



THE IASLA SPACE LAW MOOT COURT COMPETITION

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

BETWEEN

REPUBLIC OF CASSINI
(APPLICANT)

AND

KINGDOM OF ITOKAWA
(RESPONDENT)

JOINTLY NOTIFIED TO THE COURT ON 3 SEPTEMBER 2055

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

ENTRE

RÉPUBLIQUE DE CASSINI
(DEMANDEUR)

ET

ROYAUME DE ITOKAWA
(DÉFENDEUR)

NOTIFIÉ CONJOINTEMENT À LA COUR LE 3 SEPTEMBRE 2055

Case concerning Certain Actions of Human Settlements on Mars and Related Actions on Earth

Cassini v. Itokawa

STATEMENT OF AGREED FACTS

1. Cassini is an archipelagic State with a population of 42 million. It has one of the highest gross domestic product per capita in the world and is the world's fifth largest economy. It is technologically advanced with a highly-developed space capability in both the public and private sectors. It has one of the world's highest population density and has sought to increase arable and residential land through reclamation from the sea.
2. Itokawa is a large continental State with a population of 241 million. It is the world's largest economy and its high living standards, including free public healthcare, education and social services have given Itokawa one of the world's highest gross domestic happiness, an index developed and adopted by the United Nations Development Programme under the 2036 UNDP Action Programme. Although private enterprises dominate its space applications sector, the Itokawa Space Development Authority ("**ISDA**") has invested heavily in launch vehicles and both manned and unmanned space exploration programmes.
3. After the successful development of nuclear and ion propulsion engines enabled the first human landing on Mars in 2031, overpopulation, depleting resources and unchecked environmental degradation have fuelled increasing interest in human settlement on Mars. Since 2044, China, the European Mars Settlement Community (comprising the Member States of the European Union, Norway and Switzerland) and the United States of America have established permanent and semi-permanent human settlements on Mars with populations varying between 300 and 1,200 volunteer settlers.
4. Cassini and Itokawa, being neighbouring States have competed for mineral resources in the overlapping exclusive economic zones and the international waters between them. Since 2023, they have also competed heavily in the extraction and exploitation of lunar resources after the 2019 world shortage on platinum and other platinum group metals (caused by the increasing use of hydrogen-oxygen fuel cells, for which such metals are essential catalysts, in place of petroleum engines) and the adoption of the 2022 Provisional Lunar Resources Exploitation Agreement (the "**Lunar Resources Agreement**") under the auspices of the United Nations. Their navies and lunar mining establishments have clashed in protection of their respective economic interests over the years.
5. Article 46 of the Lunar Resources Agreement states that:

This Agreement is not intended to effect the arrangement contemplated in Article 11 of the Agreement on the Activities of States on the Moon and other Celestial Bodies and nothing in this Agreement is intended to affect the application or operation of the terms of that Agreement on its State Parties.

6. On 2 May 2048, being the Independence Day of Itokawa, the permanent settlement named Nova Itokawa was officially established on Mars in the Tharsis bulge, 30 kilometres south of the caldera of Olympus Mons. With a population of 1,450 mostly volunteers, Nova Itokawa is governed by the Nova Itokawa Ruling Council of 9 people elected by the Federal Cortés (parliament) of Itokawa for 5 year terms. The Nova Itokawa Ruling Council is assisted by a small administration that enabled Nova Itokawa to be effectively autonomous and self-governing in most respects.
7. On 19 September 2048, Cassini established Titania, its first permanent settlement on Mars in Tharsis bulge, 65 kilometres east of the caldera of Olympus Mons and about 200 kilometres from Nova Itokawa. With 1,866 volunteer settlers, Titania has the largest population of all human settlements on Mars but, like Nova Itokawa and all other Martian settlements, Titania is designed to be entirely self-sufficient in food, water, oxygen and resources. The governance and administrative affairs of Titania are handled by the Cassinian Department of Space Affairs, which is headed by the Minister for Space Affairs appointed by the President of Cassini.
8. On 9 April 2049, a serious malfunction occurred in the oxygen generation facility in the second United States settlement on Mars. Although the malfunction was quickly rectified, this mishap led to concerns being raised among the settlers and on Earth about the ability of the various Martian settlements to deal with severe emergencies. After intensive diplomatic negotiations, the General Assembly of the United Nations adopted the Convention on Emergency Evacuations of Martian Settlements (the "**Evacuation Convention**").
9. Article I of the Evacuation Convention defines a "Settling State" as a State that "establishes or procures the establishment of a human settlement on Mars".
10. Article IV of the Evacuation Convention provides that:

