

INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING THE CLARENT BELT

(THE KINGDOM OF AGLOVALE v. THE STATE OF RAGNELL)

ORDER OF 15 SEPTEMBER 2022

2022

COUR INTERNATIONALE DE JUSTICE

AFFAIRE CONCERNANT LA RÉGION CLARENT

(LE ROYAUME D'AGLOVALE c. L'ÉTAT DE RAGNELL)

ORDONNANCE DU 15 SEPTEMBRE 2022

INTERNATIONAL COURT OF JUSTICE

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15 September 2022

CASE CONCERNING THE CLARENT BELT

(THE KINGDOM OF AGLOVALE
v.
THE STATE OF RAGNELL)

ORDER

The International Court of Justice,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45(1), 48, 49, and 80 of the Rules of the Court,

Having regard to the Application filed in the Registry of the Court on 13 July 2022, whereby the State of Ragnell (“Ragnell”) instituted proceedings against the Kingdom of Aglovale (“Aglovale”) with regard to a dispute concerning alleged violations by Aglovale of the Trilateral Treaty of Lasting Peace Among the State of Ragnell, the Federation of Balan, and the Kingdom of Aglovale signed on 16 September 1958 (“the Treaty”);

Whereas the Application was communicated to Aglovale on the day it was filed;

Whereas Ragnell and Aglovale have appointed their respective Agents;

Whereas, on 21 July 2022, Aglovale informed the Registrar and the Agent of Ragnell of its intention to file counterclaims under Article 80 of the Rules of the Court;

Whereas, on 15 August 2022, the Court entered an Order recommending that Ragnell and Aglovale draft a Statement of Agreed Facts and that all claims and counterclaims be heard together in a single set of proceedings;

Whereas, during the drafting process, the parties agreed that Aglovale would appear as Applicant and Ragnell as Respondent, without prejudice to any question of the burden of proof;

Whereas, after negotiations, the Agents of the Parties jointly communicated the attached Statement of Agreed Facts to the Court on 30 August 2022;

Whereas the Agents have agreed that they shall each submit one written Memorial and make oral pleadings solely on the claims and counterclaims presented in this Statement of Agreed Facts;

Whereas the Agents of the Parties have agreed that a “dispute” between the Parties exists with respect to each of the aforementioned claims and counterclaims within the meaning of Article 41 of the Treaty, and that all of the counterclaims are directly connected with the subject matter of at least one of the claims within the meaning of Article 80 of the Rules of the Court;

Taking into account the agreements of the Parties;

Fixes the dates for the filing of the written Memorials and for the oral pleadings as the dates set forth in the Official Schedule of the 2023 Philip C. Jessup International Law Moot Court Competition;

Determines that during the oral pleadings, Aglovale (as Applicant) will present its oral arguments first, and Ragnell (as Respondent) will present its oral arguments second; and

Adopts the Official Rules of the 2023 Philip C. Jessup International Law Moot Court Competition as governing the proceedings in this matter.

Done in English and French, the English text being authoritative, at the Peace Palace, The Hague, this fifteenth day of September, two thousand and twenty-two, in three copies, one of which will be placed in the Archives of the Court and the others transmitted to the Governments of Aglovale and Ragnell.

(Signed)
President

(Signed)
Registrar

STATEMENT OF AGREED FACTS

CASE CONCERNING THE CLARENT BELT

(The Kingdom of Aglovale v. The State of Ragnell)

30 AUGUST 2022

1. The Gais Peninsula comprises three countries: the Kingdom of Aglovale, the Federation of Balan, and the State of Ragnell. Aglovale, a constitutional monarchy, is a landlocked state covering an area of 43,000 square kilometers. Its population numbers 13 million, and its nominal GDP is US\$950 billion. Aglovale is the most economically advanced country in the region. It is a major manufacturer and exporter of computer hardware and peripherals, and its technology industry is the single most important contributor to its economic success. Two of the world's biggest banks and 20 research universities are headquartered in Aglovale.
2. Aglovale is bordered by Balan to the north and east, and Ragnell to the south and west. Between Aglovale and the Dozmary Sea lies the Clarent Belt ("the Belt"), a mountainous and largely inaccessible region that is 217 kilometers long and extends inland between 25 and 79 kilometers. In the Belt, only the portion known as "Tintagel Coast," approximately 1,200 square kilometers, is habitable.
3. Balan is a developing parliamentary republic with a land area of 140,000 square kilometers. Its population was 7.4 million at the 2020 census, and its nominal GDP in that year was US\$150 billion.
4. Ragnell is a constitutional democracy covering 60,000 square kilometers. It has a population of approximately 24 million people, and its GDP is US\$540 billion. Ragnell and Aglovale are each other's most important trading partners, with bilateral commerce representing 32% and 24% of their economies, respectively.
5. Until the early 1950s, the Belt was universally recognized as part of the territory of Balan. In the early 20th century, Balani commercial enterprises established an

industrial park on Tintagel Coast. The Park's first factory, Balan Cellulose and Chemical Manufacturing Company, began operations in 1908. In 1915, Aglovale and Balan concluded an agreement whereby Aglovale paid for the construction of a seaport and built the Eamont Thruway, a railway and road system that crossed the Belt underground from that port and connected to highways through southwestern Balan and into Aglovale. The Thruway made it possible to transport heavy freight between Tintagel Coast and the rest of the Peninsula. As part of the agreement, Balan pledged that use of the port and the Eamont Thruway would remain open to Aglovale "in perpetuity," in exchange for a nominal annual fee. Aglovalean traders made extensive use of the port facilities for import and export, and the Thruway remains to this day the only land route between the seaport and Aglovale.

