



Indian Law Society's

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## REMEMBERING PROFESSOR S. P. SATHE:

### 18<sup>TH</sup> INTERNATIONAL MOOT COURT COMPETITION, 2024

#### MOOT PROPOSITION

Kingdom of Dolostan

*...Applicant*

v.

Republic of Baltaland

*...Respondent*



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**INTERNATIONAL COURT OF JUSTICE**

**SPECIAL AGREEMENT**

**BETWEEN THE KINGDOM OF DOLOSTAN (APPLICANT)  
AND THE REPUBLIC OF BALTALAND (RESPONDENT)  
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE  
THE DIFFERENCES BETWEEN THE PARTIES CONCERNING  
THE SHILAHU MANENE**

jointly notified on 04 December 2023

**COUR INTERNATIONALE DE JUSTICE**

**COMPROMIS**

**ENTRE LE ROYAUME DE DOLOSTAN (DEMANDEUR)  
ET LA RÉPUBLIC DE BALTALAND (DÉFENDERESSE)  
VISANT À SOUMETTRE À LA COUR INTERNATIONALE DE  
JUSTICE  
LES DIVERGENCES QUI OPPOSENT LES DEUX PARTIES  
CONCERNANT LA SHILAHU MANENE**

notifié conjointement à la Cour le 04 decembre 2023

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

The Hague, 04 December 2023

On behalf of the Applicant, the Kingdom of Dolostan, and the Respondent, the Republic of Baltaland, and in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original Special Agreement for submission to the International Court of Justice of the differences between the Applicant and the Respondent concerning the Shilahu Manene, signed in The Hague, The Netherlands, on the fourth day of December in the year two thousand and twenty-three.

*(Signed)*

Her Excellency,  
Martha Umbridge,  
Ambassador of the Kingdom of  
Dolostan to the Kingdom of the  
Netherlands

*(Signed)*

His Excellency,  
Albus Black,  
Ambassador of the Republic of Baltaland to  
the Kingdom of the Netherlands

**SPECIAL AGREEMENT**

**SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE  
BY THE KINGDOM OF DOLOSTAN  
AND THE REPUBLIC OF BALTALAND  
ON THE DIFFERENCES BETWEEN THEM  
CONCERNING THE SHILAHU MANENE**

*The Kingdom of Dolostan (“Applicant”) and the Republic of Baltaland (“Respondent”), hereinafter “the Parties”:*

*Considering* the differences that have arisen between them concerning the Shilahu Manene and other matters;

*Recognizing* that the Parties have been unable to settle these differences by direct negotiations;

*Desiring* further to define the issues to be submitted to the International Court of Justice (“the Court”) for resolution;

*In furtherance thereof*, the Parties have concluded this Special Agreement:

*Article 1*

The Parties submit the questions contained in the Special Agreement (together with the Corrections and Clarifications to follow), hereinafter “the Case” to the Court pursuant to Article 40 (1) of the Court Statute.

*Article 2*

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

*Article 3*

The Court is requested to adjudicate the claims of the Parties specified in paragraphs 38 and 39 below, applying the rules and principles of international law, including any applicable treaties, in accordance with Article 38 (1) of the Statute of the Court.

*Article 4*

- (a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the 18th Remembering Prof. S. P. Sathe International Moot Court Competition, 2024.
- (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 18th Remembering Prof. S. P. Sathe International Moot Court Competition, 2024.

*Article 5*

- (a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
- (b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

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

Done in The Hague, The Netherlands, this twenty-fifth day of November in the year two thousand and twenty-three, in triplicate in the English language.

