead in securing enforceable rights for our brothers and sisters around the globe who are without a homeland.” Songida was a vocal proponent of the Convention Relating to the Status of Stateless Persons in 1954 and the Convention on the Reduction of Statelessness in 1959. In 1960, he established the Antranan Department of Nationality Rights to coordinate the country’s domestic and international efforts to reduce and prevent statelessness. After retiring from domestic politics in 1966, Songida lectured at universities around the world on the plight of stateless people and their right to nationality, and lobbied states to ratify both Conventions.
4. Antrano continues to take a leading role in promoting the rights of stateless persons around the world. Its representatives to the United Nations and other international fora regularly propose resolutions to raise awareness regarding statelessness, and Antranan officials

participate in NGO missions to monitor conditions in locations housing large numbers of stateless people.

5. The Kingdom of Remisia is a constitutional monarchy approximately 11,000 kilometers from the Mahali Archipelago. Remisia is a land-locked country located on the Isidre Plateau, a vast, high-altitude, arid steppe located in the Serat Mountains. Its current head of state, Queen Khasat, traces her lineage back to the first king of Remisia, who was born in 561 CE. The monarchy is deeply venerated by the two million citizens of Remisia.
6. Under Remisia's Constitution, adopted in 1923, the monarch appoints the Prime Minister and the commander-in-chief of the armed forces. Legislation comes into force only upon royal assent.
7. Remisia's Constitution provides that the monarch is entitled to reverence and that insulting the monarch is a crime. In 1955, the legislature adopted the Disrespect to the Crown Act (DCA), which provides:

Whoever defames, insults, or threatens the reigning monarch shall be punished with imprisonment of up to five years. In addition, if the court is satisfied that the subject has shown himself by that act or speech to be disloyal to the Crown, it may deprive the guilty party of his Remisian citizenship.
8. Under the DCA, loss of citizenship, when ordered, is effective immediately. The convicted person, considered a non-citizen while serving any custodial term, is subject to expulsion 60 days following completion of the sentence. Prior to the events described herein, the DCA had been invoked fewer than a dozen times: each conviction resulted in a prison sentence, but no defendant's citizenship had been annulled.
9. The Isidre Plateau has been the site of copper and emerald mining since prehistory. In 1989, geologists discovered substantial primary deposits of cobalt in the northern provinces of Remisia. The government began mining small amounts of ore for processing and export. Because experts noted the potential impact on the atmosphere and waters of Remisia, extraction was limited pending further investigation into the environmental consequences of wider commercial development.
10. When she acceded to the throne in 2006, Queen Khasat promised her people that Remisia would take its place among the leading nations in the region. She expressed her hope that the country would actively participate in the community of states and promised that her

government would encourage foreign investment in critical industries, consonant with the best interests of Remisia and its people.

11. In 2008, Her Majesty signed into law the Naturalization by Investment Act (NIA), which authorized the government to grant citizenship to any applicant “who purchases real property, contributes to the National Infrastructure Development Fund, or otherwise makes a direct investment in the Remisian economy, of [€500,000] or more.” The NIA has two stated purposes: to raise revenue and to promote Queen Khasat’s goal of encouraging foreign investment and international commerce. It does not require that the applicant maintain a residence in Remisia.
12. The Home Department of Remisia thereafter announced the “Naturalization by Investment Program” (NIP), a worldwide marketing campaign which invited high net worth individuals to apply for citizenship under the NIA. NIP advertisements were featured online and in major global financial publications, promoting the benefits of Remisian citizenship, including the ability for passport holders to live, work, and study in Remisia, to travel without a visa to 120 countries, and to obtain consular and diplomatic assistance in any of the 140 countries where Remisia has an embassy or consulate. Remisian law permits dual citizenship.
13. The NIP was, according to the Home Department, extremely successful. Approximately 200 foreign nationals applied in the first year, and although the numbers have declined somewhat, approximately 50 applications have been received annually since then. Numerous citizenship-by-investment websites have recommended the program as “efficient, and considering the benefits, reasonably priced.” From its inception through the end of 2021, the Program is credited with generating the equivalent of over €1.5 billion in gross revenue for Remisia.
14. Ms. Saki Shaw was born in 1970 in Molvania, an island nation in the Caribbean Sea. Shaw’s grandmother, Pevara Shaw, was the Molvanian Minister of the Treasury for decades before she founded the Shaw Corporation (“ShawCorp”), a multinational minerals and mining conglomerate. ShawCorp is registered and headquartered in Molvania, and its stock is publicly traded. The Shaw family has controlled at least 50% of the shares of ShawCorp since its founding.