6. By the late 1930s, over a dozen major plastics manufacturing facilities had been built in Tintagel Park, primarily producing film for the motion picture industry, synthetic textiles including coverings for aircraft wings, and vinyl records. Most of these products were exported through Tintagel port. The harbor protruded into deep waters, allowing large vessels to dock safely. Its modern infrastructure served to increase the port's profitability and efficiency. As a result, Tintagel port increased in size and capacity and became a major hub for trade and transport. Other harbors along the Dozmary Sea, especially in Ragnell, saw a drastic decline in revenues. The villages and towns along Ragnell's coast lost their economic mainstay, and the subsequent economic dislocation in Ragnell triggered heightened tensions in the Peninsula.
7. In October 1951, an explosion whose origins were unclear occurred at the offices of Balan's port authority in the Belt, killing the executive director and five others. Balan attributed the attack to Ragnell's secret services and increased its military presence in the Belt. Ragnell strenuously denied these claims, declaring that "by its saber-rattling" Balan was recklessly risking devastating consequences for the region. In the following months Balan placed an army division of infantry, artillery trucks, and battle tanks along the border between the Belt and Ragnell. Ragnell responded by sending 20,000 soldiers, equipped with armored vehicles and tank destroyers, to the border.

8. In June 1952, the standoff between the two States escalated into “the Clarent War.” The heaviest fighting was centered near Tintagel Park, which was bombed repeatedly. Toxic chemicals and heavy metals from damaged factories leaked into the soil, polluting aquifers, inland streams, and the ocean. The pollution decimated local fish stocks, destroying the livelihoods of many families living along Tintagel Coast. By the end of 1954, although fighting continued, Ragnell had secured control of all of the Belt. It seized the seaport, nationalized the Park’s factories, and rapidly restored the ones that had been affected by the bombing.
9. At the outset of the fighting, King Norton IV of Aglovale proclaimed that his country would remain neutral, so long as its use of the port facilities and the Eamont Thruway was not threatened. The two belligerents accordingly respected Aglovale’s right of access to the sea, although damage to the port infrastructure impeded importation of raw materials into and exportation of finished products from Aglovale. When the King died suddenly in 1956, his daughter, Clarine, ascended the throne. In her coronation speech, the young monarch declared: “Years of conflict between our neighbors have left the Gais Peninsula deeply scarred. Under the wise leadership of His late Majesty my father, Aglovale has avoided entanglement in that conflict. My government now offers its services to steward the way to lasting peace. I dedicate my reign to that goal.”
10. Queen Clarine convened a first round of peace talks between Ragnell and Balan in Stirling, Aglovale’s capital. The negotiations stretched over two years, and on 16 September 1958, at the Queen’s invitation, the leaders of Ragnell and Balan met at her Royal Residence to sign the “Trilateral Treaty of Lasting Peace” (“the Treaty,” relevant excerpts of which are annexed to this Statement) and to exchange instruments of ratification. The Treaty was registered with and published by the United Nations Secretariat.
11. The three parties committed to “demilitarization of the Clarent Belt,” “cessation of hostilities,” and restoration of “friendly relations” among them. Balan retained sovereignty over the Belt, but agreed to lease the entire territory of the Belt to Ragnell for a specified annual payment. The lease was for a 65-year term, after which the territory would be returned to Balan. For the duration of the lease, Ragnell assumed responsibility for maintenance of public order and provision of

government services. Balan and Ragnell guaranteed Aglovale unimpeded use of the seaport and the Eamont Thruway, and Aglovale agreed to monitor the other parties' compliance with the terms of the Treaty.

12. On 19 September 1958, Ragnell withdrew its troops from the Belt, and Aglovale deployed 1,400 lightly armed peacekeeping forces. The presence of Aglovalean peacekeepers in the Belt was routinely renewed by all Parties, in accordance with Article 6.2 of the Treaty, until 2018.
13. Although the Treaty was met with widespread support in all three States, a group of Balani military veterans, many of whom had lost loved ones in the Clarent War, loudly opposed it. "Unityk Ai Chyvon" ("UAC") ("United and Whole" in Balani) organized annual protests and marches across Balan. Over the following decades UAC expanded its activities: it founded veterans' aid centers and student societies focused on social activism, and sponsored survival skills workshops and other outdoor activities along the Belt's mountain range. UAC members also staged annual reenactments of historical battles and distributed pamphlets and flyers to encourage national awareness of the Belt's continuing importance to Balan.
14. In compliance with its commitments under the Treaty, over the next 30 years Ragnell took steps to restore the Belt's soil and groundwater and to revive its marine environment that had become polluted during and after the Clarent War. As part of these efforts, Ragnell licensed several companies to construct waste management facilities in the Park and required that corporations operating in the area commit to environmentally sustainable practices. Prominent among the licensees was "The Plastics Conglomerate," a private Ragnellian company which in 1989 established a state-of-the-art plant to process plastic waste. By 2020, after several upgrades, it was the largest facility of its kind in the region, treating about 200,000 metric tons of plastic waste annually.
15. For its part, Aglovale subsidized infrastructure development and environmental projects on Tintagel Coast and funded periodic renovation of the port facilities. In the early 1990s, Aglovale paid for a major expansion of the Eamont Thruway system. As part of this project, several new branch lines were added, extending the system into central Balan and Aglovale, and the only tunnel mouth within the Belt, "Nant Gateway," was modernized.