*(Signed)*

Furz Khyaton,  
Minister of Foreign Affairs,  
Kingdom of Dolostan

*(Signed)*

Kurt Silva,  
Minister of Foreign Affairs,  
Republic of Baltaland

## SPECIAL AGREEMENT

### CASE CONCERNING THE SHILAHU MANENE

KINGDOM OF DOLOSTAN

*v.*

REPUBLIC OF BALTALAND

1. The Vozoka Continent is the largest continent in the world, made up of a diverse set of countries and populations. It was originally inhabited by various indigenous groups of different ethnicities. The indigenous groups, each with its own distinct cultural practices, peacefully coexisted in different parts of the continent. The inhabitants of the continent were the Zolo, Zokoni, and Hulu tribes, respectively. The Zokoni and Hulu tribes occupied the northern part of the continent, while the Zolo tribe occupied the south.
2. The continent also witnesses a diverse range of climatic conditions, as the Equator and the Tropic of Cancer pass through it. The northern part of the continent lies above the tropic of cancer and hosts two mountain ranges, Langtree and Ledave, running north-east to north and north-west to north, respectively. Two major perennial rivers, *Midiya* and *Boroti*, originating from the Langtree mountains, flow in a south-westerly direction. As a result of this, cultivation is only possible in the north-eastern and southern regions of the continent. The western part of the continent falls on the leeward side of the Ledave mountains, and hence, is mostly arid and semi-arid. The southern part of the continent falls between the Tropic of Cancer and the Equator, and hence, features lush-green tropical rainforests.
3. The Zolo people are traditional forest dwellers, with hunting, fishing, and gathering as their primary means of subsistence. Over the years, the tribe has learned to cultivate specific plants and food. However, forest produce and fishing remain their primary source of subsistence and livelihood. While the tribe, at one point, was spread out in the southern and central regions of the continent, they originally belong to the Kanawha region in the south of the continent.
4. The Kanawha region is home to a clonal colony of *Pocusticus Dabra*, an evergreen fruit-bearing tree whose age has been traced by modern scientists to be about 5000 years. Known in the language of Zolo people as, *Shilabu Manene* (literally, the bearer of all life), the trees are held as sacred. While the average age of the trees in the colony is about 180-230 years, the tribe reveres

the parent tree of the colony, whose age has been traced to be over 1000 years. Known by the tribe as *Shilaya Mana*, the tree lies in the centre of the sacred grove, has a diameter of about 80 inches and is about 80 feet tall. The trees of the grove are not felled for logging, and even after a tree dies, the tribe leaves the trunk and branches untouched, until the natural processes of the earth take over. The tribe believes that this sacred grove is the origin of all life on earth and it is essential to protect the trees from any human interference to maintain harmony and balance.

5. The tree bears flowers and fruits throughout the year, and the colony of trees is home to a significant population of bees, whose main diet is the nectar of the flower of the *Shilabu Manene*. Over the years, the tribe has developed a system of sustainable apiculture to harvest the *Shilabu Manene* honey, which has heightened antiseptic, antibacterial, and anti-inflammatory qualities. The honey is used in many local medicines developed by the tribal community. It is a tradition in the tribe to feed one spoon of *Shilabu Manene* honey every day to children up to the age of 10 years. It is believed that this practice is responsible for good health, immunity from diseases, and longevity of the tribe's members. The sustainable apicultural practices maintained by the tribe have ensured healthy numbers as well as genetic diversity in the bee population across centuries.
6. The fruits of the *Shilabu Manene* are also an important part of the diet of the Zolo people. They believe that the fruit is a gift from the earth and gods and therefore, it is an essential and important part of every birth, marriage, and funeral ceremony. The skin of the fruits is used to make *Manete*, a tea made by boiling the skin of the fruit along with the leaves of the *Shilabu Manene*, which is consumed almost daily by the members of the tribe. The concentrate made out of the flesh of the fruit is an important component of the glaze used to roast the animals hunted by the tribe. A special pudding, made out of the fruit and honey of the *Shilabu Manene*, is an essential offering made at every celebration. An offering is always made to the *Shilaya Mana* at these celebrations.
7. The Kanawha region is also home to the *Golden Zoloya*, a rare variety of fish found only in the river *Kawi*, a tributary of *Midiya*, from which the tribe derives its name. The breeding grounds of the *Zoloya* are a lake deep within the Kanawha region, and the fish travel from there to the sea through the *Midiya*. They return towards the end of their life by swimming upstream through the rivers, to reach the lake and breed there. The parent fish lay eggs there and then die to become food for the new generation of fish. The *Golden Zoloya* holds cultural significance for the Zolo tribe, as they believe that consuming the fish connects the Zolo to the sea, where they ordinarily cannot go. According to Zolo traditions, the fish can only be hunted on every solstice and equinox. The summer and winter solstice are days of religious significance for the Zolo tribe when the *Shilaya Mana* is worshipped. The tribe is well-acquainted with the breeding process of