15. In 1988, Saki Shaw met then-Princess Khasat while both were on holiday in St. Moritz, Switzerland, and the two women formed a close personal friendship. Ms. Shaw visited Sterren Palace in Kamil (the capital of Remisia) twice in her undergraduate years. After completing her business degree, Ms. Shaw was appointed the head of Lithos Limited, a wholly owned subsidiary of ShawCorp, also headquartered in Molvania. Under her leadership, Lithos expanded into leasing and operating cobalt and other mines and refining ore in more than a dozen countries, with regional headquarters in Vancouver, Kinshasa, Melbourne, and Duniya (the capital of Antrano).
16. In April 2014, the Molvanian national newspaper *Alitheia* published a series of investigative reports into ShawCorp and its subsidiaries which alleged that the company and its principals had engaged in money-laundering and tax evasion. The Minister of Justice opened an inquiry into ShawCorp's operations in Molvania, issuing subpoenas for documents and testimony to numerous members of the Shaw family, including Saki Shaw. Authorities have been unable to serve the subpoena on Ms. Shaw, as she purchased a residence near Trieste, Italy, in 2012 and has not returned to Molvania since then.
17. In November 2014, Ms. Shaw contacted Queen Khasat and proposed a joint venture between Lithos and the Remisian Ministry of Mines. The business plan she submitted, later made public by the Palace, claimed that the venture would increase cobalt mining and refining in Remisia more than sixfold over the next ten years. Ms. Shaw proposed that 51% of the joint venture would be owned by Remisia and 49% by Lithos. Lithos's initial investment would be three million Euros, with more funding available as and when needed.
18. Queen Khasat forwarded the proposal to her Prime Minister, Van Sezan, and directed him to meet with Ms. Shaw to negotiate a possible deal. On 10 November 2015, Ms. Shaw and the Prime Minister signed an agreement creating the joint venture. Lithos transferred five million Euros to the Remisian bank account of the new entity, styled the Lithos-Remisia Cooperative (LRC), which promptly commenced exploration for appropriate sites.
19. At a press conference announcing the creation of the LRC, Prime Minister Sezan disclosed that, as part of the arrangement, Saki Shaw had personally contributed €500,000 to the National Infrastructure Development Fund and applied for citizenship under the NIP. Ms. Shaw's application, disclosing that she had not visited Remisia since she attended the

coronation in 2006, was processed and approved, and she was naturalized as a Remisian citizen on 1 June 2016.

20. In July 2016, LRC applied to the Ministry of Mines for permits to begin cobalt mining at three sites in northern Remisia. The Ministry conducted its standard due diligence, and in August 2017 – finding no substantial negative environmental consequences – gave approval for all three locations to begin operations. The Ministry added, “We welcome the employment opportunities and economic development that this venture will bring to our country.”
21. Over the next two years, LRC opened and operated three mining sites. The mines employed more than 4,000 Remisians and produced significant public revenue in the form of export taxes.
22. The facilities generated a great deal of dust and emitted metallic minerals into nearby rivers. In August 2019, a correspondent for a popular international travel website posted:

Locals grumble about the ‘cobalt curse,’ a persistent hacking cough accompanied by an itchy skin rash, which they believe is caused by contact with dust from the mines. And I don’t know whether it is unhealthy or just gross, but the water from the tap in my hotel room is pale pink and smells like perfume. I have been brushing my teeth with bottled water I buy at the shops.

23. In September 2019, students at Remisia National University began holding impromptu lectures and rallies to raise awareness of what they claimed were the environmental hazards of the LRC cobalt operations. Attendance at these events continued to grow over the next three months, and in December 2019, the leaders issued a manifesto calling for an immediate end to all cobalt mining operations in Remisia. The manifesto was signed anonymously by the “Isidre League of Student Activists” (ILSA).
24. In October 2019, declaring that the mining facilities had been a financial success without causing unacceptable risks to health, LRC sought licenses to open five new mines in Remisia. Three months later, following a due diligence review, the Ministry of Mines approved four of the five applications, stating that suggestions of threats to public health were unsubstantiated.
25. When the issuance of the licenses was made public, ILSA organizers called for a nationwide one-day strike on high school and university campuses. On 3 February 2020,

more than 30,000 students walked out of classes. In many places, faculty members offered public lectures and panel discussions on topics relating to the protests. In other locations, students marched outside their school buildings carrying signs denouncing the licenses and demanding that all LRC operations be halted.

