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IN PURSUIT OF PERFECTION



# **INTERNATIONAL COURT OF JUSTICE**

**CASE CONCERNING THE  
VASPERTILO**

**STATE OF KNOTT  
V.  
REPUBLIC OF RUTH**

**10<sup>th</sup> OCTOBER 2020**

**ORDER**

**INTERNATIONAL COURT OF JUSTICE  
YEAR 2020**

**10<sup>th</sup> OCTOBER**

General list  
No. 51

**CASE CONCERNING THE VASPERTILO**

**(STATE OF KNOTT *v.* REPUBLIC OF RUTH)**

**ORDER**

The President of, the International Court of Justice (“Court”),

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

Having regard to the Application filed in the Registry of the Court on 12<sup>th</sup> June 2020, whereby the Government of the State of Knott (“Knott” or “Applicant”) instituted proceedings against the Republic of Ruth (“Ruth” or “Respondent”) with regard to a dispute concerning alleged violations of international law by Respondent,

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

Whereas Knott and Ruth have appointed their respective Agents;

Whereas, on 15<sup>th</sup> June 2020, Ruth informed the Registrar and the Agent of Knott of its intention to file counterclaims under Article 80 of the Rules of Court;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 25<sup>th</sup> June 2020, pursuant to Article 31 of the Rules of Court, the Agents of the Parties agreed to have all claims and counterclaims heard together in a single set of proceedings;

Whereas, after negotiations, the Agents of the Parties jointly communicated the annexed Statement of Agreed Facts on 2<sup>nd</sup> October 2020; including a formulation of the claims and counterclaims to be adjudicated by the court

Whereas the Agents of the Parties have agreed that they shall each submit one written Memorial and make oral pleadings solely on the claims presented in the Statement of Agreed Facts (together with Corrections and Clarifications to follow if any);

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

Whereas the Parties have agreed that the designation of Knott as Applicant and Ruth as Respondent shall be without prejudice to the allocation of the burden of proof;

Taking into account the views and agreement of the Parties,

*Fixes* the following dates for the filing of the written Memorials and for the oral pleadings as the dates set forth in the official schedule of the 7<sup>th</sup> VIPS International Law Moot Court Competition; and

*Adopts* the official rules of the 7<sup>th</sup> VIPS International Law Moot Court Competition; and

Reserves the subsequent procedure for further decision.

Done in English, the English text being authoritative, at the Peace Palace, The Hague, this Tenth day of October, Two Thousand and Twenty, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Governments of State of Knott and Republic of Ruth respectively.

(Signed)

President

Authored by: Mr. Abhinav Singh,

Assistant Professor, VSLLS, VIPS

(Signed)

Registrar

## STATEMENT OF AGREED FACTS

### CASE CONCERNING THE VASPERTILO

Knott *v.* Ruth

02<sup>nd</sup> October 2020

1. The State of Knott and the Republic of Ruth are neighboring countries in the continent of *ARES*, North hemisphere with Knott located in Western *ARES* and Ruth in Eastern *ARES*. The continent is located in the subtropical belt having temperate climate and evergreen vegetation and is divided by the great mountain 'Titan Ranges'. The International boundaries of Knott and Ruth fixed by the '*Treaty of Valrose*' follow the peaks of 'Titan Ranges' in the far North and run through 'Pandora' Wetlands (hereinafter 'wetland') in the far south. 'Pandora' Wetlands is listed under the *Ramsar Convention on Wetlands of International Importance* and is shared by these two countries almost equally by area. Knott and Ruth designated their respective areas of 'Pandora' as Wetlands of International Importance under the *Ramsar Convention*. The 'wetland' has the famous 'Lake Tranquil' which is the world largest inland brackish water lake. Lake tranquil lies entirely within the boundaries of Ruth.
2. Historically the whole continent of *ARES* was ruled by the Dynasty of '*Ostin*' till 1494 AD. It was inhabited by the indigenous peoples anthropologically termed as '*Capols*'. Due to the weak rulers of '*Ostin*', invaders from the sea occupied the region west of the Titan Ranges (location of the present-day Knott). These invaders were of a different stock anthropologically termed as '*Caocaosians*'. As a result of the frequent attacks of '*Caocaosians*', most of the '*Capols*' living west of the Titan ranges, migrated to the eastern slopes of the Titan Ranges (location of the present-day Ruth). Here they were safe as Titan Ranges gave natural protection from the invasion of the '*Caocaosians*'. As of today, Knott is primarily inhabited by the '*Caocaosians*' and

some of mixed stock known as ‘*Mojras*’ (offspring of ‘*Capol*’ and ‘*Caocaosians*’ intermarriages) and Ruth is inhabited solely by the ‘*Capols*’.