the *Golden Zoloya* and takes great care while fishing it. The Zolo tribe also ensure that the *Golden Zoloya* is not hunted during monsoons, to ensure that they have a connection to the sea.

8. The Zokonis have conventionally been the longest - inhabiting tribe of the continent, engaged in a nomadic lifestyle. Due to this, the Zokoni have had hand-to-mouth subsistence mainly through hunting.
9. The Hulu people inhabited the north-western region characterized by extreme climatic conditions. The Hulu lifestyle was dominated by hunting and storytelling. They have a distinctive cultural practice of hunting seals using harpoons made from the branches of the pine trees attached to the bones of bears. This sustainable method of hunting ensures minimal damage to aquatic life.
10. The central region of the continent was originally populated by people belonging to the Zolo ethnicity, however in 1635, the continent was discovered by European settlers. French, Portuguese, and Spanish were the prominent powers. The European powers were interested in the rich natural resources of the continent. Soon they realized that the natural resources were located in the central region of the continent.
11. The French took the lead in exploration to find ways to reach the resource-rich central areas. The Portuguese and Spanish powers followed soon after. While exploring, the Europeans encountered the indigenous tribes, who resisted their expansion. Fierce clashes ensued. The tribes engaged in guerilla warfare with the European powers and harassed them with hit-and-run attacks. But eventually, with superior weapons and firepower, the Europeans succeeded. Many indigenous people lost their lives in the skirmishes.
12. Thereafter, the French, Portuguese, and Spanish powers engaged in a race to reach the resource-rich area. The French were the first to arrive. They fortified the area and established a military station named, 'Fort Bastille.' Portuguese and Spanish powers, on losing the race, formed an alliance against the French. They then tried to capture Fort Bastille but the French defended the fort, and the Portuguese-Spanish alliance lost the battle.
13. After the battle, the three European powers entered into a treaty whereby the Portuguese and Spanish powers had to leave the area. Thus, the French were successful in retaining the area for themselves. Thereafter, the Portuguese settled in the north of the continent and the Spanish settled in the south.
14. However, the fortifications of Fort Bastille did not stop the Zolo tribe from contesting their claim on their native lands. The Zolo tribe realized that they would not stand a chance against



the fortified Fort Bastille and their superior fire power. The constant fighting against Zolo and European powers had taken a toll on the French and they realized that, in order to exploit the natural wealth of the region, they had to cooperate with the Zolo tribe. This resulted in the signing of the Treaty of Friendship between the French and Zolo tribe in 1665. The Treaty of Friendship allowed the Zolo tribe to settle beyond the limits of Fort Bastille. The Zolo tribe moved into the interiors of the region, away from Fort Bastille. Relative peace prevailed and the status-quo maintained till the turn of the seventeenth century.

