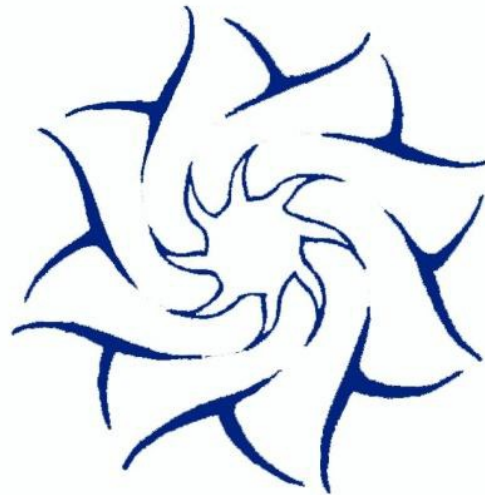


16TH D.M. HARISH MEMORIAL GOVERNMENT LAW COLLEGE

INTERNATIONAL MOOT COURT COMPETITION

12TH-15TH FEBRUARY, 2015



HOSTED BY:

Government Law College

IN ASSOCIATION WITH:

D. M. HARISH FOUNDATION

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

BETWEEN THE KINGDOM OF ANTAGONIA (APPLICANT)

AND THE REPUBLIC OF PLOONKISTAN (RESPONDENT)

TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE

THE DIFFERENCES BETWEEN THE PARTIES

CONCERNING THE INTERVENTION IN AIDIA AND OTHER MATTERS

Jointly notified to the Court on 8 September 2014

JOINT NOTIFICATION

ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 8 September 2014

On behalf of the Kingdom of Antagonia (the “**Applicant**”) and the Republic of Ploonkistan (the “**Respondent**”), in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Compromis for submission to the International Court of Justice of the Differences between the Applicant and the Respondent concerning the intervention in Aidia and other matters, signed in The Hague, The Netherlands, on the eighth day of September in the year two thousand fourteen.

**Ambassador of the Kingdom of Antagonia
to the Kingdom of The Netherlands**

**Ambassador of the Republic of
Ploonkistan to the Kingdom of The
Netherlands**

COMPROMIS
SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY
Applicant
AND Respondent
ON THE DIFFERENCES BETWEEN THEM CONCERNING
THE INTERVENTION IN AIDIA AND OTHER MATTERS

The Kingdom of Antagonia and the Republic of Ploonkistan,

Considering that differences have arisen between them concerning the intervention in Aidia and other matters;

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

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

In furtherance thereof the Parties have concluded the following Compromis:

Article 1

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

Article 2

It is agreed by the Parties that The Kingdom of Antagonia shall act as Applicant and the Republic of Ploonkistan as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

(a) The Court is requested to decide the Case on the basis of the rules and principles of international law, including any applicable treaties.

(b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

Article 4

(a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the 2015 D.M. Harish International Law Moot Court Competition.

(b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the 2015 D.M. Harish International Law Moot Court Competition.

Article 5

(a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

(b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorised, have signed the present Compromis and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, This eight day of September in the year two thousand fourteen, in triplicate in the English language.

**Ambassador of Kingdom of Antagonia to
the Kingdom of The Netherlands**

**Ambassador of the Republic of
Ploonkistan to the Kingdom of The
Netherlands**

COMPROMIS

1. The Republic of Antagonia is a small country with a population of approximately 30 million, with a wide diversity of languages, races and religions. Antagonia is a 400 year-old democratic nation, amongst the most economically developed in the world and a leader in the field of financial services. It is also amongst the most liberal nations in respect of civil, political and religious freedoms for its residents.
2. The Communist and United State of Ploonkistan (“CUSP”) was established in 1950 as a one-party communist nation. The country operated on federal basis with only two provinces or regions. The larger of the two was a region known as Aidia.
3. Largely thanks to its ownership of large oil fields, CUSP was widely regarded as a rare example of a communist system that was economically successful. CUSP’s economic strength also allowed it to maintain a relatively small yet extremely effective armed forces and intelligence services.
4. Remotistan is a theocratic state that was founded in the 19th century. The region along the border of Remotistan and Aidia - known as The Frontier - has been the subject of a long standing dispute between CUSP and Remotistan.
5. In 1981, CUSP, Remotistan and Antagonia entered into a number of agreements to encourage and establish a framework for cross-border trade and investments. The central agreement at the heart of this regime was the Bacchus Agreement for Trade Activity (“BATA”), which was widely hailed as one of the pioneering agreements central to the growth of bilateral investment treaties in the region.
6. Between 1972 and 2000, CUSP engaged in over 50 military interventions along its borders which often involved military action in neighbouring countries. Other than three such interventions which were either authorised or subsequently ratified by the UN Security Council as instances of CUSP exercising its right to self-defence, these interventions were unilateral in nature and their legality was the subject of divided diplomatic and academic opinion. A leading CUSP politician of the time described these interventions as “necessary actions to avoid future conflicts” and as “a fulfilment of our nation’s inherent duty to protect its citizens”.