26. At Remisia National University in Kamil, some students were seen holding up a placard that read, “The Queen’s friend is threatening our future.” They were approached by the police, and a live television feed reported this exchange:

Police Officer #1: “Take down that sign! It is disrespectful to Her Majesty!”

Student #1: “But we all know the only reason this company is allowed to poison us is that they have a friend in Sterren Palace.”

Police Officer #1: “Let me warn you, young lady. You are skating on thin ice. You are insulting the Queen. You know that I can arrest you for that!”

Student #2: “We are not insulting the Queen. We are just stating a fact! There is no way these permits would have been granted if Saki Shaw and the Queen were not friends.”

Police Officer #2: “Listen, kids, we don’t want to arrest you, but we will, unless you take down your sign. If you want to say ‘Saki Shaw is doing whatever,’ that’s fine. Just don’t say ‘the Queen’s friend.’ All right? You don’t want trouble, and neither do we.”

The sign disappeared from view in the television footage, and the police continued to patrol the area without additional incident.

27. Students around the country returned to class the next day, but the government did not alter or retract the permits granted to LRC. ILSA leadership met again on 6 February and issued a communique, of which the following is an excerpt:

There is no doubt that the unacceptable decision of the Ministry of Mines is the result of the personal relationship between Her Majesty and Saki Shaw. We are greatly saddened by this. We have been raised to believe that our Monarch always places the wellbeing of her citizens above all else. We deeply regret that we must now question whether that is true.

While we are sad, we are also angry. It is impossible to imagine that young Remisians are subject to arrest for no crime other than speaking the truth. There must be a public dialogue over whether our national future is being betrayed. We will start that dialogue, no matter the consequences. That is our commitment to a democratic future for our beloved nation.

28. Two days later, protests resumed throughout Remisia. At the National University and other educational institutions, thousands of nearly identical signs were held aloft by demonstrators. They read “Her Majesty is sacrificing our health on the altar of friendship!”
29. The police arrested seven students suspected of coordinating the demonstrations. Following an “EMERGENCY MESSAGE” on ILSA’s WhatsApp channels, several thousand demonstrators abandoned their campus protests and began blocking the access roads to the mining facilities. Some chained themselves to the entrance gates and the machinery at the mine sites. The students at one location began chanting: “Her Majesty has betrayed us.” Press photos showed that many of the protestors had tears streaming down their faces as they marched.
30. The Minister of Mines ordered the release of the seven arrestees and offered to meet with them, but the demonstrations continued for three weeks, effectively crippling the mining operations. Prime Minister Sezan ordered the police to restore calm. When initial requests to the students to disperse peacefully from the mine sites were ignored, the police deployed tear gas. In the resulting chaos, those who had chained themselves in place were arrested. On 27 February, more than 1,000 student demonstrators were detained across Remisia. Forty protesters were arrested at the gates of Sterren Palace, where they had formed a human chain blocking entrances and exits. The Queen was not in residence at the time of these arrests. Images of the 40 students being dragged away from the elaborate gates of the Palace were front-page news across the globe; the protesters were dubbed “the Sterren Forty” by the press.
31. The Attorney-General of Remisia announced that all involved in the ILSA protests would be charged under the DCA, but that charges would be dismissed against those who signed a written apology to Her Majesty. In the end, formal charges were laid against 230 students who refused to apologize, including all of the Sterren Forty.
32. ILSA issued a response to the Attorney-General’s announcement:
- We never intended to challenge, much less to insult, our Queen. But we never realized that our democracy was so fragile, and so unwilling to face the truth, that it cannot tolerate free debate about a matter of grave concern. If we must choose between the Monarchy and democracy, between the hidebound past and a free future, and between blind acceptance and real accountability, then the choices are clear. We salute those whose lives will inevitably be disrupted for acting in our common interests. And we certainly

wish that Her Majesty was with us on our side of the barricades. But she is not, and we pray that her conscience will forgive her for that.