16. By the turn of the 21st century, new factories in the Belt, most of them operated by Ragnellian corporations, produced a wide variety of plastics-based items for the biomedical and healthcare industries, including sterilization wraps, personal protective equipment, labware and drug delivery components, syringes and blood oxygenators, and packaging films. Others manufactured heat and flame-resistant plastic parts for use in military technology. Some within Ragnell questioned the wisdom of committing capital to investment in the Park, given that the area would revert to Balan in 2023, but the large profits generated by the plants encouraged increasing economic activity. By 2010, factories in the Park were producing in aggregate more than two million metric tons of plastic per year.
17. As the Park's activities expanded, the population of Tintagel Coast also increased. At the end of 2015, 4,000 workers and their families (nearly 10,000 people in total) resided there. According to census reports, approximately 50% were Balani nationals, 31% were Ragnellian nationals, and 16% were Aglovalean nationals.
18. In the 2002 elections, Balan's Green Party won a majority in both houses of Parliament and initiated a campaign to strengthen domestic environmental protection laws. As part of these efforts, Balan ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2003, and the Stockholm Convention on Persistent Organic Pollutants in 2006.
19. Neither Ragnell nor Aglovale has ratified those Conventions. However, both States have repeatedly and publicly committed to promoting environmental protection through domestic measures. Between 2003 and 2005, Ragnell and Aglovale adopted legislation based on the concept of extended producer responsibility. As a result, factories operating in both countries were incentivized, by significant tax benefits and the prospect of expanded civil liability, to manufacture products which were biodegradable and reusable.
20. The "Ragnellian Progressive Party" (RPP) was formed in 1967, with a central manifesto of deregulating commercial activities, strengthening Ragnell's military and economic power, and protecting Ragnellian interests in the Belt. The RPP gradually gained a following, and by the mid-1980s it was one of the country's two major political parties.

21. In 2018, Dan Vortigern ran as the RPP's presidential candidate, campaigning on a platform that was openly skeptical about international institutions and treaties. He gained strong support from Ragnellians who were concerned that, following the scheduled withdrawal from the Belt, Balan would impose onerous environmental and labor regulations on businesses continuing to operate there. Vortigern promised that, if elected, he would demand that Balan not "force Ragnellian investors in the Clarent Belt into a disabling economic straitjacket." He stated that his administration would find "creative legal mechanisms" to protect Ragnell's economic interests after 2023.
22. Vortigern's rhetoric increased concern in Balan regarding the future of the Belt. Starting in August 2018, UAC student societies produced a string of viral videos, which attracted significant media attention. The videos presented Vortigern's potential election as a catastrophe that would lead Ragnell to renege on its commitment to withdraw from the Belt in 2023, as required under the Treaty. They called upon Balanis to stand together to defend their ancestral territory against any effort by Ragnell to delay or cancel the withdrawal.
23. On 16 October 2018, the governments of Balan, Ragnell, and Aglovale jointly hosted an event on Tintagel Coast celebrating 60 years since the Treaty entered into force. Representatives from the three countries addressed dignitaries from the region and beyond. In his speech, Balan's Prime Minister Meir Dalfer called on his Ragnellian counterpart to initiate discussions to prepare for Ragnell's orderly withdrawal from the Belt upon the termination of the lease. In their own remarks, and at a press conference that afternoon, Ragnell's and Aglovale's representatives offered no response to Dalfer's words. When asked for a reaction, Les Laudine, the Foreign Minister of Aglovale, said: "We are here to enjoy the day and celebrate the success of the Treaty. This is neither the time nor the place to discuss its end."
24. On 12 November 2018, Vortigern was elected President of Ragnell. Following the election, his rhetoric relating to the Treaty intensified. In his inaugural address to the nation in January, he declared: "At this juncture, we must decide: does this six-decades-old Treaty still serve our nation's best interests? My fellow citizens, as I assume this high office, I am not certain that I know the answer to that question."

But together we will find out, and we will do what is necessary to defend those interests.”

25. With Vortigern’s election, UAC’s membership increased within Balan, and its tactics began to shift from informational campaigns to sporadic physical attacks and cyber-attacks against factories owned by Ragnellians in Tintagel Park and Ragnell’s law enforcement units in the Belt. The frequency and severity of these incidents increased sharply over the next several years.
26. According to reports from Aglovale’s monitoring forces in the Belt, UAC members carried out at least 233 raids between 2019 and 2021, causing increasingly serious damage. More than 40 people were killed and 35 injured in these incidents. Ragnell repeatedly called on Balan to take effective measures to prevent violence committed or instigated by UAC. Balan responded that it was already undertaking such efforts, including police raids on UAC clubs in Balani cities and arrests of members believed to have been involved in incidents in the Belt. Balan agreed to take the additional step of inspecting the contents of commercial vehicles crossing into the Belt and confiscating any weapons or other forms of contraband.
27. On 1 July 2020, during a press conference, President Vortigern addressed the escalating unrest: “I am grateful to Prime Minister Dalfer for his acknowledgment that UAC violence is coming from Balan. But he and his government must do much more. They cannot be passive in the face of the UAC terrorist attacks. Failure to stop them is a violation of the Treaty. If the government of Balan does not care about protecting property and saving lives, I do. If they cannot or will not act, I will.”
28. The next day, PM Dalfer responded in a public statement:

I join President Vortigern in condemning UAC’s vicious attacks. However, as he well knows, the Treaty limits our authority to act in the Belt. Let us hope that the President is not fabricating an excuse to disregard Ragnell’s most fundamental obligation under the Treaty. I want to be clear: there is no justification for the violence in the Clarent Belt. But there is also no justification for Ragnell’s refusal to affirm that it will honor its commitments. Ragnell must leave the Clarent Belt on 16 October 2023, and

not one day later. To do that, President Vortigern's government must begin now – not next month or next year, but now – to prepare for an orderly withdrawal.