3. *ARES* has been termed as a region very rich in biodiversity and plant species. Many birds, mammal, reptile and amphibian species call *ARES* as their home. The Western slopes of the Titan Ranges is the only place on Earth where the ‘*VASPERTILO*’ (*Solemna Chiroit* or “the Bird”) is found and is endemic to this region. The average adult male of the species has a wingspan of two meters and the female is much bigger with a wingspan of three meters. This bird is biologically similar to the species belonging to the order ‘*Chiroptera*’ which includes bats. The ‘golden plume’ found only on the crown of an adult *Vasptilo* and the distinct ‘tic-tok’ sound emitted by it help to distinguish it from the other species in the order ‘*Chiroptera*’. Surprisingly ‘*vasptilos*’ lay eggs unlike bats. The young ‘*vasptilos*’ are called as *Korros* until they develop wings by five weeks after birth. *Korros* do not have the ‘golden plume’ on their crown unlike the adult ‘*vasptilo*’ and they only develop it after they start flying. The ‘*vasptilos*’ were listed in Appendix II of the ‘*Convention on International Trade in Endangered Species of Wild Flora and Fauna*’, 1973(CITES) in the year 1999 and were moved to Appendix I in 2017. They were also listed in Appendix II of the *Convention on the Conservation of Migratory Species of Wild Animals*, 1979(CMS) in the year 1998 and were moved to Appendix I in 2016. Ruth and Knott are the range states for the ‘*vasptilo*’. It is also listed as Vulnerable on the IUCN Red List of Threatened Species.
4. For centuries, in every autumn by August end, hundred thousands of these ‘*vasptilos*’ leave the western slopes of Titan Ranges and migrate to ‘Lake Tranquil’ in ‘Pandora’ for laying eggs. They return by winter to the Titan Ranges with their young ones. ‘*vasptilos*’ are central to *Capolenese* culture and religion. Legends have it that ‘*vasptilos*’ were the escort of God ‘Tatus’ who bought them to earth from heaven to wipe out the *hamoapiens* who had made the world sick by consuming everything. Then ‘*vasptilos*’ had emitted poison killing all the *hamoapiens* and restored the world order. The bird is highly worshipped by ‘*Capols*’ and their killing is the ultimate sin in their religion. Only the *Capol shamams* (*Capol* priests) are allowed to kill but only the *Korros*, for using them for medicinal purposes. The *shamams* use various parts of *Korros* in their traditional medicine to treat almost every ailment. For example, *Korros* blood is used in

treatment of fever, *Korros* bones are used for strength and *Korros* claws are used in treatment of cold. In fact, almost every part of a *Korro* is used in the traditional medicine of 'Capols'. According to *Capolonese* traditions and beliefs, once the plume appears no 'vaspertilo' is to be killed for whatever reason and even seeing the carcass of a dead plumed 'vaspertilo' is considered to be a bad omen. The carcass has then to be immediately burnt to ward off evil. After burning the carcass, the *Capolonese* who had the misfortune of seeing the carcass is required to undergo a twenty-eight-day purity ritual in which he is not allowed to meet anyone. He has to lock himself in a *mokash* (room with no windows and which can only be opened from outside) and has to cook his own food and wash his own clothes. After the twenty-eight-day period is over, the *shamam* calls him from outside, if he answers the call, the *mokash* is opened by the *shamam* from outside and he is allowed to come out. The ancient scriptures of *Capol* state that if he does not answer the call of the *shamam*, it means that the curse of 'vaspertilo' has taken him and he is dead. The *mokash* has to be burnt down without opening the door. Due to this belief generally no *Capolonese* dares to venture into the 'Pandora' during the breeding season of 'vaspertilo' and only *shamams* go to collect the eggs of the 'vaspertilo' and *Korros*. The eggs of the 'vaspertilo' are considered to be a divine fruit and a gift of god which have to be necessarily partaken by every *Capolonese* during the forty-day festival 'Tukam' celebrating their new year. 'Tukam' begins when the 'vaspertilo' start their annual migration to 'Pandora'.

5. To the present day almost all 'Capols' have belief and observe these traditions. These beliefs had been challenged by some modern day *Capolonese* calling them barbaric and having no scientific basis and for their abandonment and abolishment. Interestingly, investigations in the late 1980s by biological scientists and well research scholarship established that the plumed 'vaspertilo' gut is home to many virus strains primarily of 'Nokona Kimera' family against which humans have not developed any natural immunity. This virus was found not to be present in the 'vaspertilo' eggs and *Korros*. In those studies, this strain of virus was shown not to have any animal to human transmission but further advanced studies are still continuing.
6. 'Vasptilos' are not consumed by the 'Caocaosians' in any form for a variety of reasons as the meat of 'vaspertilo' is said to be bitter and impure, the meat percentage is less than five percent of the body weight, any 'vaspertilo' available in Knott is only at the higher inaccessible reaches

of Titan Mountains. The non-consumption of the bird is not due to their religious beliefs unlike '*Capols*' of Ruth. The only demand of this bird in Knott comes from the *Mojras*. They manage to get the eggs and *Korros* in the Knott wet markets, all of which are poached and smuggled from Ruth. The government of Knott does not discourage the trade of these animals in these underground wet markets as it is lucrative. Knott's Wildlife Protection Law designates wildlife as an economic resource which encourages and protects these markets and any changes to these policies made remain provisional and poorly implemented.