15. The stability of the region attracted many French families to settle there with the hope of a better life. Soon, three settlements were established near Fort Bastille, namely Athos, Portos, and Aramis. But the transition for the new settlers was not so smooth. They faced many hurdles before they established themselves. The cultivable land was limited, so there was a struggle amongst the new settlers with respect to claims over the land. Dominant families emerged which acquired most of the cultivable land. The new settlers, who could not get any land for cultivation, decided to join the armed forces stationed at Fort Bastille. Others found employment as farmhands and workers for the dominant families.
16. The new settlements were collectively referred to as the Nouveau District. French missionaries reached the region and established a Church for Nouveau District. But their religious activities were not limited to Nouveau District. The missionaries came into contact with the Zolo people and, under the garb of incentives, tried to convert them. There were incidents where the Zolo children were taken from their families and forced into schools run by missionaries. The missionaries firmly believed that the Zolo tribe's way of life was uncivilized and barbaric; and the only way to reform them was to introduce them to Western ideas and culture. The French armed forces turned a blind-eye to the activities of the missionaries, as they believed that it was in the best interest of the Zolo tribe.
17. Despite this, there were some instances of intermingling between the French and the Zolo tribe, and a section of the population became of the mixed ethnicities. Until the nineteenth century, the Nouveau District functioned as a colony of France. But 1856 onwards, there were waves of nationalism. The residents of Nouveau District decided they wanted independence from France and wanted to establish their own nation. To curb the struggle for independence, France sent regiments of the French armed forces. A fierce battle took place between the French armed forces and the colonists. Ultimately, the French armed forces were defeated. Following the Act of Independence of 1865, the colony of Nouveau District was declared independent.
18. Similar struggles took place in the late nineteenth and early twentieth century between the Portuguese and Spanish settlers and their parent nations, respectively. Once the settlers

established sovereignty, disputes re-emerged regarding territorial claims and distribution between different factions of settlers and the tribes originally resident in Vozoka, such as the Zolo, Zokoni, and Hulu, leading to further conflict. After several skirmishes and a few open conflicts, the disputes were eventually settled through a treaty signed between the five major powers that had emerged and the tribes, in 1910.

19. Broadly, the treaty (“1910 Treaty”) divided the territories into five sovereign countries. The treaty further iterated that the indigenous and ethnic communities of Vozoka will have the right to settle in the lands of their cultural significance, within any of the five countries. Moreover, the treaty stated that all States shall ensure that the tribes shall not be hindered in the enjoyment of their cultural rights without their free and informed consent.
20. As of today, the continent comprises five countries, namely, Aroko, Baltaland, Chezin, Dolostan, and Enzokia. Aroko lies in the south-western part of the continent; Chezin occupies the northern region; Dolostan lies to the south; and Enzokia lies between Chezin and Dolostan in the eastern part of the continent. Baltaland is a landlocked country that lies in the centre of the continent, with Chezin to its north, Aroko to its south-west, Dolostan to its South, and Enzokia to its East. The Kanawha region lies in Southern Baltaland. The Zokoni and Hulu tribes settled in Chezin and Enzokia respectively, and the Zolo tribe settled primarily in Dolostan. A small contingent of the tribe also settled in the Kanawha region.
21. In the interests of maintaining friendly and peaceful relations, after sustained peaceful movements by the Zolo tribe and the cooperation of the Dolostanian government, the Kanawha region was leased by the Government of Baltaland to the Kingdom of Dolostan for a period of 99 years in the year 1925. As per the terms of the lease, the Zolo people have the freedom to reside in Kanawha region, and carry on with their cultural activities. Dolostan will have full control of the territory, and Baltaland will provide unhindered access to the Kanawha region for any Zolo citizen of Dolostan who wishes to visit the territory. Baltaland will not carry out any activity or exercise which would create any impediment in the exercise of their rights by the Zolo tribe in the Kanawha region.
22. Baltaland is a sovereign, democratic, republic country, the economy of which is mainly dependent on agriculture, mining, and tourism. It comprises 12 provinces and the capital of Baltaland is Beyanka, which is also the largest city situated in the north-eastern region of the Republic of Baltaland. Baltaland follows a parliamentary form of government and the Parliament comprises a single house which has a total strength of 127 representatives from various constituencies of Baltaland.