The Demise of CUSP

7. The majority of the wealth and influence within CUSP was concentrated within the non-Aidian region. Aidia was rich in natural resources, but underdeveloped in comparison to the rest of CUSP. Most major corporations, state enterprises and consequently developed cities were all based outside of Aidia. Due to the rules governing the manner in which the central government is elected, most national level ministers and holders of key administrative posts were non-Aidian.
8. The disparity in prosperity and power between the Aidians and the rest of CUSP led to the growth of a movement in the 1970s in Aidia which demanded increased autonomy for Aidia. The Opportunities Movement for Aidia (“**OMA**”) was set up as a charity in 1971 with the object of providing a safety net for underprivileged Aidians, but rapidly became the face of the autonomy movement.
9. One of the leading figures of OMA said in a leading daily newspaper in 1975, “[CUSP] as a country is an anomaly. It was born out of the adversity of World War II and in an act of opportunism, the founders of the country managed to convince a floundering monarch to cede his territory to them in exchange for safe passage. What we have here is not a unification – it is quite simply a marriage of convenience between two distinct nations. It is time for Aidians to claim back control over what is rightfully theirs.”
10. By 1982, the Aidian autonomy movement was starting to flounder. A financial crisis in 1979 triggered by a huge fire destroying an important oil field had led to a sharp decline in contributions to OMA. Although the central CUSP government took no steps to clamp down on OMA or its activities, it was widely known that leaders of the movement and their financial backers were under constant surveillance.
11. CUSP’s strict foreign exchange control regulations meant that OMA was not permitted to receive overseas donations from non-resident Aidians other than those resident within Remotistan and Antagonia. Any such donations were also subject to an extremely detailed and procedure-driven regime. Although documentary evidence was sparse, a number of leading newspapers around the world consistently reported during the 1980s that these donations were state-sponsored by Antagonia. There were conflicting reports about whether the rationale for these donations was to destabilise

CUSP or whether Antagonia were in fact working with the CUSP government to infiltrate OMA.

12. This decline in the relevance of OMA in the 1980s led to a more radical faction taking control of the organisation and the autonomy movement. In 1991, following the end of the Cold War and a perception that CUSP would not be able to survive the demise of its key trading partners outside of the BATA regime, the OMA was transformed into an independence movement. Initially, the claims of the revamped OMA were low in intensity and impact and not backed by the Aidian population but soon began to gain traction. OMA adopted violent means towards the late 1990s with over 2000 related deaths reported in 1999. During OMA's violent period, the losses were largely suffered by CUSP's internal security forces.
13. A noted political commentator recounted the period in a piece for a leading international newspaper, "By the mid-1990s, CUSP's growing financial strength had started to favour non-Aidians more than ever. It was counterintuitive and inexplicable for CUSP's leaders to continue with this approach. Two-thirds of CUSP territory lay within Aidia; Aidians made up over 75% of the population and without Aidia; CUSP had no natural resource wealth of any mention. The CUSP elite began ruling as a clique and the consequences of such a regime are inevitable. By 2000, with growing demands for Aidian independence and a fundamental inability to integrate the two different societies within CUSP, the writing was on the wall for the last great communist state. The only problem was that Aidia was not ready to be independent. ...

During the course of the [1990s], the CUSP regime may have failed to have the foresight to take action to keep the country united, but they did start to make preparations for an Aidian secession. Military bases were gradually vacated so that only absolutely basic services remained in Aidia. The Frontier was starting to cause trouble due to Remotistan's increased meddling in CUSP affairs and a desire to seize the oil refinery on the border should the opportunity arise, but that was furthest from the mind of the CUSP elite. Key natural resources were placed in the ownership of trusted non-Aidian corporations who quite simply bribed their way into 50 and 100 year concessions over the oil, minerals and precious ores available in Aidia. The Aidians were still too disorganised to recognise the trend."

