

# ALL-EUROPEAN INTERNATIONAL HUMANITARIAN AND REFUGEE LAW MOOT COURT COMPETITION



## CASE STUDY: THE CONFLICT IN THE KINGDOM OF ARANIA

Faculty of Law, University of Ljubljana, 2019



Univerza v Ljubljani



ICRC



1. The Kingdom of Arania ("Arania") and the Baymann Republic ("Baymann") are neighbouring States on the Orabian peninsula. They are both littoral States adjacent to one another, Arania lying in the north and Baymann lying in the south of the Orabian peninsula.
2. Arania is a developing State. It stretches over 480,000 km<sup>2</sup> and has a population of approximately 10 million. Executive authority to command Arania's armed forces is vested in the Prime Minister (incumbent Prime Minister is Mr Nuku). The predominant part of Arania's gross domestic product (GDP) is based on the export of coal and electricity. The capital city is Arongrad, located in central Arania, with a population of 2,8 million. Arania has four nuclear power plants: NEC I, NEC II and NEC III which are located in the hilly area in the northwest of the country and NEC IV located 120 kilometres away from Arongrad.
3. The majority of Arania's population are Aranians, but 18% (1.8 million) are the Rukha People, a Baymann ethnic minority living in the least developed southern part of the country, called the Darra region. Historically, Rukha people were nomads of Baymann origin in the former Orabian Kingdom that existed in the Orabian peninsula between 15<sup>th</sup> and 18<sup>th</sup> century, before the creation of independent Arania and Baymann. Due to propitious climate, fertile soil and abundance of natural fresh water, they settled in the Darra region at the end of the 18<sup>th</sup> century. They did not embrace modern lifestyle and to this day remain highly connected with their natural environment and dependent on traditional methods of cultivation of the land. A large part of the Darra region is covered by the Karabi wetland, which also extends to the neighbouring Baymann.
4. Baymann is likewise a developing State. It covers 680,00 km<sup>2</sup> and has a population of almost 50 million. The incumbent President is Ms Burraly who is the Commander-in-Chief of Baymann's armed forces. Baymann's major industry comprises of extraction and exportation of oil. Baymann has five onshore oil rigs located in the northern part of the country, close to the Karabi wetland. It has one offshore oil platform, which is located in the north-east of the country, 50 nautical miles away from Baymann's coast and 5 nautical miles from the exclusive economic zone and continental shelf of Arania. Baymann is currently building two additional offshore oil platforms in the close vicinity of the existing one. The capital city of Baymann is Barigrad located in the east of the country, with a population of 9,4 million.

5. 88% of the border between Arania and Baymann runs through the Karabi wetland. The Karabi wetland is special for its biodiversity and presents the largest reserve of drinking water in the region. The Mokoro river that runs through this area, partially also along the border of the two States, is a major source of fresh drinking water for both Arania and Baymann.
6. Throughout history, the two nations maintained friendly neighbourly relations. In 2000 the two States signed the Karabi Wetland Treaty designating this territory as a transboundary protected area. The Treaty established a joint supervisory mechanism to monitor the exploitation of natural resources, created a shared fund to finance scientific research in the area, and prohibited any military use of the wetland for 50 years. During geological fresh water research conducted in 2014 and jointly funded by both States, scientists discovered crude oil in the wetland area. The National Nature Institute of the Kingdom of Arania conducted further research without informing the authorities of Baymann and drafted a confidential report estimating that more than 100 billion barrels of oil reserves are located in the wetland, on both sides of the border. In December 2017, Arania issued to its national oil company a licence to start drilling in the Darra region.
7. On 28<sup>th</sup> December 2017 a representative of the Ministry of Environment and Spatial Planning of Baymann condemned unilateral activities of Arania in the Karabi wetland and called Arania to immediately revoke licence, stop drilling and abide by its international obligations, including the 2000 Karabi Wetland Treaty.
8. In January 2018, thousands of Rukha families received Arania's governmental notification of their relocation to other parts of the Darra region to make way for the drilling process. They had to abandon their land and locations they considered to be holy natural places. This triggered initially peaceful protests by the Rukha People in February 2018, which were heavily repressed by the Aranian police. The protests escalated into riots and serious clashes with the Aranian police and armed forces, called upon to assist the police. On 27<sup>th</sup> April 2018, the Aranian armed forces opened fire on the protesters, killing 35 persons and wounding 120. More than 500 protestors were arrested and taken to the Marana Bay Prison located more than 300 kilometres away from the Darra region. The imprisoned protestors were considered serious threat to the State, therefore, all procedures concerning them were kept strictly confidential and they were not allowed to communicate with the outside world. The exact number and identity of arrested protesters as well as their conditions of detention

remain undisclosed until today. The Aranian government refused international observers, including the International Committee of the Red Cross (ICRC), to access the Marana Bay Prison.