33. Because of Covid-19 protocols – and without objection by any defendant – the trials were conducted via Zoom, and, by the end of March 2021, all had concluded. None of the defendants denied participating in demonstrations, chanting slogans, and carrying signs declaring that the Queen was responsible for permitting risky mining operations. The court pronounced a guilty verdict for each defendant.
34. Most protesters convicted were sentenced to between one and three years of imprisonment; however, the trial court imposed five-year sentences on each of the Sterren Forty and ordered revocation of their citizenship. All 40 of them appealed to the Supreme Court of Remisia, arguing that they had been convicted of political offenses and furthermore, since none of them were citizens of any country other than Remisia, stripping them of citizenship would render them stateless, violating international law. The appeals were rejected in a unanimous opinion by the Supreme Court, which concluded that the evidence of their disloyalty was manifest and that the sentences were fully consistent with domestic and international law. The defendants were immediately taken to the national penitentiary, where they were issued non-citizen identity cards and where they remain to this day.
35. On 31 March 2021, the Dutch newspaper *De Telegraaf* posted a video to its website in which its foreign affairs correspondent, who had followed a livestream of the Supreme Court oral arguments, reported:

For the most part, the Sterren Forty sat silent and defiant, quietly confirming their rebellion, thereby inviting their society to declare them criminals. However, one defendant rose from his seat as the court convened, raising his fist and shouting: “The people have not been able to hear the truth about the mines because we are not allowed to speak the truth to them.”

Readers reposted the video with the hashtag #FreeTheSterrenForty, which quickly went viral on multiple global social media platforms.

36. In April 2021, President Iyali of Antrano spoke at a ceremony marking the 40th anniversary of the death of Muna Songida. The President talked about his predecessor’s life’s mission, which he had made into a national cause, of protecting the stateless:

Statelessness is a scourge, not a punishment that civilized states may in good conscience impose in the twenty-first century. We watch with alarm as more

and more countries strip people of their citizenship, all too often as a tool to quash dissent. We read about young students who are sentenced to years in prison before being cast out of their country with nowhere to go. The world must say loudly and firmly that this is unacceptable.

In the spirit of the great President Songida whose life we celebrate today, I offer to meet with the Prime Minister of Remisia, so that in a spirit of mutual respect and cooperation we can explore alternatives to rendering more people stateless.

37. Remisia's Foreign Minister sent a diplomatic note to President Iyali protesting his comments as unwarranted meddling and asserting that Remisia had every right to prosecute violators of its domestic laws in its own territory and that there was no proper basis for any interference by foreign powers.
38. President Iyali directed the Secretary of Nationality Rights to contact Remisia's Home Office to try to resolve their differences respecting the application of the DCA to the ILSA protesters "before matters escalated." Remisia declined the suggestion, calling it an interference in its internal affairs and denying that there was any kind of international dispute to discuss.
39. In January 2022, Antrano served as President of the United Nations Security Council. The Antranan Ambassador to the UN submitted a memorandum pursuant to Article 35 of the Charter to the Secretary-General and the Council. It claimed that application of the DCA to the ILSA protesters in Remisia gave rise to a "dispute ... which might lead to international friction" which, if allowed to continue, could "endanger the maintenance of international peace and security." Antrano sought action by the Council under Articles 34 and 36 of the Charter and asserted that Remisia had rebuffed its attempts to resolve the dispute amicably as required by Article 33. Debate on the matter was scheduled for 28 March.
40. On 7 March 2022, the Attorney-General of Molvania annulled the 2014 subpoena for Saki Shaw, and in its place issued an arrest warrant charging her with bank fraud, money laundering, and obstructing the course of justice. Since Molvania has a treaty of extradition with Antrano, and since the Molvanian authorities were aware that Ms. Shaw would shortly attend an upcoming meeting of the Lithos Board of Directors in Duniya, the Molvanian Attorney-General delivered a formal request for her extradition.