23. Apart from Beyanka, Baltaland has two other metropolises, Caldal and Droj. Caldal is situated in the south-eastern region of the country, whereas Droj is situated in the central region. Baltaland also has several smaller cities in its various provinces. The western part of Baltaland is sparsely populated due to it being a desert region.
24. The current population of Baltaland is approximately 100 mn people. The Zolo tribe, living in the Kanawha region, comprises 5000 people. However, 15% of the population comprises people who claim mixed ethnicity i.e., ethnic ancestry to both French settlers as well as the Zolo tribe. The rest of the population comprises descendants of French settlers, who came during the exploration of the continent, and other migrants.
25. The Kingdom of Dolostan is a sovereign monarchy, ruled by the House of Manolo. Situated to the south of Baltaland, the Kingdom of Dolostan has a population of 40 mn people, of which the Zolo people comprise 100,000 people. The economy of the Kingdom of Dolostan primarily relies on tourism and commercial fishing. While Dolostan is a developing country, it has also been ranked as the happiest country through a survey done by the World Health Organization. The commercial fishing industry in Dolostan has been appreciated for its sustainable fishing practices by the International Maritime Organization and the International Union for Conservation of Nature. Since 1925, the Zolo people of Dolostan have enjoyed undisputed access to the Kanawha region in Baltaland. Every summer and winter solstice, a large number of Zolo people in Dolostan visit the Kanawha region to make offerings to Shilaya Mana and celebrate nature. This tradition has been followed for almost a century.
26. Since the beginning of the twentieth century, Baltaland has struggled to provide sufficient electricity to all its citizens. To tackle this deficit, Baltaland came up with two five-year plans. The first five-year plan was from 1915 to 1920. As a result of the first plan, Baltaland was able to set up its first Thermoelectric Power Plant near the city of Caldal in 1920, which had a capacity of 10 MW. Initially, this power plant proved sufficient to satisfy the power demand of Baltaland. But with the expansion of the economy, it proved inadequate. Anticipating the growth, Baltaland had already planned the construction of two more thermal power plants in the next decade. The plants had a capacity of 77 MW and 113 MW respectively and were operational by 1935.
27. The electricity generation enabled Baltaland to industrialize rapidly, boosting their economic growth. However, in 1940, Enzokia, which was the major supplier of coal for Baltaland, saw political unrest, due to which Baltaland underwent an acute shortage of coal required to fire its power plants, severely hampering their future economic growth. Consequently, Baltaland decided to follow a policy of focusing on renewable sources of energy only. In 1953, a Hydroelectric Power Plant, with a capacity of 333 MW was set up near the city of Beyanka. The

mountains in the north were a rich source of hydroelectric power, and thus, two more hydroelectric plants with a capacity of 760 MW and 880 MW respectively, were set up between 1953 and 1980 to meet the needs of the growing population. During this time, the thermal power plants were also renovated to increase their capacity to 500 MW each.

28. However, it was anticipated that due to the increase in population, electricity generation would still prove insufficient by the turn of the millennium. Per its policy of focusing on renewable sources of energy, the State decided to invest in solar energy; and two solar power plants with a capacity of 5 GW each were set up in the western region.
29. In 2019, there was a major earthquake in the north-eastern part of Baltaland which led to massive destruction of property. The thermal power plants were destroyed. The damage was massive, with most of the machinery being completely destroyed beyond repair or salvaging. The State Exchequer opined that the cost of repairing the power plants would be significantly higher than creating a new power plant. Consequently, the State decided to build new power plants.
30. The Ministry of Power and Renewable Energy found that there were two possible alternatives for a new power plant: a hydroelectric power plant on the river Midiya; or a nuclear power plant. The construction of the hydroelectric power plant would require Baltaland to enter into a water-sharing treaty with Aroko. Baltaland does not share good relations with Aroko owing to its dictatorial regime and expansionist policies. Since the need for new sources of energy was further aggravated by the growing population and rapid industrialization, the only feasible option, according to the Ministry, was the construction of a nuclear power plant within the territory of Baltaland. Consequently, the Ministry formed a Committee to assess the feasibility of establishing a nuclear power plant and finding an appropriate place for the same. The Committee was given six months to present its report to the Ministry.
31. On 1 December 2020, the Committee began research and development for the establishment of the nuclear power plant; and in May 2021, the report was submitted to the Ministry. As per the report, the area shortlisted for the establishment of the power plant was the Kanawha region, owing to its strategic location and the widespread destruction of the other areas due to the earthquake.
32. After much deliberation and discussion regarding possible courses of action, the Prime Minister and his Cabinet unanimously decided to proceed with the construction of the nuclear power plant in the Kanawha region on 12 July 2021. In pursuance of the same, a notice was sent on 21 July 2021 to the Government of Dolostan, proposing the termination of the 1925 lease, in exchange for a 99-year lease of the Chokiwa region, which lies in the north-east of Baltaland. In