29. The COVID-19 pandemic, which first emerged in the Gais Peninsula in May 2020, caused a regional and global surge in demand for plastics-based medical supplies, including personal protective equipment, syringes, and test kits. Tintagel Park's biomedical plants worked around the clock to meet the increased demand for these items. These expanded manufacturing operations created additional waste at the rate of approximately 10,000 metric tons per month. The Plastics Conglomerate established one of only two dedicated treatment facilities in the region with the capacity to process both contaminated and non-contaminated plastic medical waste.
30. At 23:00 on 7 July 2021, UAC members carried out attacks on three Ragnellian factories in the Belt, bringing their operations to a temporary halt and killing 50 employees. President Vortigern communicated to the leaders of both Balan and Aglovale that the situation had reached "a degree of seriousness, and of harm to our citizens and our enterprises, that requires me to take firm and decisive action. And regretfully, it appears that we must do this alone. So be it."
31. The following week, Vortigern announced the launch of "Operation Shining Star," a "limited and temporary military campaign" with the declared aims of "wiping out the UAC terrorist cells on Tintagel Coast, saving lives, and restoring regional prosperity." Armored vehicles and Ragnellian military battalions entered the Belt for the first time since the end of the Clarent War.
32. That evening, PM Dalfer decried what he termed "an unwarranted act of aggression" and "an egregious breach of the Treaty." He stated, "The actions of a group of thugs, which Balan is doing all in its power to quash, do not justify this use of armed force, which endangers all we have worked to build on Tintagel Coast." Queen Clarine appeared on national television, imploring Vortigern to end the operation and calling on both sides to "commit to a prompt diplomatic resolution, preventing further violence and bloodshed." The next day, Foreign Minister Laudine announced, "because of the increasing risks to our men and

women in uniform, our peacekeepers will return home from the Clarent Belt immediately and will not be redeployed until further notice.”

33. On 20 July 2021, Aglovale completed withdrawal of its detachment from the Belt. President Vortigern assured his Parliament that the military operation would be “swift and decisive,” and called on the remaining Ragnellians in Tintagel to “continue to operate the factories and waste management facilities in the Park to the maximum extent you can, while keeping yourselves and your families out of harm’s way.”
34. At Aglovale’s request, on 22 July 2021 the UN Security Council convened an emergency meeting to address the situation in the Gais Peninsula. Aglovale’s Permanent Representative circulated a draft resolution expressing “grave concern” over developments in the Belt, calling on Ragnell to cease its military operations, and seeking a UN peacekeeping force to restore order. Balan’s Representative presented a summary of the situation on the ground in the Belt since the start of the operation, citing an exponential increase in property destruction and casualties. Representatives of four other states claimed to have intelligence showing that “the impetus for Ragnell’s intervention was President Vortigern’s desire to create a pretext justifying withdrawal from the Peace Treaty.” Twelve states voted in favor of the resolution, but it was vetoed by three permanent members.
35. By September 2021, the situation in the Belt worsened, as sustained fighting broke out between UAC and Ragnell’s forces. As UAC continued to recruit volunteers from within Balan, various news outlets reported intercepts of communications among senior Balani military commanders admitting that “We are unable to establish control over the situation in the Belt, and our efforts to stanch the flow of people intent on violence appear to be futile.” UAC fighters had well-established command and control structures and carried arms openly. They took positions throughout the Belt, attacking Ragnell’s forces and facilities owned by Ragnellian corporations in the Park. UAC’s arsenal was limited, consisting chiefly of improvised explosive devices and grenade launchers, personal defense weapons, and assault rifles. Nonetheless, its guerrilla warfare tactics including ambushes and sabotage raids continued unabated.

36. Over the next month, Ragnell's forces increased their hold over parts of the Belt. More than 400 UAC fighters were captured, and were held at Fort Caerleon, a makeshift detention center within the Belt some distance from the areas of active combat. They were provided basic food and shelter, and their treatment met or exceeded relevant international standards. On 15 October 2021, the Foreign Ministry of Ragnell issued a statement advising its nationals to avoid non-essential travel to the Belt and urging those already there to "consider departing the region immediately" for their own safety. In the following two weeks, about 2,000 Ragnellians left the Belt using the Eamont Thruway.
37. On 15 November 2021, the main waste treatment plant of The Plastics Conglomerate was the site of day-long fighting between UAC units and Ragnell's forces. During the encounter, the central floor collapsed, rendering the facility inoperative. Company experts estimated that it would take at least eight months to restore it to full function even without the threat of ongoing hostilities.
38. In the following weeks, plastic waste, such as non-biodegradable and unsorted synthetic polymers including polyethylene (PE) and polyvinyl chloride (PVC), began to accumulate in Tintagel Park and the port area. Large accumulations of medical waste were found to be contaminated by the bacterial pathogens *Clostridioides difficile* and methicillin-resistant *Staphylococcus aureus*. Industry experts predicted that continued fighting in the Belt "could trigger an unprecedented regional environmental and public health calamity."
39. In early December, Ragnell made several requests to transfer the waste for processing in Aglovale, the location of the only other suitable facility in the Peninsula. Representatives from Ragnell and Aglovale met in Stirling on 12 December 2021 to negotiate a transfer arrangement. They failed to reach agreement, but committed to resuming talks on 27 December.
40. Attacks by UAC fighters and bombings by Ragnell's forces continued throughout December, with casualties mounting into the hundreds. On 20 December 2021, Balan ordered the evacuation of all Balani workers living in the Park's residential area. Declaring the Eamont Thruway a "humanitarian corridor," the Balani military organized a convoy of trains, buses, and medical vehicles to carry out the operation, and positioned armed sentries at Nant Gateway to protect civilians en