41. Neither the existence of the warrant nor the extradition request was made public. Upon receiving the request, the Antranan Foreign Ministry issued a note to the Ministries of Justice and Interior Affairs stating that it appeared to be in order, that it would be executed promptly, and that Antrano expressed no views as to the guilt or innocence of the person named therein.
42. On 15 March, Saki Shaw landed in Duniya, planning to attend the ShawCorp board meeting set for the next day. She presented her Remisian passport at the immigration checkpoint, was cleared for entry, collected her luggage, and took a taxi to her hotel. Early the next morning, she was detained by Antranan police on the authority of the extradition request. She was taken into custody and her two passports – from Molvania and Remisia – were confiscated.
43. Ms. Shaw informed her arresting officers that she was a citizen of Remisia and demanded to exercise her right under the Vienna Convention on Consular Relations to speak to the Remisian consul. Hours later, the chief of police in Duniya personally informed her that her request was denied, and gave her a formal written notice that read, in relevant part:
1. The laws of Antrano do not recognize purchased citizenship and any passports issued under such an arrangement are without legal effect in Antrano.
 2. According to our records, you are a citizen of Molvania and not of Remisia. The decision to admit you to Antrano on a Remisian passport was an error by immigration officials. The entry stamp in that passport has been canceled, and a proper entry stamp has been placed in your Molvanian passport.
 3. We have informed the Consul General of Molvania of your detention, and she has indicated a willingness to meet with you as soon as possible.
44. Ms. Shaw informed the police chief that she did not wish to meet with any Molvanian official and reiterated, in writing, her demand to see the Remisian consul. She received no reply. The next morning, a guard informed Ms. Shaw that she had a visitor, but when she realized the person was a Molvanian consular official, Ms. Shaw refused to meet her.
45. On 18 March, Remisia's Ambassador delivered a message to the Foreign Ministry of Antrano: "We have become aware that Saki Shaw, a Remisian national and close friend of our Queen, is being held in an Antranan jail. We hereby assert our right to a consular

meeting with our national as soon as possible.” Two hours later, the Ambassador received a reply: “Antrano does not recognize purchased citizenship. We have notified the Molvanian Consulate of Ms. Shaw’s arrest, and we recommend you coordinate any communications with the prisoner via Molvania. As a courtesy, I am enclosing a copy of a notice regarding these matters provided to Ms. Shaw yesterday.”

46. On the same day, the Home Minister of Remisia released a public announcement:

The NIP promised the benefit of Remisian consular protection around the world. In light of the illegal denial of consular access to our citizen Saki Shaw, we are issuing an emergency travel advisory for all persons naturalized pursuant to the NIA. We strongly urge you to abandon any planned travel to Antrano until this situation is resolved.

47. Two weeks later, Saki Shaw collapsed in one of the communal areas of the jail and was rushed to a public hospital in Duniya. Despite the best efforts of the doctors, she died of a heart attack. Queen Khasat issued a statement lamenting the passing of her longtime friend, concluding: “She was taken from us too soon. My soul aches for my dear friend and for her family and friends who loved her as I did.” An autopsy found no indications of foul play and concluded that Ms. Shaw died of natural causes.

48. The Security Council held its scheduled meetings on 28 and 29 March. Representatives of both Antrano (as a member of the Council) and Remisia were heard. On 11 April, the Council unanimously adopted Resolution 99997, which established the UN Inspection Mission to Remisia (UNIMR). The Resolution is attached as *Appendix A*.

49. Prime Minister Sezan held a press conference in his offices immediately after the Resolution was adopted. He said, as part of his prepared remarks:

The Disrespect to the Crown Act has been the law for generations and, if it matters, it is consistent with international law. The recent prosecutions, trial, and punishment of criminals who openly maligned Her Majesty were and remain matters of purely Remisian concern. The Security Council has no role in this internal matter. We have no need to explain further: the operations of our independent judiciary are open for all to see, and they are in full conformity with all applicable standards. We will not passively acquiesce in a frontal assault on our sovereignty, and we respectfully suggest that any nation in our position would respond the same way.

50. President Iyali of Antrano convened a press conference later that day, stating:

It is gratifying that the members of the Security Council have agreed that statelessness is a plague, to be wiped out just as we try to eradicate smallpox and leprosy around the world. It is a true shame that Remisia insists that it is perfectly lawful to deprive its citizens of nationality.

The government of Antrano, inspired by the memory of our great founding President Muna Songida, is proud to take the lead in this worldwide effort, which we hope will be instrumental in achieving his dream of ending statelessness, once and for all.