9. In May 2018, the Rukha Patriotic Front (RPF) was formed to fight against Aranian government forces and prevent the forced displacement of the Rukha people, with the goal of achieving the independence of the Darra region. In July 2018, Arania sent its soldiers to the Darra region in order to suppress the RPF movement and finally start the planned oil drilling. This was followed by intense armed confrontations between the RPF and Aranian armed forces during which many people were killed and several Rukha villages were completely destroyed.
10. Fearing a mass influx of the Rukha People across the border to Baymann, on 25<sup>th</sup> August 2018, President Burrly issued an order to the Baymann armed forces, to start a covert action codenamed “Operation Rising Sun”. The aim of the operation was to deliver different types of weapons to the RPF and to provide the RPF with the logistical and intelligence support they may need in the fight against the Aranian forces.
11. In September 2018, Amnesty International issued a report stating that Aranians of non-Ruka origin living in the Darra region and the surrounding areas formed a radical group, called the Darra Salvation Army (DSA) led by Commander Wanga. Commander Wanga stated on the National Television that DSA will “clean the Darra region of Rukha People.” Soon a significant number of supporters from the rest of Arania joined the group. The report states that in the presence of the Aranian armed forces, the DSA burnt entire villages of Rukha people and attacked convoys of humanitarian aid preventing humanitarian assistance to reach the Rukha people.
12. From September to November 2018, more than 50.000 Rukha people were killed as a result of the attacks led by both the Aranian armed forces and the DSA. More than 800.000 were forced to leave their homes. Most of them illegally crossed the border to Baymann, where they are now residing in refugee camps built in cooperation with the United Nations High Commissioner for Refugees (the UNHCR). Many claim they witnessed horrific crimes in Arania.
13. Two of the many asylum-seekers in Baymann are Mubeke, a 13 years old girl, and her older brother Sven, who is 18 years old. They lost both their parents in the conflict and only speak

the Rukha language. Sven was wounded, lost his eyesight and is daily suffering from severe headaches. He asked for urgent medical assistance, but got no response from the authorities in Baymann.

14. The number of refugees in the camps grossly exceeds their capacity and the living conditions are poor. Unable to accommodate all refugees and fearing the outbreak of infectious diseases, President Burraly agreed to meet with Prime Minister Nuku on 25<sup>th</sup> November 2018. During the meeting the two Heads of State negotiated an agreement on the return of the Rukha people from Baymann to the southern part of the Darra region in Arania. Meanwhile, in the northern part, the national Aranian oil company started the oil drilling.
15. On 27<sup>th</sup> November 2018 the DSA destroyed a waste processing plant in the Darra region, located 2 kilometres from the Arania-Baymann border. The attack caused explosions and the spillage of hazardous waste, damaging the ecosystem of more than 100 km<sup>2</sup> of the Darra region, including part of the Karabi wetland on both sides of the border. In particular, the attack resulted in pollution of the fresh water, fatally poisoning more than 50 people, while an additional 250 people had to seek medical assistance. Recent studies showed, that every third baby born in the villages affected by the spillage of hazardous waste suffers from congenital lung malformation. Moreover, biologists recently confirmed that the spillage caused long term consequences to the Karabi wetland ecosystem. Diversity of aquatic organisms has decreased causing reduction of fish in the Mokoro River. The attack on the waste processing plant was condemned by various environmental associations in particular in Arania and Baymann.
16. On 13<sup>th</sup> December 2018, Aranian national holiday (Independence Day), the computer system of the Aranian state owned nuclear power plant NEC IV was compromised and electricity in the entire power plant was cut off. This seriously affected the cooling system and caused the explosion of one of the reactors. 49 people who were celebrating on the shores of the nearby lake were killed in the explosion.
17. The investigation confirmed that the attack was carried out by the Incognito Electronic Army (IEA) and was launched from Cordia, a State located almost 12. 000 kilometres away from the Orabian peninsula. It was confirmed that the IEA closely collaborated with and received crucial information on the functioning of the power plant from the Baymann's Ministry of Defence. The Aranian Department of Defence Cyber Forensic team tracked the source of the

attack and located it in a building in the capital of Cordia. In a covert action, Aranian Special Forces were sent to Cordia, entered the building and killed 5 members of the IEA, whereas 8 IEA members were captured and transported to Arania.

18. On 20<sup>th</sup> December 2018, Prime Minister Nuku, in a televised speech, declared that "*The Kingdom of Arania was the victim of a violent cyber-attack which was carried out by Baymann. We will not allow such acts of terror on our territory and will defend ourselves with all necessary means.*"
19. The next day, the Aranian armed forces launched operation "Revolving Storm" attacking oil platforms in Baymann, which triggered a conflict between the two States. In May 2019, Arania occupied Baymann's oil platform and the building sites of the two other oil platforms as well as part of Baymann's northern territory. Hostilities between the two States have been on-going since.
20. In September 2019, the Pre-Trial Chamber of the International Criminal Court, following the request from the Office of the Prosecutor of the International Criminal Court authorised an investigation into the Darra situation since 1 May 2018.
21. In November 2019, the UN General Assembly adopted a resolution addressing the crisis in the Orabian peninsula and called upon Baymann and Arania to engage in peace talks and resolve the conflict peacefully.
22. Arania, Baymann and Cordia, are all members of the UN, and are parties to all relevant treaties on international humanitarian, human rights and refugee law. Baymann and Arania are both parties to the 1998 Rome Statute of the International Criminal Court.

