

CASE CONCERNING THE OCCUPATION OF RELVAR

1. The Republic of Tavren is a sovereign State in the region of Osthal. The Federal Republic of Norkan is a larger neighbouring State. The region of Relvar, located in the eastern part of Tavren, is internationally recognised as an integral part of Tavren's territory. Both States are parties to the UN Charter and the Vienna Convention on the Law of Treaties. In 1960, Tavren and Norkan concluded a Treaty of Friendship, Article 6 of which guarantees freedom of movement and commerce between the two States, and Article 11 of which provides that any dispute over the Treaty's interpretation or application shall be submitted to the International Court of Justice ('Court'). Tavren submitted Optional Clause declaration under Article 36(2) of the Court's Statute, without reservations. Norkan's submitted Optional Clause, which conditions the Court's jurisdiction on the requirement that the parties have first attempted to resolve the dispute through direct negotiation or another agreed method of settlement and that such attempts have failed.

2. In 2005, Norkan deployed military forces into Relvar without Tavren's consent and has exercised effective administrative and military control over the region ever since. Norkan justified its intervention on the grounds that it was protecting Norkan-speaking populations in Relvar from alleged mistreatment by Tavren. Tavren consistently denied these allegations and demanded Norkan's withdrawal. In 2023, the UN General Assembly requested an Advisory Opinion from the Court on the legal consequences of Norkan's continued presence in Relvar. The Court found, by 12 votes to 3, that Norkan's continued presence in Relvar violated Tavren's territorial integrity and that Norkan was under an obligation to withdraw without delay. Norkan rejected the Advisory Opinion, asserting that it was non-binding and that Norkan remained under no legal obligation to comply with its conclusions.

3. Following the Advisory Opinion, Norkan authorised a State-owned company to begin extracting natural resources from Relvar and restricted the movement of Tavren's nationals and goods across the Relvar border, in direct contravention of Article 6 of the Treaty of Friendship. Tavren protested formally and called for the meeting of Norkan and Tavren's Presidents to resolve the dispute diplomatically. Norkan did not respond.

4. On 10 March 2024, Norkan launched a cyber-attack against Tavren's capital, disabling its power grid and public communications infrastructure. Norkan publicly characterised the attack as a lawful countermeasure in response to Tavren's alleged violations of the Treaty of Friendship. Norkan held the deactivation code for the malware as leverage, demanding that Tavren cease what Norkan described as harassment of Norkan nationals at border crossings. The attack and its aftereffects continued beyond the date of filing.

5. On 1 April 2024, Tavren filed an Application before the Court against Norkan, requesting the Court to: (a) order provisional measures compelling Norkan to provide the deactivation code immediately; (b) declare that the Court has jurisdiction and that Tavren's claims are admissible; (c) declare that Norkan's occupation of Relvar and its restriction of freedom of movement violate the Treaty of Friendship; and (d) declare that Norkan's cyber-attack constitutes an unlawful use of force and an invalid countermeasure under international law. In support of its claims, Tavren

expressly relied on the 2023 Advisory Opinion as establishing that Norkan's presence in Relvar is unlawful. Tavren founded jurisdiction on its and Norkan's Optional Clause declarations and on Article 11 of the Treaty of Friendship. Norkan appeared before the Court, contested the Court's jurisdiction and admissibility, and reiterated that the Advisory Opinion imposes no binding legal obligations.

The parties are required to address the following questions on jurisdiction and admissibility:

Question 1: Whether the Court has jurisdiction over the dispute on the basis of the Optional Clause declarations submitted by Tavren and Norkan under Article 36(2) of the Court's Statute and/or Article 11 of the Treaty of Friendship of 1960.

Question 2: Whether Tavren has standing to bring the present claims before the Court, with particular regard to whether the 2023 Advisory Opinion of the Court may be relied upon to establish that Tavren holds a legally recognised right that has been violated by Norkan.

You are required to address both Question 1 and Question 2 in your written memorial. You may choose which party you represent, either Tavren as Applicant or Norkan as Respondent, and must argue consistently from that party's perspective across both questions. The written memorial shall not exceed 1.5 pages and must present your legal arguments in a clear, structured, and concise manner following the IRAC structure.