14. By 2000, negotiations had begun to try and provide Aidia with a greater level of autonomy to save CUSP as a nation. Although a number of powers were devolved to the provincial Aidian government, three significant round table conferences in 2002, 2005 and 2008 failed to yield a permanent solution that was satisfactory to both sides. During this time, OMA continued to pursue its objectives with targeted killings and by causing the destruction of or damage to CUSP security installations in Aidia.
15. During this period, the ruling CUSP party had started to disintegrate. Evidence of large-scale corruption started to emerge. A number of leading political figures including the Defence Minister and the Minister for Internal Security were forced to resign in 2005. In 2008, a few weeks before the third Aidian round table conference, the Premier of CUSP was accused of tax evasion and fraud involving a multi-billion dollar company in which he was secretly a major shareholder, and was swiftly given a lengthy prison sentence by a CUSP court. By 2010, a number of scandals had been disclosed as part of an internal battle for power within the party and it was becoming clear that a major political upheaval was imminent in CUSP. The party had lost all power and, as a major CUSP newspaper reported at the time, "...the nation is being run by corrupt bureaucrats with no political instincts, power or authority. Decision making has come to a complete standstill and, unfortunately for those who care for this country, the only authority with any leadership still intact is the CUSP military who are waiting to decide which side they ought to back".
16. During this time, a movement known as the Resistance in Ploonkistan ("**RIP**") that was first founded as an illegal organisation in 1995 had gained substantial backing and funding within the non-Aidian region of CUSP. It advocated the dissolution of the communist system and its replacement with a democratic system of government based on a doctrine of separation of powers. By 2011, it was effectively speaking for non-Aidian CUSP and had started to enter into negotiations with Aidian leaders in relation to the dissolution of CUSP.

The Frontier and the Aidian Intervention

17. CUSP shared land borders with 5 different countries. Of these, Aidia only bordered Remotistan. Whilst being strategically important due to the high altitude roads that connected the two countries and an important oil refinery located in Rockoil Town,

10 miles inside the Aidian side of the border between The Frontier and Aidia, The Frontier was economically insignificant to CUSP and Remotistan.

18. While CUSP and Remotistan both laid claim to the region, residents of The Frontier were largely in favour of absolute independence. A 1955 agreement between the countries described The Frontier as “falling within the widely assumed territorial boundary of [CUSP]” but also noted “the claim of [Remotistan] in respect of territorial sovereignty over the region” and designated it a “territory subject to a dispute”. In practice, The Frontier had a largely autonomous existence. It was administratively governed by a provincial government elected by residents of The Frontier with a mandate that was not formally recognised by Remotistan, although CUSP legislation recognised the right of the people of The Frontier to govern themselves in “matters other than those of national importance”.
19. In September 2011, as the CUSP political situation worsened with no clear political authority in the country, there were numerous reports of Remotistan sending in plainclothes troops into The Frontier to begin assisting the local government to establish a military and police force. Defence experts believed Remotistan’s goal was to annex The Frontier from CUSP and lay claim to the Rockoil Town refinery.
20. Between January 2012 and September 2013, the CUSP military dealt with innumerable skirmishes along the border between The Frontier and Aidia. These were largely caused by untrained and disorganised armed militia from The Frontier. It was widely accepted by CUSP defence analysts that these militia were funded by the Remotistan intelligence services. Although there were unsubstantiated reports of mortar shelling by the CUSP army across the border into Remotistan, the CUSP army maintained in public statements that it had only unintentionally crossed the Aidian/The Frontier border twice and had never fired or ventured into Remotistan.
21. On 15 November 2013, a powerful bomb planted by militia destroyed one of the storage tanks of the Rockoil Town oil refinery resulting in the deaths of 25 workers and causing the operation a large economic loss. There were also reports of the militia entering Aidian territory in large numbers and taking control of small villages inside Aidia.
22. After issuing several warnings to the militia to withdraw, the CUSP army began heavy mortar shelling along the Aidian/The Frontier border on 10 December 2013.

There were reports of significant casualties in the first week in Aidia and The Frontier. The CUSP army claimed that the casualties were primarily militia. Independent reports suggested a death toll of nearly 15,000 in the first ten days of the offensive, comprised largely of civilians. On 19 December 2013, the CUSP army announced that all operations within Aidia had ceased and that they were exclusively conducting mortar shelling and raids in The Frontier in order to “disband the terrorist camps permanently to secure peace for Ploonkistan and Aidia”.