Each Settling State must ensure that a human settlement on Mars maintains the requisite vehicles, equipment, fuel and procedures necessary for the emergency evacuation of all permanent and temporary inhabitants of that settlement within three hours of an emergency being declared.
11. Article VIII of the Evacuation Convention further provides that:

Nothing in this Convention affects any existing obligation of States in international law to render assistance to each other in the case of any emergency affecting human safety and welfare in all settlements on Mars.

12. Since establishment, both Titania and Nova Itokawa had been mining the area located between the two settlements in the Karzok Crater, east of the Olympus Mons caldera. It is believed that an asteroid impact and subsequent repeated meteorite strikes in the Karzok Crater has caused the area to be particularly rich in platinum, platinum group metals and water. Competition between the two settlements for the mineral wealth in the Karzok Crater has led to significant tensions between them and between Cassini and Itokawa. In particular, the media in Cassini and internationally have suggested that Nova Itokawa was mining more than was needed by the settlement to stockpile in anticipation of future shortages.
13. On 14 July 2052, in an exclusive report in *The New York Herald*, it was revealed that most of the minerals extracted and refined on Mars by Nova Itokawa were being secretly ferried back to Itokawa for domestic consumption on Earth in Itokawa. When the report was reprinted in the Cassinian press, the settlers in Titania were outraged.
14. Three weeks later, during three days of holidays in celebration of the coronation of the new Queen Mathilde III of Itokawa from 5 to 7 August 2052, the Titania settlers dug a large hole with steep edges in the Karzok Crater near an area recently mined by Nova Itokawa and covered it with a large brown plastic sheet. The bottom side of the plastic sheet was found to have the words "SURVIVAL IN SPACE BEFORE GREED ON EARTH". When mining activities resumed, a significant number of mining vehicles fell into the hole and had to be abandoned as they became irretrievable. Of the 36 settlers who were onboard the vehicles, only 14 were rescued as the remainder died on impact or before rescuers could reach them. Of the 14 survivors, 5 received permanent injuries
15. The Cassinian Government denied all prior knowledge of the actions of the settlers in Titania, but admitted that an administrative officer in Titania had reported these actions afterwards in her weekly report to the Minister in Cassini.
16. The deaths and the loss of equipment, which had to be replaced from Itokawa at an estimated cost of 26 million Itokawan phobos (the Itokawan currency unit), led to fervent calls for retaliation in both Itokawa and Nova Itokawa. The Speaker of the Itokawan Cortés and the President of the Nova Itokawa Ruling Council both scheduled extraordinary sessions of both bodies in September 2052 to debate retaliatory measures against Cassini and Titania, respectively.
17. Despite emergency supplies of vehicles and certain mineral resources and water supplies being sent immediately from Itokawa, the loss of the vehicles and mining equipment placed the survival of Nova Itokawa at risk for six months due to the time needed for transit from the Earth to Mars.
18. On 3 September 2052, a large metallic meteorite from the meteor shower from the Comet Wiseman-Skiff (114P) entered the Martian atmosphere and struck the power generating plant of Titania, destroying all 12 nuclear reactors. Emergency evacuation alarms immediately sounded throughout Titania but it was soon discovered that there

were only 17 evacuation spacecraft maintained, enough for only half of the settler population of Titania. The settlers decided to evacuate the women and children to Cassini using the useable spacecraft and those that remained got into their vehicles and drove towards other settlements on Mars. Of that number, 248 of those with the least amount of electrical power in their vehicles, drove towards Nova Itokawa.