7. After the breakup of the *Ostian* Empire in the fifteenth century, the whole region of *ARES* comprised of scattered principalities till 1904. The principalities west of Titan Ranges were governed by the chieftains who constantly bickered amongst themselves. The principalities located east of these mountains still swore allegiance and loyalty to the vestiges of the *Ostinian* emperor who was not more than a figurehead. In 1910, the emperor declared the 'Keiji revolution' and unified all area East of Titan Ranges into the Republic of Ruth. He introduced democracy and brought major political, economic, and social change. The principalities located west of the Titan Ranges were united by Linarck in 1921 into the State of Knott. Thus, that is how the two independent nations, the State of Knott and the Republic of Ruth came into being.
8. State of Knott is ruled by a single party, the Linarck Proletariat Party and Republic of Ruth is a multi-party parliamentary democracy. Both nations made rapid advances towards modernity and westernization. Rapid modernization and rising feelings of nationalism along with non-demarcated borders, with Ruth claiming all of western slopes of the Titan Mountains and Knott claiming all of 'Pandora', led to the 'Great war of Volge' lasting two years from 1952 to 1954. The war proved ruinous to both the nations and in the end the State of Ruth emerged victorious. Both nations subsequently signed the '*Treaty of Valorose*' in 1954 which established peace between the two nations. The treaty demarcated the international boundaries with Ruth giving up its claim to the western slopes of Titan Ranges and demarcation of the boundary in 'Pandora'. The treaty also provided for the conservation of the heritage and biodiversity of Titan Ranges and 'Pandora' based on the principles of protection, conservation and

sustainability. It also provided for reference to International Court of Justice of any further disputes regarding the subject matter of the treaty.

9. Ruth subsequently underwent rapid industrialization focusing on manufacturing, agriculture, engineering and electronics partly aided by its skilled and abundant labor force. Knott embarked upon development based on services sector with information technology, pharmaceuticals, research and innovation in the technologies for tomorrow.

The two countries are very big trade partners. The latest trade data available for the year 2019 showed total trade to the tune of 175 billion USD and which has shown an average annual rate of increase of five percent for the last fifteen years. The State of Knott enjoys a huge trade surplus in trade with Ruth.

In the success of Knott, the corporate group of Shijoto stands out. The Shijoto group is headquartered in Sagai, the economic nerve center of the State of Knott. The business interests of Shijoto span from pharmaceuticals, hydrocarbons to electronics and engineering products. It has set up plants and research complexes not only in Knott but also in Ruth committing billions of dollars of investment. The Shijoto group is headed by Dr. Nobi Nakamura, the world-renowned scientist who had discovered and isolated *quininequa*, a broad spectrum anti-microbial from 'Lukta' plant found in 'Pandora' in the year 1995.

Dr. Nobi has devoted all his life to the pursuit of technologies of the future. Shijoto group in 2009 set up the world biggest bio-complex 'Lazarus Labs' researching new compounds and bio actives as a 50-50 joint venture between Shijoto Bio Corp (a wholly owned subsidiary of Shijoto group) and Knott Chemicals (a public sector undertaking wholly owned by the Knott government) with free land and funding from the Department of Home and Defense, Government of State of Knott. This lab was set up in Campos, Palmas province of Knott, located 50 miles from Mountain Huha, the second highest peak of Titan Ranges. Palmas had recently emerged as one of the biggest export hubs of agricultural, horticultural and primary products with the government setting up an export promotion zone in Palmas. Campos being the capital of Palmas province, witnesses' arrivals of millions of businessmen from all around the world for sourcing their raw materials cheaply. The Palmas provincial government had awarded a twelve billion USD contract in 2012 to the Shijoto Group for upgradation of the Campos International airport. After upgradation the airport is able to handle two hundred thousand arrivals daily.