51. Dr. Tulous Malex, a world-renowned expert in matters relating to statelessness, was selected to lead the UNIMR. Dr. Malex is an Antranan national; he holds the Songida Chair in Human Rights Law at the State University of Antrano and serves as the senior legal advisor to the Department of Nationality Rights. On 1 June 2022, UNIMR began its preliminary research. On 14 July, Dr. Malex submitted a formal request to Remisia to meet with the Sterren Forty.
52. The next day, Remisia's UN Ambassador wrote to the Secretary-General, announcing that his government would not permit Dr. Malex to enter without proper documentation, and that Remisia would not grant an entry visa "for the purpose of unlawful and unjustified meddling in our domestic affairs, the sole goal of which is embarrassing my country and our Queen."
53. The Secretary-General reported Remisia's response to the Security Council, which discussed the matter on 18 July 2022. Representatives of Antrano and Remisia were present. While no resolution was adopted, the President of the Security Council concluded the discussion by noting that "all UN members must carry out their obligations under the Charter in good faith, and denying entry to the UNIMR chief would be a violation of those obligations and of Resolution 99997."
54. Dr. Malex announced on 25 July 2022 that he intended to visit Remisia from 10 to 20 August, and that he "remain[ed] confident that the government of Remisia will not impede or interfere with the visit." There was no public response from Remisia.
55. On 3 August, Dr. Malex wrote to Prime Minister Sezan, informing him that he would arrive at Remisia International Airport on a commercial flight at around noon local time on 10 August. He asked for assurances that he would be admitted without hindrance on the basis

of his United Nations *laissez-passer* (UNLP) and that the relevant authorities would cooperate in making the mission a success. He repeated his request to visit the prison in which the Sterren Forty were housed and pledged that he would observe and respect Remisian law at all times during his stay in the country.

56. The Remisian Ambassador to the UN again responded to the Secretary-General:

I am instructed by my government to reiterate our position. The so-called ‘United Nations Inspection Mission to Remisia’ is unprecedented, illegal, and unwelcome in our country. Resolution 99997 did not impose any legal obligations on us and the decision to allow or deny entry into our territory remains our sovereign prerogative. Like other travelers, should Dr. Malex arrive at the airport, he will be asked to display a proper visa, and if he does not, he will be denied entry.

57. Informed of this response, Dr. Malex met with the Secretary-General in New York on 8 August. Following their conversation, the spokesperson of the Secretary-General released the following statement:

The Secretary-General condemns the refusal by a member of the United Nations to recognize a valid exercise by the Security Council of its authority under Chapter VI of the Charter. The UN Inspection Mission to Remisia will continue its work, and if its chief is not permitted entry, the Secretary-General will refer the matter back to the Security Council to determine what further action would be appropriate.

58. On 9 August, Dr. Malex boarded a flight to Remisia. When he arrived at the Kamil International Airport, he was stopped at passport control. He declared that he was on an official assignment endorsed by the Security Council and presented his UN documentation. The Remisian border agents denied him entry and placed him on the next plane back to New York.

59. The Secretary-General referred Remisia’s refusal to the Security Council, which met on 12 August 2022 with a representative of Remisia in attendance. Members of the Council, including Antrano, criticized what one called “Remisia’s intransigence,” but ultimately an Antrano-backed resolution calling for additional measures was vetoed by one of the permanent members. After the meeting, the Antranan Representative stated:

I am profoundly disappointed in the Security Council’s inability to enforce its own Resolution. Antrano will take up this matter in the General

Assembly, where we know a majority of Member States will uphold the letter and spirit of the Charter and will join us in seeking to eliminate the stain of statelessness. At the same time, we will pursue every opportunity to vindicate the right of our national, Dr. Malex, to enter Remisia and to carry out his professional responsibilities.

That evening, Antrano recalled its Ambassador to Remisia “for consultations.”

60. On 15 August, the Remisian foreign minister contacted his Antranan counterpart by phone. Following a two-hour conversation, they issued a joint announcement that read, in relevant part: “consistent with the procedures of the Charter, we will commence discussions with the goal of submitting what are, after all, legal disputes to the International Court of Justice.”

61. Meetings took place over the following months. On 14 September 2023, the parties reported that they had successfully negotiated the terms of this Special Agreement to be submitted to the Registrar of the Court.