the interests of respecting and protecting the cultural heritage of the Zolo tribe and maintaining good relations with Dolostan, Baltaland proposed to recreate the *Shilabu Manene* forests in Chokiwa as well as breed the *Golden Zoloya* in the river *Chiki* that flows through the region.

33. On receiving the notice, the Dolostanian government consulted the representatives of the Zolo people, Chief Molongwe Kani, and Mr. Jean Shinolo, as well as some elders of the tribe, about the proposed construction and the relocation of the Zolo tribe to the Chokiwa region. The members of the tribe were taken aback by the news. They communicated to the government that the Kanawha region is sacred for them and their lives are closely tied to the region. Any movement from the region would destroy the Zolo culture itself. The Government of Dolostan sent a letter to the Government of Baltaland, requesting negotiations as the termination of the lease was unacceptable to them.
34. In a meeting arranged on 15 September 2021, between representatives of both governments along with Chief Kani and Mr. Shinolo, concerns were raised about the threat to the cultural identity of the Zolo people, the environmental damages, and the loss of wealth possessed in the form of the appellation *Shilabu Manene*, due to the proposed action of the Government of Baltaland. The Minister for Power and Renewable Energy of Baltaland, Andre Dubois, dismissed the concerns in the interest of public necessity. However, in the interest of continuing friendly relations with the State, he reiterated the proposal previously. Mr. Dubois further expanded on the accommodations to be made by Baltaland, which were as follows:
- a. The Zolo tribe will be offered a displacement package to resettle and rehabilitate them in the Chokiwa region, a rural countryside in the north-eastern region of the country, which is relatively undisturbed and very fertile. This displacement package will include funds for construction of homes and communal buildings such as hospitals, schools, town centres, as well as roads. The lands will be given on a 99-year lease to the tribe by the State.
  - b. The State will employ botanical experts to ensure successful cultivation of *Shilabu Manene* to Chokiwa; and if the tribe agrees, will pay for transplantation of the *Shilabu Mana* in that region.
  - c. The State will employ marine biologists to ensure successful relocation and breeding of the *Golden Zoloya* to the rivers and its tributaries flowing in that region.
  - d. If the tribe is not agreeable to the transplantation of *Shilaya Mana*, and in any case to protect the maximum possible flora and fauna from ill-effects of construction

as well as radiation, the power plant will be constructed in one corner of Kanawha and as far away from *Shilaya Mana* and other *Shilabu Manene* trees as possible, based upon expert opinions regarding the distance necessary to ensure safe consumption of the fruits.

- e. Upon certification by experts that the fruits are safe to consume, provisions will be made to provide access to the *Shilaya Mana* and *Shilabu Manene* fruits, and the honey to the tribe.

35. Chief Kani and Mr. Shinolo went back to Dolostan and discussed the proposal with the rest of the elders of the tribe and its government. Various options were discussed, including refusal and protests to prevent the plant from being developed. The elders opined that the proposal would deprive them of their cultural identity as the *Shilaya Mana* cannot be transplanted in Chokiwa. The trees will not survive in the cold climate as they are tropical trees, and hence reconstruction of the forests was not possible. Moreover, it is doubtful that the *golden zoloya* will also survive in the colder temperatures in Chokiwa. Therefore, the Government of Dolostan refused to accept Baltaland's proposal in February 2023.