10. In August 2018 'Lazarus Labs' announced to have made a significant discovery of a compound in '*vaspertilo*' having therapeutic properties and stated further studies are going on.
11. In November 2018, reports of a mysterious cold and fever started appearing in the social media accounts of Knott citizens. There was a post of a doctor in Palmas on social media chat account talking of a sickening disease suffered by people coming to Palmas healthcare center. The post was later found to be removed.
12. On 20<sup>th</sup> December 2018, the Palmas municipal authorities gave a press statement of an illness sickening dozens in Knott. They further added that 'the health authorities confirm that few people in Campos are being treated for a seasonal flu fever that is "preventable and controllable."' The Campos authorities, stated many of those sickened had visited a live animal market in Campos, but further added that there is no evidence of the illness spreading from person to person. They declared repeatedly that there had likely been no more infections.
13. The Dawn Sun newspaper of New York in its 29<sup>th</sup> December edition printed that there are reports of the doctor who had first posted about the illness has been taken into custody for spreading rumors and disturbing peace but with a disclaimer of the report being unsubstantiated. It also added that there is hardly any news of the disease or its spread in the news of Knott and its state-run newspapers appear to be suppressing the information. In a response, one of the state-run newspaper agencies in Knott, advised all the netizens not to fabricate, spread and believe rumors and minimize the danger to the public.
14. On 5<sup>th</sup> January 2019 the state media of Knott reported its first death from the illness of a seventy-three-year-old *caocaasian* man in Palmas who had visited the wet market at Campos. It also reported that 'ongoing investigations have revealed that the illness, a type of Pneumonia, appears to be caused by '*Nokona Kimera*' virus found in '*vaspertilos*'. On 10<sup>th</sup> January the State of Knott placed restrictions on export of some categories of medical equipment and instruments. It also banned the export of certain drug formulations used as analgesics and

antipyretics. On 18<sup>th</sup> January the State of Knott imposed strict lockdown in the Pampas province which was described as ‘aggressive’ with shutting down of railways, suspension of flights, stopping of subways’ in an attempt to stall the spread of the virus and notified the WHO of a public health emergency, two months after the first set of cases emerged in Palmas. On 24<sup>th</sup> January the WHO mission to Knott issued a statement stating that there was evidence of human-to-human transmission in Palmas and further investigations were being done to understand the full extent of transmission. It called for information sharing and epidemiological reports by Knott authorities in a timely and transparent manner so as to formulate a better response and strategy. The disease was named as ‘kimera-20’ by WHO. It also offered epidemic investigation assistance and collaborative assessments of risks which were politely declined. On 26<sup>th</sup> January the first case in Ruth was reported of a sixty-one-year-old woman with a travel history to Palmas. On 27<sup>th</sup> January the government of Knott claimed that the virus originated at a wet market in Campos in Palmas Province. It also announced the closure of all the wet markets in Palmas but they were allowed to run in other provinces.

15. On 12<sup>th</sup> February the first case of suspected local transmission was reported in Ruth in a patient with no travel history to Knott nor contact with anyone diagnosed with the virus. The Prime Minister of Ruth, Mr. Sapro Capolo Khunx alleged that the ‘Lazarus Labs’ was a clandestine bioweapon research facility and the virus was an attempt at putting the brakes on the Ruth economy which had now gathered steam under his government. He termed the virus as ‘Caocao virus’ in an attempt to implicate the Knott ‘*Caocaosians*’ in the spread of this disease. On the same day Knott disclosed that twenty five hundred of its health workers were infected and this had already been shared with WHO. WHO came out with a press release requesting Knott for detailed data on hospital transmissions which was ‘forthcoming sporadically?’
16. In view of its potential for fast global spread, on 19<sup>th</sup> February 2019 the WHO Director-General convened an Emergency Committee (EC) under the International Health Regulations (IHR 2005) to assess whether the outbreak constituted a public health emergency of international concern. The Director-General accepted the advice of the EC and he declared the Kimera-20 outbreak to be a Public Health Emergency of International Concern (PHEIC) a designation implying an extraordinary event that threatens to spread internationally.