62. Both states are, and have been at all relevant times, parties to the United Nations Charter, the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties (VCLT), the Vienna Convention on Diplomatic Relations (VCDR), the Vienna Convention on Consular Relations (VCCR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Antrano was an original party to the Convention Relating to the Status of Stateless Persons in 1954 and the Convention on the Reduction of Statelessness in 1959. Remisia ratified both Conventions in 1967, but submitted a declaration with its instrument of ratification of the latter:

Remisia declares that it retains the right to deprive a person of his nationality in accordance with Article 8.3 of the Convention if such person has been convicted of an offense under the Disrespect to the Crown Act of 1955 and satisfies such other criteria as are laid out in that statute.

63. Applicant requests the Court to adjudge and declare:

- (a) Antrano has standing to bring the dispute concerning Remisia’s deprivation of nationality of its citizens before the Court;
- (b) Remisia’s deprivation of nationality of the “Sterren Forty,” rendering them stateless, is a violation of international law;

- (c) Antrano did not violate international law when it refused to provide Remisia consular access to Ms. Saki Shaw during her time as a prisoner in Antrano; and
- (d) Remisia violated international law by denying Antranan national Dr. Tulous Malex entry to Remisia as required by Security Council Resolution 99997.

64. Respondent requests the Court to adjudge and declare:

- (a) Antrano lacks standing to bring the matter of the deprivation of nationality of the “Sterren Forty” to this Court;
- (b) Remisia did not violate international law when it deprived the “Sterren Forty” of their Remisian citizenship in accordance with the DCA;
- (c) Antrano violated international law when it denied Saki Shaw, a Remisian citizen, access to Remisian consular representatives while she was held prisoner in Antrano; and
- (d) Remisia did not violate international law by refusing to allow Dr. Malex to enter Remisia.

Annex A. Security Council Resolution 99997 (2022)

**Adopted by the Security Council at its 9014th meeting,
on 11 April 2022**

The Security Council,

Recalling the ongoing commitment of the General Assembly to the reduction of statelessness, as seen in G.A. Res. 50/152 of 21 December 1995, G.A. Res. 61/137 of 19 December 2006, G.A. Res. 67/149 of 20 December 2012, G.A. Res. 68/141 of 18 December 2013, and G.A. Res. 70/135 of 17 December 2015,

Recalling also the official communication by the Republic of Antrano to the Secretary-General on 5 January 2022 requesting a United Nations investigation of the decision of the Kingdom of Remisia to render members of its citizenry stateless,

Recalling further the relevant principles contained in the Convention on the Reduction of Statelessness and the Convention Relating to the Status of Stateless Persons,

Deeply concerned that the practice of revoking citizenship as a criminal sanction contributes to statelessness contrary to those Conventions,

Recognizing the commitment of the United Nations High Commissioner for Refugees to achieving the goals of its #IBelong Global Action Plan to End Statelessness by the end of 2024,

Commending the continued efforts of the Republic of Antrano to protect and defend the right of all persons to a nationality,

Acting in accordance with Article 34 of the Charter of the United Nations,

1. *Decides* to establish, for a maximum duration of three years, the United Nations Inspection Mission to Remisia consisting of up to eight civilian experts and the necessary support staff to undertake the following mandate:
 - (a) to establish and operate a system to determine the facts and circumstances underlying the revocation of the citizenship of certain prisoners in Remisia;
 - (b) to conduct an investigation into the conditions of the prisoners, including by way of in-person interviews with them, and to establish and put into operation a mechanism for verifying the information obtained through those interviews; and
 - (c) in due course, to report to the Security Council with

its findings and recommendations;

2. *Calls upon* the Kingdom of Remisia to cooperate fully with the Mission, including by providing access to all documentary, testimonial, and physical information and evidence that is deemed relevant to the Mission;
3. *Reaffirms* the obligation of the United Nations and its associated personnel to observe and respect the laws of countries in which they are operating;
4. *Requests* the Secretary-General to provide periodic reports, as necessary, on the establishment and work of the Mission;
5. *Decides* to remain seized of this matter.