23. On 25 December 2013, at a regional heads of state conference, the King of Antagonia declared the Aidian intervention to be illegal and disproportionate. He urged the international community and the United Nations to take action against CUSP, failing which he said that Antagonia would have no choice but to take “appropriate legal action to ensure that the norms of international law are not flagrantly violated in this manner”. The military operation concluded at noon on 31 December 2013, with the CUSP army terming it an unqualified success.

The Birth of Ploonkistan and Aidia

24. On 20 December 2013, leaders of the RIP and of Aidia entered into an agreement commonly known as The CUSP Declaration of Freedom. Other than in respect of certain specific items, the agreement took effect on 1 January 2014. Some of the key features of the agreement were:
 - (a) The dissolution of the CUSP communist government and the immediate disbanding of the ruling party.
 - (b) A division of the CUSP territory into the two nations of the Republic of Ploonkistan and the Republic of Aidia in accordance with the existing provincial boundaries. The Frontier was formally designated a disputed territory with immediate effect and the new countries of Aidia and Ploonkistan would submit a formal request to the United Nations to establish an independent commission to consider and assist in negotiations on The Frontier’s future.
 - (c) The CUSP Rupee would be re-designated the United Rupee and the two nations would continue to use the currency for a period of 10 years following which Aidia would have the right to opt out of the currency and employ its own currency. The newly established central bank of Aidia would act as the

central bank governing fiscal and monetary policy for Ploonkistan and Aidia in accordance with further agreements which would be concluded no later than 31 March 2014.

- (d) Having no armed forces or internal security forces of its own, Aidia would employ Defence United, a Ploonkistan corporation with access to Ploonkistanian military training, research & development facilities and funding for a period of 25 years to provide it with military and police forces.
 - (e) To mirror the proportion of its population and the natural resources it held vis a vis the erstwhile CUSP, Aidia would assume approximately 80% of the national debt of CUSP which were primarily in the form of New York law governed bonds.
 - (f) The cash reserves of the erstwhile CUSP would be divided roughly equally between Aidia and Ploonkistan.
 - (g) None of the concessions granted prior to 1 January 2005 over natural resources in Aidia would be terminated. However, any profits earned by the companies in respect of their Aidian operations would be subject to an Aidian extraordinary corporate tax rate of 24%.
25. The Declaration also envisaged the constitution of the Successor Commission, which would be required to submit a report on which of the nations was the legal successor to CUSP. In the event, Ploonkistan and Aidia were unable to reach an agreement on the constitution of the Commission and were also subsequently unable to reach agreement on which, if any, of the countries was the legal successor to CUSP.
26. Ploonkistan re-signed the BATA on 2 January 2014, an act that experts believed had guaranteed its economic prosperity in the near future. During the signing ceremony, the Antagonian representative said that his nation “welcomed the new government of Ploonkistan’s acceptance of CUSP’s obligations, its legal predecessor”. Despite extensive diplomatic efforts, Aidia has as yet failed to be accepted as a party to the BATA.
27. As of 1 August 2014, 125 states had recognised both Ploonkistan and Aidia as sovereign states. 25 of these states explicitly declared in their instruments of recognition that they recognised Ploonkistan as CUSP’s legal successor. Aidia has formally objected to each of these declarations.

28. On 26 December 2013, the UN Security Council passed a unanimous Chapter VI resolution “welcoming the two nations to the community of states” and “encouraged the two nations to effect a peaceful and orderly partition of the former nation of CUSP”. The resolution also “urged the two nations to assume the treaty obligations of CUSP in accordance with accepted principles of international law”.

The Antagonian Waste Crisis and Ploonkistan’s Response

29. From 2001 onwards, Antagonia had used the services of a single contractor to dispose of over 75% of the household and commercial waste generated by its residents. Due to the small land mass of Antagonia and inadequate facilities for these purposes, the waste would be shipped on large container ships to remote islands of other countries for treatment, salvage and disposal.
30. On 23 December 2013, the contractor suddenly went into insolvency following the uncovering of large-scale fraud in the company. The company’s operations were shut down with immediate effect leaving Antagonia in a crisis. Large swathes of land on the Antagonia coast were set up to act as temporary landfills as the government urgently sought to find a solution.
31. The absence of remote and unpopulated areas within Antagonia meant that these landfills were never more than 50 metres away from residential areas. Antagonia’s emergency services were overwhelmed by cases of illness due to the stockpiling of waste. In January 2014, over 20,000 cases of hospitalisation related to the waste dump were reported and approximately 2,000 lost their lives.
32. Detritus Services Limited, a Remotistanian waste disposal company, and the Government of Antagonia entered into an agreement on 26 January 2014 in relation to providing Antagonia with waste disposal services. Due to the urgency and a lack of any feasible alternative bidders in the tender process, the agreement was heavily in favour of Detritus and allowed Antagonia little or no control over Detritus’ waste disposal operations and very limited rights of termination.
33. Detritus’ multinational operations are based on the use of a unique and proprietary algorithm and automated system. Set up with the objective of avoiding Remotistan’s tax regime, the system allows for minimal human involvement thereby keeping the operations of the company largely ‘offshore’ for tax purposes. Board meetings of the company are usually held in tax neutral jurisdictions.