17. In a leading medical Journal “*Medicine Today*” Dr. Troomp Mavalodois, a leading world-renowned epidemiologist in an article made the claim that no evidence was found, after analysis of genome sequence data from Kimera-20, that the virus was laboratory made or human engineered. According to the coauthor of the paper Dr. Sylviya Brown PhD, Professor of Immunology and Microbiology ‘we can firmly determine that Kimera-20 originated through natural processes. The paper also made the claim that the ‘*Nokona Kimera*’ family of viruses is naturally found in all the species of the order ‘*Chiroptera*’. One of paragraphs of the paper states that ‘the analysis of the genetic template for spike proteins which the virus uses to grab and penetrate the human/animal cell walls shows that the receptor-binding domain (RBD) and cleavage site have undergone natural evolution’. ‘It has evolved to target very effectively a ‘receptor’ molecular feature outside of human cells’. The paper also added that this strain of *Nokona-Kimera* was previously not discovered in any historical research studies of ‘*vaspertilos*’ samples. It added that ‘the discovery of this strain which shows signs of rapid mutation and evolution in the present ‘*vaspertilos*’ samples is perplexing’. The researches lamented the fact that their request for access and permission to visit Palmas to expand the current state of knowledge on Kimera-20 had been refused by the State of Knott. In an independent research, WHO also stated that there are only two scenarios which are plausible- one is that, first there was natural selection in an animal host before zoonotic (animal to human) transfer occurred or second is that, there was natural selection in humans following zoonotic transfer.
18. ‘Lazarus Labs’ came out with a press release strongly refuting all the allegations of mismanagement and negligence stating that it is a biosecurity level 4 facility (BSL4) – the highest safety level for bio containment. But it also admitted that it was researching ‘*vaspertilos*’ including all the micro-organisms inhabiting it. It also admitted that it had specifically isolated and researched the RNA of *Nikona–Kimera* virus family found in ‘*vaspertilos*’. Its refuted allegations of the origin of virus from its facilities by stating that the ‘virus strain under study and research was only 80 percent genetically similar to Kimera-20 and no gene splicing was either done or authorized’.
19. In March 2019 ‘Lazarus Labs’ announced to have isolated and extracted the previously discovered compound named ‘Corcormiz’ in the bone extract of ‘*vaspertilo*’ having anti-cancer,

antioxidant, anti-inflammatory, antidiabetic, and antimicrobial properties and which may have significant therapeutic benefits in arthritis and cardiovascular disease, and most importantly outstanding benefits in treatment of Kimera-20 which reduces its human mortality potential. The labs announced that this compound is difficult to isolate and extract in adult '*vaspertilos*' and further studies are going on. They informed that they have filed a patent application with the office of Knott Controller General of Patents for the bio-compound "Vaspirin" with its major ingredient derived from the 'Corcormiz' for treating illness caused by *Kimera* -20. In the following week, the Controller General duly published the patent application in their gazette to enable any person or entities, interested to participate, in the pre-grant opposition proceedings (which have to be concluded within 4 months according to the Knott domestic laws). These proceedings, which if successfully defended lead to grant of patent for 20 years under the patent law of Knott.

20. As soon as the announcement was made by 'Lazarus Labs', there were widespread protests in Ruth. The Ruth government accused the Knott government and Shijoto group of committing bio-piracy and theft of traditional knowledge, attack on the culture and sensitivities of the *Capol* people who had been using '*vaspertilos*' for therapeutic purpose for thousands of years in their traditional medicine and which was highly revered in their culture. There were threatening mails received and widespread protests outside the plants of Shijoto located in Ruth. The *shamams* warned of the wrath of Tatus and the curse of '*vaspertilo*' which would befall on the humans who had fouled the creature of God. There was heavy criticism of the move on the social media accounts and the official mail of government of Knott was flooded with protest letters from all over the world. The foreign minister of Ruth termed the move as a direct attack on the culture and beliefs of the Ruthians. A strong *démarche* was delivered to the Ambassador of Knott protesting the theft and appropriation of traditional knowledge of the '*Capols*' who for thousands of years have known and used the medicinal properties of the bird and calling for government of Knott to follow the spirit of '*Treaty of Valorose*'.
21. 'Lazarus labs' came out with the press statement in response stating that Shijoto group has 'always endeavored to protect and respect the culture, beliefs and practices of '*Capols*' and outlined that the 'patent application of 'Vaspirin' though based on extract of the '*vaspertilo*' was a significant improvement in the bio-availability, thermodynamic stability and therapeutic

properties of the compound'. The compound though present in the '*vaspertilo*' is in a concentration that does not deliver therapeutic benefits. Moreover 'adult '*vaspertilos*' have never been used in the traditional medicinal system of the '*Capols*'. The isolation and improvement in the properties of the compound through 'Vaspirin' 'would make available to the world a wonder drug which would benefit all of mankind' and 'it does not any way threaten the traditional system of medicine of the '*Capols*'.

22. The Knott Controller General of Patents in a press conference stated that all patent applications are subject to strict scrutiny and all due procedure of law is followed before granting of Patents. On being questioned of the '*Capols*' protests he made a brief statement that the objections prima facie does not seem to be valid but are being studied. He declined to take further questions.
23. Till July 2019 the Kimera-20 virus had infected 20 percent of the population in Knott. Due to its traditional focus on services sector its economy did not suffer much damage, as much of its population was working from home. Ruth was getting affected more as compared to Knott as the manufacturing could not happen due to considerable restrictions on the physical movement of the workers. By August there were more than 30 million Ruthians, infected by the virus.
24. The Morning Sun newspaper of Knott reported in its 20<sup>th</sup> July edition that the wet markets of Knott had been reopened after necessary sanitization procedures especially in the Palmas province after authorities have been able to contain and control the disease in Palmas.
25. On 26<sup>th</sup> July Mr. Sapro Capolo called a parliamentary meeting to debate the response of the government to prevent the spread of the disease in Ruth. A senior parliamentarian called for punishing Knott for the spread and to find ways to compensate for the massive losses caused and appropriation of traditional knowledge of '*Capols*' by Knott. The prime minister made a statement in the house 'we know for a fact that this virus originated in 'Lazarus Labs' either deliberately or accidentally' and we are going to take 'strong action'. He further stated that they (Knott) are cracking down on doctors who attempted to warn about the dangers of this