route to safety. The guards were ordered not to engage in any capacity, except in direct response to an attack on the convoy. In a televised interview, PM Dalfer emphasized that Balan's priority was the safe removal of its nationals until the fighting was over. He called on "all belligerents to refrain from any military activity that might endanger the unimpeded passage of civilians along the Eamont Thruway." Simultaneously, Dalfer asked Aglovale to intervene in the worsening situation, "to protect the Belt, to bring a halt to Vortigern's unprovoked invasion, and most importantly to ensure that the Belt is returned to Balan in accordance with the Treaty."

41. On the evening of 22 December 2021, Ragnell's Defense Minister received an urgent call from his counterpart, Defense Minister Tess Caridad of Etna, an island state located near the Gais Peninsula and a close ally of Ragnell. She relayed what she said was reliable intelligence that dozens of UAC fighters were making their way along the Eamont Thruway to launch a surprise attack on Ragnell's forces in the Belt. At 3:43 a.m. the next day, Ragnell's air force dropped two bombs that destroyed Nant Gateway, halting completely all movement into and out of Tintagel Coast. A military spokesperson released a statement noting that over 30 UAC fighters had been killed in the bombing raid and that no civilians had been harmed. He stressed that "the operation was necessary not only to prevent an imminent escalation, but to end the ongoing use of the Eamont Thruway for smuggling arms and transporting UAC hooligans into the Clarent Belt to continue their campaign of violence and terrorism."
42. Aglovale's Minister of Infrastructure and Transport denounced the bombing in an exclusive interview with *The Boston Globe* on 23 December 2021. She pointed out that Aglovale had used the Thruway safely and peacefully for decades, and that its destruction "took the conflict to a dangerous new level." The Minister noted that dozens of Aglovalean civilians, as well as Balanis and Ragnellians, who had not been able to escape from the Park, were "now isolated and extremely vulnerable," and that "transporting basic necessities and humanitarian aid to [them] has been rendered nearly impossible." She concluded, "The attack on the humanitarian corridor was an act of collective punishment that is unacceptable under

international humanitarian law. We are deeply concerned and demand an explanation.”

43. Foreign Minister Laudine, in a note verbale dated 26 December 2022, informed her Ragnellian counterpart that “the waste management negotiations scheduled to resume tomorrow are cancelled,” because “the unnecessary, indiscriminate, and inhumane bombing of Nant Gateway requires us to rethink any future cooperation with Ragnell. At the very least, we cannot sit down with the representatives of a government responsible for such an outrage unless and until there is a complete halt of Ragnell’s military activities in the Clarent Belt.”
44. On 20 January 2022, Ragnell signed a bilateral agreement with Etna to export all the accumulated plastic waste in the Belt for disposal. Etna is a party to the Basel and Stockholm Conventions. Etna committed to dispose of the waste in an environmentally sound manner in accordance with those treaties and declared that its treatment facilities were appropriately equipped. As required by Article 11 of the Basel Convention, the agreement was transmitted to the Convention’s Secretariat. Shipments began on 24 January and continued for a month, until almost all of the waste had been removed from Tintagel Coast. Because of the limited number of Ragnellian workers still in the Park and the urgency of removing the material, Ragnell ordered UAC detainees in Fort Caerleon to help load the waste onto ships. Ragnell paid the detainees wages commensurate with the nature of the work, and provided them with basic safety gear, including masks and gloves.
45. The International Landfill Solutions Alliance (ILSA), a global not-for-profit specializing in research into safe methods of hazardous materials disposal, issued a report on 22 February 2022. Entitled *Waste Wars: The Environmental Impacts of the Situation in the Clarent Belt*, the report stated that, contrary to Etna’s commitments, its primary treatment sites “are not equipped to handle the large shipments from Ragnell, and Etna will be left with no alternative but to engage in unsustainable and environmentally harmful practices, including incineration and dumping of potentially infectious plastic waste into open landfills and the ocean.” Etna rejected these statements, and while subsequent ILSA reports indicate that some incineration and landfill and ocean disposal did take place, exact quantities remain unknown.

46. On 24 February 2022, the last day of the waste transfer operation, Ragnell's Environmental Minister stressed in a televised interview that "keeping the toxic material in the Park would have posed higher risks to human health and the environment than shipping it to Etna." She added:

"We are extremely disappointed that Aglovale decided to ignore its obligations under the Treaty and refused to cooperate with us. The untreated waste in the Park became an acute problem only because of that incomprehensible decision. We were left with no other option, and the arrangement with Etna, although not ideal, was the best one open to us. To be clear, sending the waste to Etna for processing and disposal was fully in compliance with our obligations under Part IV of the Peace Treaty."

47. In early March 2022, Ragnell determined that a factory commandeered by UAC militants, called Compound Ardan, was being used to launch ground attacks against its forces. A Balani worker who claimed to have detailed knowledge of the situation inside Compound Ardan reported to Ragnell's military that all the occupants were UAC fighters engaged in active combat. The informant provided a map of the Compound and cellphone photographs seeming to show that UAC activities were chiefly concentrated in four buildings, while another smaller structure – Warehouse 15 – was being used to store weapons and ammunition. This intelligence was consistent with drone footage collected by Ragnell the preceding month. On 7 March 2022 Ragnell's military leadership, having concluded that there were no civilians in or around the Compound, authorized a bombing raid on the four buildings and on Warehouse 15.