34. For each country that it provides services within, Detritus sets up a floating rig in international waters which houses the servers that control its operations in that country. The rig would be registered under the flag of the country being serviced. The algorithm that is run on the servers controls a large fleet of semi-automated ships, each of which has a small crew only. The algorithm directs the ships to the relevant country which requires waste to be collected and to the region where the waste would be disposed of.
35. By 15 February 2014, Detritus had set up a rig for its Antagonian operations and the first of its ships began clearing the piled up waste on 20 February 2014. By the end of February 2014, it became clear that the algorithm had directed much of the Antagonian waste to be taken to an unclaimed island 250 miles from the coast of Ploonkistan. During routine exercises in the area, the Ploonkistan naval forces also noticed that a lot of the waste was being dumped into the sea.
36. The prevailing sea current in the region had been subject to unusual changes from November 2013 onwards. Whilst ordinarily flowing between the island and the Ploonkistanian coast so as to create a southward flow of warm water directly into the Southern Ocean, the current's path had slightly changed such that it was now hitting the southernmost tip of Ploonkistan resulting in unseasonal swells and waves.
37. On 15 March 2014, the Ploonkistan government lodged its first formal diplomatic complaint with the Antagonia's Ambassador directing him to ensure that the dumping of waste generated in Antagonia on the island was stopped with immediate effect. Evidence of the waste washing up on southern Ploonkistanian beaches was also furnished.
38. Antagonia promptly instituted an investigation into the matter. It emerged that Detritus' algorithm's direction to dispose of the waste into the sea current was based on buoy readings over the past 10 years. Given the large amount of prior evidence in favour of the normal current, the current flow of the current would need to persist for a continuous period of 12 months before the algorithm would correct the dumping pattern to account for the anomaly. Despite Antagonia's demands, Detritus refused any manual intervention in the matter, as it would result in a large tax liability across all of its operations.

39. In a high level meeting between diplomats on 5 April 2014, Antagonia advised Ploonkistan of the position and of its limited rights under the agreement with Detritus. Antagonia stated that while it could not change the nature of Detritus' operations, it would be willing to compensate Ploonkistan for any damage that Ploonkistan could prove it had suffered until such time as the current and/or the algorithm changed. Ploonkistan refused, stating instead that Antagonia had to stop Detritus' operations immediately and cited irreparable damage to the ecosystem in the area and to the fishing industry. Seven further unsuccessful meetings were held between representatives of the two countries to attempt to find a resolution to the situation.
40. On 15 August 2014 following intense domestic pressure on the government to take firm action, by way of a formal letter to Antagonia's Ambassador (the "**SelfDes Letter**"), Ploonkistan stated that its Cyber Defence Squad had planted the SelfDes virus within the Detritus systems on the Antagonia rig. The letter noted that if Detritus' dumping operations were not completely halted by 15 September 2014, Ploonkistan would direct the Cyber Defence Squad to activate the virus and cripple the waste disposal operations. The letter also stated that if the use of the SelfDes virus were to prove unsuccessful, that Ploonkistan reserved its right to take "appropriate measures to remove the Detritus problem permanently".
41. In 2013, technology journals had reported that the SelfDes virus had been developed by CUSP's intelligence services and was amongst the most deadly in the world. When activated, the virus would channel information on any set of systems where it resided in an endless loop at an increasingly rapid pace thereby causing an overload and eventually overheating the systems so as create an explosive device of any server. The journals reported that in controlled tests, the Cyber Defence Squad had proved that the virus could cause a meltdown of a nuclear plant within a matter of hours.
42. Antagonia reacted angrily to the SelfDes Letter. In a response that was leaked to the press, it stated that "...and as the events from earlier this year show, the Detritus waste dumping operations are critical to the security and health of the Antagonian people. It is incongruous with international law that you should resort to such measures."