‘Caocao virus’ and ‘if they( Government of Knott) had taken proactive measures to accept the reality and warned the world about it, the fatalities could have been 95 percent lower’. He further added that reports are coming that they have reopened their wet markets.

26. The patent for ‘Vaspirin’ was granted in July 2019 after disposing of all the objections made in the pre grant opposition proceedings. There were widespread protests all over Ruth and the people accused the Ruth government of not doing enough and bowing to multinational corporate interests. ‘Lazarus Labs’ welcomed the grant of patent for ‘Vaspirin’ and assured that ‘interests of all stakeholders would be taken care of’ and commercial production would start soon.
27. In August 2019 the ‘Lazarus Labs’ informed that ‘Vaspirin’ will be priced at 15,000 USD per 9 tablets of 1000 mg and the whole course for Kimera-20 will require a 28-day course of three tablets daily at intervals of 8 hours with the treatment cost of 2,00,000 USD. This cost was due to the highest levels of safety to be maintained while extracting the said compound from living ‘*vaspertilo*’ and the relatively low concentrations of the compound in the adult bird. The other alternative to reduce the costs is to extract the compound after killing of the bird which will lead to reduction of costs to almost half at 1,10,000 USD. The second alternative was to extract it from the living *Korros* which has almost eight times the concentrations of the compound and had reduced biosafety requirements leading to a cost reduction to 30,000 USD for the whole course. They further appealed to the Ruth government to allow *Korros* to be traded for the ‘benefit of the whole of mankind’.
28. There was considerable consternation among government circles of Ruth regarding the proposal and they wholly rejected the idea of allowing the trade for *Korros* stating that for them ‘*vaspertilo*’ represent the core culture and beliefs which cannot be sacrificed for commercial interests and additionally pointing out that it will be against the international obligations too. It was widely supported by the public masses of Ruth who took out support rallies carrying placards ‘we do not trade God’, ‘*Capols*’ are ready to die than kill the korro’. The move of the government enjoyed bipartisan support across the political spectrum.

29. The Parliament of Ruth enacted the “*Vaspertilo*’ Protection Act’ which came into force on 25<sup>th</sup> August 2019 replacing the earlier ‘*The Capol Conservation of Culture and Practices Act*’ 1982. The new law strengthened the regulations relating to powers of the management authority, provisions regarding access, benefit sharing, prior informed consent, protection, conservation and reduced the exemptions to the use of ‘*vaspertilos*’ and made the licensing requirements stricter along with provision of stricter penalties and simplified confiscation procedures and prohibited international trade in violation of CITES and CMS.
30. The ‘Lazarus Labs’ announced that the first batch of the wonder medicine is not expected before September 2019’ and the first shipment and delivery will begin by January 2020. It opened pre-bookings of the drug in August 2019 and by September 2019 it already had a pre-book order value of more than 1.2 billion USD. On 2<sup>nd</sup> September 2019, the Times of Ruth ran a headline screaming ‘Lazarus Labs Exposed’. Their journalists had gone undercover to find out the truth in Knott. They had reported that ‘Lazarus Labs’ was using *Korros* sourcing it illegally from the Knott Wet Markets and the Knott government was not regulating them in a proper manner with dead animals seen lying on the floors of its many shops. They also showed a video clip of a senior technician at the lab who was caught on camera claiming that they were trying to source as many *Korros* to meet the unprecedented orders which had been booked for delivery and the labs was waiting for the Tukam to begin and had scheduled deliveries accordingly. There were reports of considerable demand and inquiries of the ‘*vaspertilo*’ in the notorious wet markets of Knott with many *Mojras* lamenting about ‘prices of eggs and *Korros* going through the roof’.
31. On 10<sup>th</sup> November 2019 Mr. Sapro Capolo Khunx, Prime minister, State of Ruth in a televised address to the nation made the following statements of which some relevant extracts are reproduced:
- a) *The people of Ruth have suffered greatly due to the ‘Caocao virus’ with loss of thousands of lives of Ruthians. Ruth is most likely to face a recession the likes of which we have never seen with GDP contracting by 10 percent last fiscal.*