48. After the attack, the Ragnellian military determined that in fact no ammunition was stored in Warehouse 15, and that 68 Balani women and children, along with eight Aglovalean aid workers, had been hiding there. The 76 civilians, unable to leave the Belt after the destruction of the humanitarian corridor, had fled to the warehouse several days earlier, without alerting the belligerent forces. Seventy-one of the civilians were killed instantly; the remaining five died in the following days. A public investigation later conducted by Ragnell's Parliamentary Subcommittee for Intelligence Oversight concluded that "despite his assurances, the Balani informant had only limited access to the Compound and had a history

of providing inaccurate and misleading intelligence to our military personnel.” The informant’s two handlers, who had presented his description of Compound Ardan as reliable, were dishonorably discharged from their service at the recommendation of the Subcommittee.

49. On 21 March 2022, as the fighting drew closer to Fort Caerleon, Ragnell announced that it was transferring the UAC detainees, who by then numbered almost 1,000, to Camlann Correctional Center, a maximum-security prison in the north of Ragnell. In a diplomatic note dated 22 March 2022, Foreign Minister Laudine denounced what she termed “repeated war crimes” committed by Ragnell in the Belt, including the attack on Compound Ardan: “Since the Belt is under the effective control of a hostile army, Ragnell is responsible as a belligerent occupier for the wanton killing of civilians.” She also claimed that detainees’ employment in hazardous conditions in connection with the loading of the contaminated medical waste, and their subsequent forceful transfer into Ragnell’s territory and internment in a penitentiary, “are also violations of the Geneva Conventions and customary international humanitarian law.”
50. The following day, Ragnell’s Foreign Minister responded in a note verbale: “The Clarent Belt is not occupied territory, since we are the lawful lessees of the territory under the Treaty. The law governing occupation has no relevance here.” He added, “The temporary employment of the captured UAC fighters, and their temporary transfer to Camlann, were both necessary to ensure their safety and the safety of the region and complied with all of Ragnell’s obligations under international humanitarian law.” The note also stated that the Ministry had allowed visitation by the International Committee of the Red Cross to both Fort Caerleon and Camlann Correctional Center, and that the attack on Compound Ardan complied with international law as it was necessary and proportionate based on the information known to the commanders on the ground.
51. On 15 April 2022, Ragnell’s Parliament adopted a resolution directing the government not to begin discussions with Balan concerning withdrawal from the Belt “so long as the current volatile and dangerous situation continues.” The Parliament debated, but ultimately rejected, a bill instructing the President to

denounce the Treaty, expressing “hope that [it] may still serve as the foundation for future agreements among the parties.”

52. On 22 April 2022, the governments of Aglovale and Balan released a joint statement declaring their “decisive repudiation” of Ragnell’s attack on Nant Gateway and Compound Ardan and calling for the immediate return of Balani detainees to the Belt, which the statement called “occupied Balani territory.” The statement condemned “Vortigern’s war of aggression in the Belt,” Ragnell’s parliamentary resolution, and the interruption of operations at the seaport.
53. The following day Aglovale’s Parliament enacted sanctions legislation against Ragnell, which included:
 - a. Freezing bank accounts belonging to Vortigern, his cabinet ministers, and senior RPP members and financial supporters, and seizing the assets of anyone of Ragnellian or other nationality engaged in direct or indirect attempts to circumvent these sanctions;
 - b. Imposing travel bans on those same individuals;
 - c. Freezing the funds of Ragnell’s central bank and ten other major Ragnellian banks operating in Aglovale’s territory; and
 - d. Prohibiting companies incorporated in Aglovale and Aglovalian citizens from entering into new contracts with, providing goods or services to, or receiving goods or services from, business enterprises operating in Ragnell’s industrial, aviation, transportation, or security sectors.
54. In light of the sanctions, many companies registered in Aglovale voided contracts with their Ragnellian partners. At Aglovale’s urging several of its allies adopted similar measures, as a result of which many multinational retail and fast-food chains shuttered operations in Ragnell, and social media platforms suspended accounts belonging to Ragnellian nationals. Many factories owned by Ragnellians, including most of those still operating in the Park, suspended production because they were unable to access the necessary foreign parts and supplies. Several hospitals in Ragnell reported that they were unable to acquire stocks of medicine and other vital needs, including insulin, vaccines, saline solution, and surgical instruments.

55. The volume of Ragnell's trade contracted sharply. The International Monetary Fund reported that the country's economy would contract by 15.5%, inflation would reach 34%, unemployment would triple to 18.6%, and imports would fall by nearly 25% in value before the end of 2022.
56. On 1 May 2022, President Vortigern addressed an audience of military cadets during Ragnell's traditional Independence Day address. He said:
- Aglovale is attempting to force us to accept an untenable situation, with sanctions that are illegal and morally unacceptable. At this difficult time, let me assure the brave citizens of Ragnell that our economy and our way of life will survive. We will not surrender to this outrageous aggression. Our foreign partners and business allies will not tolerate it either. They will continue to trade with us, in a broad-based international condemnation of what we can only describe as schoolyard bullying.
57. On 4 May 2022, Aglovale seized Prydwen Place, the Aglovalean summer home of Kay Ector, a Ragnellian national and a primary donor to the RPP. In a press release, Aglovale's Justice Department noted that the move fully complied with the sanctions resolution and was justified by credible reporting that Ector was utilizing his connections with third-country nationals to evade the sanctions. Ector denied these allegations and filed suit in civil court in Aglovale to overturn what he called "this act of expropriation." The trial court dismissed the suit, holding that the seizure was valid under the statute, and that the law itself was consistent with the Constitution. On an emergency appeal, the Aglovalean Supreme Court affirmed the dismissal.
58. On 15 June 2022, the Ambassador of Balan to Ragnell personally delivered a letter to President Vortigern demanding initiation of negotiations for the transition of the Belt to Balani control, in accordance with Article 18.1 of the Treaty. It noted that these discussions should have begun two months earlier, as the Treaty required. The letter warned that failure to start negotiations immediately "could trigger a far larger and more extended conflict between our two countries."
59. President Vortigern issued a public statement the next day. It read, in relevant part:

“My government is prepared to begin formal discussions with representatives of Balan concerning the future of the Clarent Belt. But we will not take any measures to transfer control over the Belt unless and until Balan has provided guarantees, to our satisfaction, that: (a) peace and order have been restored to the Belt, UAC members operating in the Belt have been disarmed, and membership in UAC has been criminalized in Balan; (b) a trinational committee is established to manage Tintagel Park and to ensure that Ragnellian-owned businesses may resume operations there without undue interference; (c) the legal and regulatory regimes governing Ragnellian-owned businesses in the Park will remain identical to the ones in place during the term of the Lease; and (d) Aglovale’s peacekeeping forces will return to the Belt to monitor compliance with these conditions.”

60. On 17 June 2022, Balan rejected Ragnell’s demands as unjustified and inconsistent with the Treaty. The same day, Aglovale announced that it would not resume its monitoring presence in the Belt unless and until it determined that its peacekeepers would not be at risk of harm from continuing violence.
61. Throughout June and July, delegates from Aglovale, Ragnell, and Balan met in Geneva to negotiate a settlement of their disputes concerning the sanctions, the armed conflict in the Belt, and the management of waste from Tintagel Park. On 13 July 2022, after negotiations failed to produce an agreement, Ragnell filed an Application with the Registry of the Court instituting proceedings against Aglovale, invoking Article 41 of the Treaty as the basis for the Court’s jurisdiction, and claiming that the sanctions against Ragnell and its nationals were illegal.
62. On 21 July 2022, Aglovale indicated its intention to file counterclaims, also invoking the Treaty as its jurisdictional basis. Balan chose not to intervene, reserving the right to bring a subsequent action against Ragnell.
63. On 15 August 2022, the Court entered an Order recommending that the parties draft a Statement of Agreed Facts. The parties stipulated that Aglovale would appear as Applicant and Ragnell as Respondent, without prejudice to any question of burden of proof.

64. In addition to the treaties and other international agreements referenced elsewhere in this Statement, Aglovale and Ragnell have at all relevant times been Member States of the United Nations and the World Trade Organization, and parties to 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 International Covenant on Economic, Social and Cultural Rights, and the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. Neither Aglovale nor Ragnell is a party to any other treaty of relevance to this case.
65. Aglovale, as Applicant, respectfully requests the Court to adjudge and declare that:
- a. Ragnell violated its Treaty obligations in launching “Operation Shining Star” and in its attacks on both Nant Gateway and Compound Ardan, and must pay reparations to Aglovale for the deaths of the eight Aglovalean nationals;
 - b. Ragnell violated its Treaty obligations by employing captured UAC fighters in the transportation of contaminated plastic waste, and by detaining them in Camlann Correctional Center;
 - c. Aglovale acted in accordance with the Treaty in imposing unilateral sanctions against Ragnell and Ragnellian nationals, and has no obligation to withdraw the sanctions, to return any property, or to compensate Ragnell for their impact; and
 - d. Ragnell violated its Treaty obligations in transporting hazardous plastic waste to Etna, whereas Aglovale complied with the Treaty in conditioning cooperation regarding treatment of the waste on the termination of Ragnell’s aggression.
66. Ragnell, as Respondent, respectfully requests the Court to adjudge and declare that:
- a. The initiation of “Operation Shining Star” and the targeting of Nant Gateway and Compound Ardan were in conformity with the Treaty, and do not give rise to any obligation to compensate;
 - b. Ragnell acted in accordance with the Treaty in temporarily employing UAC detainees in the transport of plastic waste to Etna, and in temporarily transferring them to Camlann;

- c. Aglovale violated its Treaty obligations by unilaterally imposing disproportionate and coercive sanctions against Ragnell and Ragnellian nationals, and must immediately withdraw those sanctions, releasing all Ragnellian property frozen and reinstating all assets seized pursuant to them, and compensate Ragnell for their impact; and
- d. Aglovale violated the Treaty by refusing to cooperate in good faith in the management of the plastic waste, whereas Ragnell complied with its obligations when it was forced by that refusal to export the waste to Etna for processing and disposal.

Annex

Excerpts from the Trilateral Treaty of Lasting Peace Among the State of Ragnell, the Federation of Balan, and the Kingdom of Aglovale 16 September 1958

PREAMBLE

The State of Ragnell, the Federation of Balan, and the Kingdom of Aglovale,

Having witnessed the ravages of war, including the humanitarian and environmental havoc wrought thereby,

Resolving to terminate the state of belligerency between Balan and Ragnell,

Aiming to achieve a just, lasting, and comprehensive peace on the Gais Peninsula, and in particular to avoid any future threat or use of force,

Desiring to promote stability in the region, and to encourage the further development of friendly relations, trade, and financial co-operation among them in accordance with the principles of international law,

Have agreed as follows:

PART I: BASIC PRINCIPLES

Article 2: General Obligations

1. The Parties shall apply amongst themselves the provisions of the Charter of the United Nations and the principles of conventional and customary international law governing friendly relations among states.
2. The Parties shall adhere to and be bound by all applicable principles of human rights and international humanitarian law, and shall take all necessary measures to prevent violations of those principles.
3. In their economic relations, the Parties shall work to promote economic advancement, social welfare, and free trade, in accordance with all applicable principles of international law, throughout the Gais Peninsula.