19. When news of the disaster in Titania spread throughout Mars, each of the other settlements except Nova Itokawa immediately decided to take in the refugees when they arrived from Titania and to arrange for their safe transport to Cassini. At Nova Itokawa, however, an urgently convened meeting of the Ruling Council could not decide and a settlement meeting was immediately called at the Settlement Square. The Nova Itokawan settlers voted by a 71.4% majority to refuse entry to the Titanian refugees just before the latter began to arrive.
20. Of the 248 Titanian refugees refused entry into Nova Itokawa, 87 reached other settlements or were rescued by teams sent out by the other settlements and 54 were secretly sheltered by sympathetic settlers in Nova Itokawa. The remaining 107 died from suffocation when their vehicles ran out of electrical power.
21. The death of the Titanian refugees turned away by Nova Itokawa was widely reported by the media on Earth and was met with a mixture of diplomatic silence or outspoken condemnation by the international community. The National Assembly of Cassini resolved on a retaliatory trade embargo on Itokawa and a resolution proposed by Cassini condemning Itokawa and imposing trade sanctions failed to be adopted by the General Assembly of the United Nations. Although public opinion in Itokawa was generally supportive of Nova Itokawa, the resulting shortages of coal and natural gas, which were mostly imported from Cassini, partly led to the landslide victory of the opposition parties in the federal election in Itokawa on 26 March 2053.
22. On 10 May 2053, 7 of the 9 members of the Nova Itokawa Ruling Council, whose term ended on 1 May 2053, and their families departed Nova Itokawa for Itokawa onboard the spacecraft *Pisces XI*. On 26 November 2053, at an altitude of 186 kilometres above the surface of the Earth, *Pisces XI* collided with a previously identified object that severely damaged its navigational systems. *Pisces XI* made a successful emergency landing on a military installation in Cassini but when the identity of the passengers onboard became known, the President of Cassini ordered the arrest of the Ruling Council members. On 21 December 2053, the crew and other passengers, as well as *Pisces XI* were released by the Cassinian authorities and returned to Itokawa.
23. Despite strenuous protests and demands for their immediate release by Itokawa, the Nova Itokawa Ruling Council members were charged with mass murder and crimes against humanity. On 23 October 2054, in a trial most international observers considered to be fair and impartial, they were found guilty by the Supreme Criminal Court of Cassini and sentenced to death.

24. The convicted members of the Nova Itokawa Ruling Council were executed in Cassini on 19 May 2055. The method of execution was not disclosed.
25. After the executions, the Federal Government of Itokawa recalled its ambassador and broke off all diplomatic relations with Cassini. However, the Attorney-General of Cassini, bowing to public opinion, continued to press for monetary compensation for the deaths of the Titanian refugees from Itokawa through diplomatic channels, including the United Nations.
26. Through the good offices of the Secretary-General of the United Nations and the shuttle diplomacy of the Foreign Minister of China and the U.S. Secretary of State, both Cassini and Itokawa agreed to jointly submit their dispute in relation to the actions of Titania and Nova Itokawa and subsequent related actions by Cassini to the International Court of Justice.
27. Cassini claims that:
 - (i) Itokawa contravened international law in extracting mineral resources from Mars for domestic exploitation and use on Earth;
 - (ii) Itokawa contravened international law by failing to admit the Titanian refugees into Nova Itokawa and to otherwise render them all necessary assistance; and
 - (iii) Itokawa is liable to compensation to Cassini for its breaches of international law as pleaded above.
28. Itokawa claims that:
 - (i) Cassini is liable for the injuries, deaths and destruction of vehicles and mining equipment on Mars and placing the survival of Nova Itokawa and its settlers at serious risk;
 - (ii) Cassini contravened international law in failing to ensure that sufficient spacecraft is maintained in Titania for the evacuation of all of its settlers; and
 - (iii) Cassini was obliged to return to Itokawa the members of the Nova Itokawa Ruling Council that landed in Cassini and is liable for their deaths.
29. Each of both Cassini and Itokawa deny the claims made by the other and further deny that the other is entitled to any relief from the Court.
30. Both Cassini and Itokawa are Member States of the United Nations and are State Parties to the Outer Space Treaty, the Rescue Agreement, the Liability Convention, the Moon Agreement, the Lunar Resources Agreement and the Evacuation Agreement. Neither State are State Parties to the Vienna Convention on the Law of Treaties or the Registration Convention.