The BATA and the Self-Referencing Credit Linked Notes

43. As a leader in the field of financial services, the Antagonian banking industry had established close links with CUSP investors and banks. Amongst the many financial products offered to the CUSP entities were credit linked notes (“CLNs”), where the repayment of the principal amount of the debt represented by a CLN is contingent on one or more corporate entities or sovereigns (the “**Reference Entities**”) referenced in the CLN not defaulting on their own debt. Upon a default by the Reference Entity, a pre-determined methodology would determine the loss suffered and accordingly reduce the principal amount to be repaid to the investor.
44. In January 2011, the leading state owned Antagonian bank issued a significantly sized CLN with a term of 25 years that was bought by CUSP’s sovereign wealth fund (the “**CUSP SWF**”). The Reference Entity for this CLN was CUSP and paid the CUSP SWF five times the ordinary interest amount expected on a CUSP-linked CLN at the time. In return, any default by CUSP would result in five times the losses ordinarily calculated on such a CLN. The CLN also contained market standard provisions whereby if over 75% of CUSP’s debt was transferred to another entity as a result of a sovereign succession, the Reference Entity would be automatically changed to be that successor sovereign.
45. This type of CLN, commonly known as a self-referencing CLN due to the investor taking risk on its own default was the subject of legal and regulatory debate in Antagonia between 2003 and 2009. In that time there were numerous Antagonian court decisions around whether these debt instruments were legal under Antagonian law.
46. Although the court decisions were unanimously in favour of the legality of the instruments, there was a procedure established where the Antagonian regulators required the reporting of any such instruments being either issued or bought by Antagonian companies or banks. As of September 2013, the CLN bought by the CUSP SWF represented approximately 40% of the self-referencing CLNs issued by Antagonian entities that were still outstanding.
47. On 30 November 2013, after a debate that lasted approximately 2 hours and without a prior public consultation, the Antagonian parliament passed a law that banned the issuance of self-referencing CLNs by Antagonian entities and all foreign entities that

were authorised to conduct banking operations in Antagonia (the “SelfRef Act”). The SelfRef Act also mandated the immediate cancellation and repayment of all self-referencing debt issued by Antagonian entities.

48. Relying on the SelfRef Act, the Antagonian bank repaid the debt represented by the CLN sold to the CUSP SWF on 2 December 2014, resulting in the CUSP SWF having to report the equivalent of approximately USD 2 billion in lost interest payments.

Issues for the Court’s Consideration

49. Following failed diplomatic efforts to resolve the outstanding points of dispute, the Applicant and Respondent have agreed to refer the following points of dispute to the International Court of Justice based on the facts set out above:
- (a) As preliminary issues in respect of the Applicant’s claims set out in (b) and (c) below, whether:
 - i. The claims are admissible.
 - ii. The Applicant has standing and/or whether the Applicant is foreclosed from bringing these claims.
 - (b) The merits of the Applicant’s claim that the Respondent, by its intervention in Aidia, has breached international law and whether the Respondent is the appropriate party in these proceedings in respect of this claim.
 - (c) Whether the Respondent’s actions in respect of the SelfDes virus, including the issuing and delivery of the SelfDes Letter, have breached the norm embodied in Article 2(4) of the UN Charter.
 - (d) Whether the passing of the SelfRef Act and the Applicant’s subsequent failure to compensate the CUSP SWF has resulted in the Applicant breaching international investment law.

Additional Information

50. Antagonia, the erstwhile CUSP and Remotistan are all members of the United Nations and the World Trade Organisation, and are parties to the Vienna Convention on the Law of Treaties. Antagonia is a party to the Vienna Convention on Succession

of States in respect of Treaties and a signatory to the Vienna Convention on the Succession of States in respect of State Property, Archives and Debts.

51. Ploonkistan's declaration accepting the compulsory jurisdiction of the ICJ included the following exception, which mirrored CUSP's declaration of 1971: "disputes relating to or connected with facts or situations of armed conflicts, resistance to aggression and national defence and other similar or related acts, measures or situations in which CUSP is, has been or may in future be involved".
52. The BATA has been through a number of iterations, and as of its last amendment in 2005, it was substantially similar to the 2004 United States model bilateral investment treaty.
53. The CUSP SWF was renamed, but remained constitutionally unchanged and became the sovereign wealth fund of Ploonkistan following the Declaration of Freedom.