PART II: CESSATION OF HOSTILITIES

Article 3: End of Hostilities

Immediately upon the exchange of instruments of ratification of this Treaty, the State of Ragnell and the Federation of Balan shall withdraw all of their military forces from the Clarent Belt to their own respective sides of the international boundaries as defined in Appendix I, and shall terminate all armed hostilities between them.

Article 6: The Role of Aglovale in Monitoring Compliance

1. Aglovale shall, within 72 hours of the exchange of instruments of ratification, deploy a contingent of peacekeeping forces not to exceed a total of 1,400

uniformed individuals equipped with light firearms and no more than 24 motor vehicles containing communications and reconnaissance equipment, at no more than three locations in the Clarent Belt.

2. The peacekeeping monitoring forces shall be deployed by Aglovale for 10 years, subject to renewal terms of 10 years as the Parties shall subsequently agree.
3. The specific rules of engagement of Aglovale's peacekeeping personnel shall be agreed by the military commanders of the affected Parties. But in no event shall they be authorized to discharge their weapons except in self-defense, or in order to apprehend person(s), of any nationality, who may reasonably be believed to pose an imminent threat to human life.
4. In its performance of monitoring and peacekeeping functions, the Kingdom of Aglovale commits:
 - a. to abide by the principles of neutrality, impartiality, and fairness; and
 - b. to document any infringements of this Treaty, and fairly and impartially to record, investigate, and report on complaints of infringements alleged by either the State of Ragnell or the Federation of Balan.

PART III: LEASE OF THE CLARENT BELT

Article 9: Duration of the Lease

1. The Parties agree that, beginning 30 days from the date of exchange of instruments of ratification, and for a period of 65 years, the territory of the Clarent Belt shall be leased by the State of Ragnell. The precise geographical scope of the area affected is detailed in Appendix II.

Article 10: Payment

...

Article 11: Continuing Sovereignty of Balan

1. Nothing in this Treaty shall affect or alter the status of the Federation of Balan as sovereign over the entire territory of the Clarent Belt. However, during the term of the Lease, the following rights and obligations shall be assigned to the State of Ragnell:

...

- c. to maintain peace and order, through the deployment of police personnel;
- d. to apply and enforce Ragnellian law to activities conducted in the Clarent Belt by Ragnellian nationals and entities, including the laws governing tax assessments and obligations;

...

Article 14: Demilitarization of the Clarent Belt

For the duration of the Lease the Parties commit to the demilitarization of the Clarent Belt. The only permitted exceptions shall be:

- a. the peacekeeping monitoring forces of the Kingdom of Aglovale, as described in Part I; and

- b. the police forces of the State of Ragnell, which are charged with the responsibility of maintaining law and order, as provided in Article 11.1(c).

Article 15: Access to the Eamont Thruway and Tintagel Port

The State of Ragnell undertakes that, during the term of the Lease, it shall protect and preserve the integrity of the Eamont Thruway and Tintagel port, which it acknowledges are vital to the economy of the Kingdom of Aglovale. This undertaking includes any improvement to the facilities that may be carried out during the term of the Lease.

Article 18: Termination of the Lease

1. Eighteen months prior to the termination of the lease, the Parties shall enter into good faith negotiations over the logistics for the peaceful transition to the Federation of Balan of all governmental, administrative, and supervisory functions that were the responsibility of the State of Ragnell during the Lease, according to a precise schedule to be agreed by the Parties.
2. In the event that the Parties cannot agree on such a schedule within the first year of negotiations, the Federation of Balan may immediately assert its right to resume any of those functions, with the State of Ragnell remaining responsible for providing the others.

Article 20: Effects of the Lease

- ...
5. Nothing in this Lease shall be interpreted as affecting other rights and obligations of any Party under international law, including the Charter of the United Nations.
- ...

PART IV: ENVIRONMENTAL DEVELOPMENT

Article 28

All Parties commit to the protection of human health and the physical and marine environment within and surrounding the Gais peninsula, including the Clarent Belt and Tintagel Park Industrial District. Parties shall use their best practicable means to prevent, or to remedy, environmental pollution and harm, *inter alia* by compliance with all relevant rules of international law. The Parties agree to take whatever steps are necessary, or are reasonably requested by other Parties to this Treaty, to cooperate in good faith in reducing the risk and/or the impact of significant harm from environmental pollution.

PART VIII: SETTLEMENT OF DISPUTES

Article 41

In the event of an alleged violation of any of the obligations laid out in this Treaty, or of a dispute as to the interpretation of any of its Articles, if such a matter cannot be settled by negotiation or other means, any Party may submit the dispute to the International Court of Justice, and all Parties agree to accept the jurisdiction of the Court.

...

Done at Stirling, the Kingdom of Aglovale, on this sixteenth day of September, 1958,
and signed on behalf of their respective governments by:

(Signed)

Morgan Uther

Foreign Minister

For the Kingdom of Aglovale

(Signed)

Eira Mihangel

Foreign Minister

For the State of Ragnell

(Signed)

João Marin

Foreign Secretary

For the Federation of Balan