- b) *The state government of Knott has by experimenting with 'vaspertilos', spreading the 'Caocao virus' and then stealing the traditional knowledge of 'Capols', has destroyed the culture, pride and belief of Ruthians. The last nail in the coffin are the reports of non-regulation of the Knott wet markets and encouragement of korro trade by illicit means and smuggling. It did not put an end to the wet markets which were unregulated and were dealing with CITES listed animals.*
  - c) *Despite knowing about the severity as well potential for community transmission which may lead to its explosive spread, Knott did not make the danger public and censored, misrepresented and suppressed data. In fact, it went with life as usual until mid-January and allowed the New Year celebrations to take place and instead spent their energy to curb dissent and voices coming from their own people. Knott delayed communicating the information and data of the virus to the world and refusing even renowned scientists' access to the outbreak area. It delayed the sharing of genetic information with us or the global scientific community till it was too late.*
  - d) *The Republic of Ruth has suffered losses amounting to billions of Rotias( currency of Ruth) and will now pass an ordinance calling for expropriation of all movable, immovable assets of Shijoto Corp. and its subsidiaries(in Ruth) and a selective default on pending contractual payments to be made by the Ruth Government for past procurements from Shijoto, to compensate for the loss arising out of negligence of Knott leading to the spread of the virus and theft of traditional knowledge and the resultant health and environmental hazard. This will be without prejudice to further claims which may be made on the State of Knott and Shijoto group and reserving the right to pursue other remedies both nationally and internationally.*
32. The ordinance expropriating all assets of Shijoto Corp and its subsidiaries freezing all its bank accounts and suspension of the payments was promulgated on the same day after the address coming into force with immediate effect. It provided for the valuation of all the assets of Shijoto under the jurisdiction of Republic of Ruth and payment of any amount remaining, to Shijoto Corp. in the local currency Rotias, after satisfaction of claims arising out of losses including economic, ecological and cultural.
33. The ordinance was met by widespread condemnation of Government of Knott which deplored it as an open theft of property and serious violation of international Law. It also termed the use of the nomenclature of 'Caocao virus' as the 'worst form of racial



discrimination'. In a demarche to the Ruth Ambassador it demanded an immediate withdrawal of the ordinance which it termed as a grave provocation, an unconditional apology from the government of Ruth and ceasing the use of the racial nomenclature of the virus.

34. The relations between the two nations deteriorated further with declaration of diplomatic personnel as *persona non grata* and recall of all nationals. Due to threat of imminent war which could be a disastrous setback in the fight against the virus and hectic backchannel talks and heeding the call of international community both nations agreed to resolve their differences by peaceful means according to the principles laid down in the '*Treaty of Valorose*' which continues to be in force.

35. The Government of the State of Knott instituted proceedings against the Republic of Ruth with regard to the dispute concerning alleged violations of international law by Ruth in the International Court of Justice. Pursuant to the Order of the Court, and the agreement of the parties, Knott, as Applicant, respectfully requests that the Court:

Declare that Ruth's ordinance concerning expropriating assets of Knott companies and suspension of contractual payments violates treaty obligations and the customary international law on investment, and that Knott is entitled to the order of restitution; and

Declare that the actions and responses of State of Knott in relation to the outbreak of Kimera-20 and regulation of its wet markets were in consonance with international law obligations and no legal liability whatsoever arises towards Republic of Ruth

To adjudge and declare that the grant of patent to 'Vaspirin' for the benefit of all mankind is valid as per international law and neither violates or appropriates the traditional knowledge nor causes loss to the cultural heritage of the '*Capols*' and no benefit sharing is required under its international obligations.

36. Ruth, as Respondent, asks the Court to adjudge and declare that:

To adjudge and declare that Knott by its actions, omissions and negligence with respect to its responses to the virus outbreak and regulation of wet markets, violated obligations under international

law, giving rise to legal liability for "grave offences against humanity" and that Ruth is entitled to adequate compensation, for serious economic, physical, ecological harm; and

To declare that the ordinance concerning expropriating assets of Knott companies and suspension of contractual payments in order to settle claims of compensation and losses were consistent with its treaty obligations under international law generally and is a valid countermeasure, and Knott is therefore entitled to no restitution or compensation for the value of the confiscated property; and

To adjudge and declare the grant of patent by Knott Controller General of Patents to be in violation of international law seriously prejudicing human health, animal life and harming the environment, entitling for an order of revocation of the patent and to declare the sharing of the benefits and profits accrued from the sales of 'Vaspirin' to date, arising out of appropriation of '*capol*' traditional knowledge

To order provisional measures of protection with respect to opening and regulation of Knott wet markets so as to avoid irreparable harm and to further declare that the exploitation, trade and use of the '*vaspertilos*' and *Korros* in these markets violates international obligations.