2024 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

CORRECTIONS AND CLARIFICATIONS TO THE SPECIAL AGREEMENT

The following corrections and clarifications to the Special Agreement have been stipulated to by the parties, and the Special Agreement jointly communicated to the Court on 14 September 2023 should be considered amended accordingly. The Registrar of the Court reminds all parties and participants of the following:

- a. The wording of the Special Agreement has been carefully chosen and is the result of extensive negotiation. The parties decline to “clarify” matters about which they are unlikely to agree. The parties will not stipulate as to which legal principles are relevant, or which arguments are acceptable or unacceptable.
- b. Any request for correction or clarification not addressed in the following paragraphs has been considered by the parties to be redundant, inappropriate, or immaterial, or the parties were unable to reach a mutually acceptable answer.
- c. Except to the extent that corrections and clarifications are set out below, participants are to assume that the Special Agreement is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents and of the signatures on all documents referenced in the Special Agreement.
- d. With respect to the pronunciation of the various proper names used in the Special Agreement, all parties and the Court have agreed that they will not take formal or informal offense at any reasonable effort to pronounce proper names correctly.
- e. Antrano and Remisia are not parties or signatories to any relevant bilateral or multilateral treaties, conventions, or accords except as indicated within the Special Agreement.

CORRECTIONS

1. In paragraphs 3 and 62, “1959” is corrected to read “1961.”
2. In the first sentence of paragraph 55, “Remisia” is corrected to read “Kamil.”
3. In the second sentence of paragraph 55, “*laissez-passer* (UNLP)” is corrected to read “Certificate.”
4. In paragraph 62, “Convention Relating to the Status of Stateless Persons in 1954 and the Convention on the Reduction of Statelessness” is corrected to read “Convention Relating to the Status of Stateless Persons (CSP) in 1954 and the Convention on the Reduction of Statelessness (CRS).”

CLARIFICATIONS

1. The Disrespect to the Crown Act received royal assent promptly upon its adoption by the Remisian legislature.
2. Under Remisian law, “citizenship” is legally equivalent to “nationality.”
3. The Naturalization by Investment Act includes several requirements apart from those set out in paragraph 11, none of which is relevant to the present dispute. Saki Shaw satisfied all of the applicable requirements.

4. The 10 November 2015 agreement creating the Lithos-Remisia Cooperative allocated 51% ownership of the joint venture to Remisia and 49% to Lithos, consistent with the terms described in paragraph 17.
5. Ms. Shaw never entered Remisia again after attending the coronation in 2006.
6. The seven students suspected of coordinating the protests described in paragraph 29 are among the Sterren Forty.
7. Upon her arrest, the Antranan police informed Ms. Shaw in a language that she understood of the charges against her and her rights under the Vienna Convention on Consular Relations.
8. Antrano's statutory non-recognition of purchased citizenship has been in force since 2017. Signage at every Antranan port of entry informs travelers that passports obtained in this manner are not valid for entry.
9. The President of the UN General Assembly convened a formal meeting on 22 August 2022 in accordance with UNGA Resolution 76/262. In the ensuing debate, a number of Member States, including Antrano, expressed concern over the use of the veto. Nonetheless, no resolution was put to a vote, in light of the 15 August 2022 joint announcement of the Remisian and Antranan foreign ministers.
10. Shortly after Remisia ratified the 1961 Convention on the Reduction of Statelessness, Antrano submitted to the UN Secretary-General an objection to Remisia's declaration set out in paragraph 62 of the Special Agreement. The objection read, in relevant part:

Remisia's declaration relating to Article 8, paragraph 3 of the Convention constitutes an impermissible reservation, as it is incompatible with the object and purpose of the Convention. For this reason, the Government of Antrano objects to the declaration. Antrano does not consider this objection to preclude the entry into force of the Convention as between the Republic of Antrano and the Kingdom of Remisia.

Three other parties to the 1961 Convention issued similar objections to Remisia's declaration.

11. Antrano and Remisia are parties to the 1946 Convention on the Privileges and Immunities of the United Nations (CPI). Upon accession to the Treaty in 1958, Antrano submitted a declaration which read:

The application of the principles set out in Section 23 of the Convention is without prejudice to Antrano's right under customary law to exercise diplomatic protection on behalf of its nationals for any injury inflicted upon them, even those which concern the interests of the United Nations.

Neither Remisia nor any other party to the Convention has objected to this declaration.