36. Meanwhile, in March 2023, the Baltaland Chambers of Commerce published their annual report in which they stated that due to irregular electricity supply, about 56% of small-scale industries and 37% of medium-scale industries in Baltaland have closed since 2020, being unable to meet production deadlines resulting in breach of contracts and heavy penalties. The Ministry of Labour and Employment of Baltaland, in their annual report, stated that the unemployment rate in the country has increased to 27.6%, from 18.9% percent in the previous year, and without any intervention, may increase to 34.7% in 2024. Considering the dire situation, the Government of Baltaland issued an order terminating the 1925 lease, effective from 1 June 2023, and the Government of Dolostan was sent a notice to relocate its citizens to its own territories before that date. Any further attempts by the Government of Dolostan to reopen negotiations failed.

37. The Parties have at all relevant times been parties to the Charter of the United Nations, the Statute of the International Court of Justice, the UN Convention on the Rights of Indigenous Tribes 2010 (Annexure I), the UN Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Convention on the Law of Treaties. They are not parties to any other treaty or convention of potential relevance in this Case.

38. Dolostan respectfully requests that the Court adjudge and declare that:

- a. Baltaland's actions to deny access of the Zolo tribe to their cultural heritage in Baltaland's territory is in violation of international law;
- b. Baltaland's expropriation of the Kanawha region is inconsistent with international law; and
- c. The relocation is insufficient and Baltaland should provide just and fair reparation to the Zolo tribe under international law.

39. Baltaland respectfully requests that the Court adjudge and declare that:

- a. Baltaland's actions of restricting access of the Zolo tribe to their cultural heritage in Baltaland's territory is consistent with international law;
- b. Baltaland's expropriation of the Kanawha region is consistent with international law; and
- c. The relocation done by the Government of Baltaland amounts to just and fair reparation under international law.

## ANNEXURE I

### UN Convention on the Rights of Indigenous Tribes, 2010

Adopted and opened for signature, ratification, and accession by General Assembly resolution 77/25 of 16 November 2008 entry into force 2 September 2010.

#### Preamble

#### The State Parties to the present Convention

*Considering that the indigenous communities have for long faced various human rights violations and have been denied the basic right to preserve their culture; while recognizing the development of humankind, as a whole.*

*Recognizing the rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights.*

#### Hereby solemnly adopt the present Convention

#### Article 1

For the purposes of this Convention “indigenous people” means people identified as ‘indigenous’ by each State Party in accordance with its domestic law and practice.

#### Article 2

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights law.

#### Article 3



Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

#### **Article 4**

- a. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- b. States shall provide effective mechanisms for prevention of, or redressal for:
  - i. Any action which may have the aim and effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - ii. Any action which has the aim and effect of dispossessing them of their lands, territories, or resources;
  - iii. Any form of forced population transfer which has the aim and effect of violating or undermining any of their rights; and
  - iv. Any form of forced assimilation or integration.

#### **Article 5**

Indigenous peoples shall not be forcibly removed from their lands or territories unless it is in the public interest. No relocation shall take place without the free, prior, and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Provided that the State may, whenever necessary, formulate appropriate national development policies and laws that aim at the constant improvement of the well-being of the entire population and of all individuals.

#### **Article 6**

- a. Indigenous peoples have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains with the duty to cooperate with the State in ensuring development.

- b. States may seek, wherever possible, to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent, and effective mechanisms developed in consultation with indigenous peoples concerned.

#### **Article 7**

Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

#### **Article 8**

Every indigenous individual has the right to a nationality.

#### **Article 9**

- a. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
- b. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious, and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### **Article 10**

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

#### **Article 11**

- a. Indigenous peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of

subsistence and development, and to engage freely in all their traditional and other economic activities.

- b. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

#### **Article 12**

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.

#### **Article 13**

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Provided that the State may expropriate such land for public use in the absence of any other recourse available.

#### **Article 14**

Indigenous peoples have the right to redress, by means that may include restitution or, when this is not possible, just, fair, and equitable compensation, for the lands, territories, and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used, or damaged without their free, prior, and informed consent.

#### **Article 15**

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

#### **Article 16**

- a. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations, and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

- b. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

#### **Article 17**

Nothing in this Convention may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

#### **Article 18**

Any dispute arising out of this Convention or relating to the provisions of this Convention shall be submitted to the International Court of Justice.

## ANNEXURE II