In addition to the treaties and other international agreements referenced elsewhere in this Statement, at all relevant times both Knott and Ruth have been parties to the following without having issued any relevant reservations to these treaties.

Both are members of the United Nations and all its specialized agencies and also all other independent inter-governmental organizations under the aegis of the UN. Some of them notably Food and Agriculture Organization (FAO), World Health Organization (WHO) and World Intellectual Property Organization (WIPO). Further Contracting Parties to World Trade Organization; Parties to the Statute of the International Court of Justice; Adopted the Responsibility of States for Internationally Wrongful Acts, 2001; Parties to the Vienna Convention on the Law of Treaties (VCLT); Contracting Parties to the Convention on Biological Diversity (CBD); Contracting Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) 1979; Contracting Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention); The Four Geneva Conventions of 1949; The International Covenant on Civil and Political Rights; The International Covenant on Economic Social and Cultural Rights; The Vienna Convention on Diplomatic Relations; The Vienna Convention on the Law of Treaties; Convention on Biological Diversity of 1992; International Health Regulations 2005; Paris Convention for the Protection of Industrial Property of 1883 as amended; The '*Convention on International Trade in Endangered Species of Wild Flora and Fauna*' of 1973; Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000; Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization, 2010

Participated and attended by Representatives of Knott and Ruth -The United Nations Conference on the Human Environment 1972; The United Nations Conference on Environment and Development 1992; General Assembly Special Session on the Environment (1997); The World Summit on Sustainable Development 2002; The Rio+20 Conference 2012; The Conference on the Illegal Wildlife Trade 2014; United Nations Environment Assembly (UNEA) 2014; United Nations Congress on Crime Prevention and Criminal Justice 2015; UN Sustainable Development Summit (2015).

## ANNEX I

### TREATY OF VALOROSE

15<sup>th</sup> January, 1954

[excerpts]

*We the peoples of the State of Knott and Republic of Ruth determined to save our present and succeeding generations from the scourge of war, which only brings suffering to our subjects, and to reaffirm faith in the fundamental rights, dignity and worth of all living beings, and to establish conditions promoting peace and justice amongst our peoples, and desiring to maintain respect for the obligations arising from international law, and to protect and preserve our cultural heritage and biodiversity, conscious that all peoples are united by common bonds and shared heritage, and recognizing that our biodiversity suffered great damage due to unsettled boundaries, and to practice tolerance and peaceful coexistence with one another as good neighbors, and manifesting the desire to accept principles of peace and renouncing of armed force and to employ international machinery for the promotion of these objectives and resolving future disputes which may arise between us*

*Have agreed as follows*

#### Article I

*The State of Knott and the Republic of Ruth (hereinafter also referred to as “Knott” and “Ruth” respectively and “the Parties” collectively), have agreed to stopping of all acts of force immediately for regional peace, security and conducive relations and such ceasement is hereby declared and established.*

#### Article II

The parties have agreed that the international boundaries have been delineated and fixed by mutual negotiation and compromise according to Rc Donald-McCliffe delineation map annexed to this Agreement.

[...]

#### Article VI

The parties have agreed to make every effort to preserve, protect, collect and tabulate information about the biodiversity abounding in ‘Pandora’ and ‘Titan Ranges’. They also agree to share this scientific data and information except the disclosure of which is considered contrary to their essential security or economic interests.

[...]

#### Article X

The parties agree to promote, respect and recognize the cultural beliefs and practices of its peoples.

[...]

#### **Article XIV**

The parties agree to accord to investments by entities of the other party, treatment in accordance with customary international law in all matters of treatment where an “investment” means every asset that an entity, natural or legal, of a Party or state enterprise thereof, owns or controls, directly or indirectly, having the characteristics of an investment, including such characteristics as the commitment of resources, capital or other, the potential for gain or profit, or risk assumption.

[...]

#### **Article XIV**

The parties agree that nothing in this treaty shall be construed to prevent a Party from adopting or maintaining measures, including environmental measures: (i) necessary to secure compliance with laws and regulations that are not inconsistent with this Treaty; or (ii) necessary to protect human, animal, or plant life or health; or (iii) related to the conservation of living or non-living exhaustible natural resources.

[...]

#### **Article XXV**

The parties declare that they recognize the jurisdiction of Permanent Court of International Justice as compulsory ipso facto and without any special agreement, in all legal disputes concerning: a) The interpretation of a treaty; b) Any question of international law; c) The existence of any fact which, if established, would constitute the breach of an international obligation; and d) The nature or extent of the reparation to be made for the breach of an international obligation. This is conformity to Article 36 of the Statute of the Permanent Court of International Justice.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Signed at ‘*Valorose*’, this fifteenth day of January, one thousand nine hundred fifty-four, in one copy, which will be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.