

**THE CASE CONCERNING THE CONSEQUENCES OF THE FAILED LAUNCH OF
VK14**

1. Avalon is a diverse, developing, democratic country. Avalon, on account of being colonized for centuries faced several and severe socio-economic problems. Yet, she has been making consistent economic progress and this is best exemplified by her state-of-the-art Space Program.
2. The Avalon Space Program (ASP), the State's space agency, is one of the most touted programs in the world since it is both highly cost-effective and has an impeccable record with reference to the launch success rate. In fact, ASP's programs were so cost-effective that space projects that were previously ruled out due to cost considerations are now viewed as feasible. Consequently, ASP has been attracting clientele globally. ASP carries out its launches from the East coast town of Aparnaland and the Program was being headed by a highly qualified and experienced scientist, Chairperson Dr. Aishwarya.
3. Riverdale is one of the most developed countries, possessing the most advanced military program in the world and also boasts of a very strong economy. Avalon and Riverdale have consistently maintained friendly relations including trade. The friendship between the countries was exemplified in an instance when Avalon, on the request of Riverdale, sent their own military, in less than ideal conditions to rescue Riverdaliens from the war-torn country of Alagaesia.
4. Riverdale is a highly carbon dependent economy. One of the waste discharges of their industries are Chemical 'IRIS', a highly toxic substance which cannot be disposed easily, on land or the sea. The suggested means of disposal is by positing it underground. But Riverdale has not managed to employ this method successfully due to difficulty in procuring land and other logistical and technical issues.
5. Riverdale is also a leading consumer of single-use plastic. For years, Riverdale has been exporting plastic to developing countries to be recycled, Avalon was not one of these importers. There have been innumerable reports exposing the poor recycling practices and labour standards against almost all the importing countries. Riverdale has been highly criticised for the utter disregard with which it exported plastic waste without any concern over whether the receiving countries had the know-how to dispose the plastic waste, what the countries did with the recycled products and waste by-products, and the impact of the waste recycling industries on the health and safety of the local communities.

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6. Over time, a number of these plastic waste importing countries have developed considerably and consider it below their international standing to import waste. In the last two years, the importing countries rescinded their agreements with Riverdale and the plastic waste was being sent back. With no choice left, Riverdale offered several incentives to set up plastic waste recycling industries locally, like tax holidays, free lands and unlimited electricity supply.
7. Consequently, a number of plastic waste recycling units came up in an unmethodical fashion. There were also media allegations that these industries were unofficially promised by the highest ranks in the government that environmental safety regulations would be overlooked as long as they ensured that the “mounting piles of plastic would go away”.
8. Very little of the waste that arrived at these centers was recycled. Much of the waste was downcycled and the plastic waste that could not be recycled into reusable plastic would be compressed and stored in deserted regions of Riverdale. However, very soon, it was realised that the same procurement issues that plagued the IRIS disposal plagued the plastic waste industry as well.
9. Meanwhile, on 4th September 2018, Riverdale’s President Bagavathy gave a statement that on account of the 23 successful space launches by Avalon in the last two years, Riverdale would be interested in collaborating with ASP. On 13th September 2018, a representative of the government of Avalon from their space department travelled to Riverdale, met their Minister for Energy and Communication and signed a bilateral treaty (Annexure 1) which undertook that the ASP would send a series of Riverdale’s satellites and payloads, commercial and otherwise into space. The project was dubbed as Project Vijaykrishnan, in honour of the father of Avalon’s space programmes.
10. On the 19th of January 2019, the first of these space launches with satellites from several countries, including Avalon and Riverdale took place. It was successful. This was followed by a series of successful launches, not only boasting Avalon’s image globally but also in fostering bilateral relations between the two States.
11. One such launch, titled VK14, containing payloads from Riverdale alone, was scheduled to be launched on 5th May 2019. The stated contents of the payloads were the plastic waste that could not be recycled or downcycled. Such payloads had been successfully launched by Avalon into the High Earth Orbit on previous occasions.
12. In the meantime, Pro Bono Enviro, an independent international think-tank working on marine and coastal concerns, based in the coastal city of Agnesia, neighbouring Aparnaland, published a report stating that the payloads that were

being sent on VK14 contained not only plastic waste by-products, but also Chemical IRIS. The report ruffled quite a few feathers amongst the public. Ms. Harini, an Official Spokesperson of Riverdale rubbished these claims. She stated the document was doctored and that the report was politically motivated. An 'expose' by a small-time media outlet based in Avalon, caught Dr. Aishwarya stating to her subordinates that Pro Bono Enviro "has no better job" and that they were anti-development. Dr. Aishwarya had also allegedly stated that an inspection of the contents of the payload at this stage, would cause unnecessary friction between the two countries.

13. VK14 was launched as scheduled. Unfortunately, within seconds of the launch, technical glitches were noticed. The launch vehicle was severely shaken by 'Pogo Oscillations'. In an unrelated flaw, a rare electrical fault caused the launch's first stage engine to shut down prematurely. Nevertheless, Avalon managed to partially retrieve situation by manoeuvring the launch vehicle to fall into the high seas of Sonumalia, off the coast of Avalon and not crash into land. Dr. Aishwarya addressed the Media the same evening and apologized for the unforeseen failure and stated that they will make a detailed study into the event. President Bagavathy on her part, issued a statement stating that she was deeply distressed by the event and that she would ensure that all necessary actions would be taken to remedy the situation.
14. In the days following the crash, the waters of Sonumalia were turning slimy and fishes were found dead and floating along the coasts of all nations sharing territorial waters with Sonumalia Sea. The coastal nations issued advisories asking fishermen not to fish in the Sonumalia waters.
15. Pro Bono Enviro submitted an unsponsored study to the Secretary-General of the United Nations on the 5th June 2019. The Report stated that the VK14 has caused massive and probably irreversible damage to the marine environment, sub-soil, seabed and adjacent sediments in the high sea area. But most importantly, Sameena, an endangered marine specie, native to the coast of Avalon, was dying in large numbers post-the events of 5th May 2019. Sameena was not only endangered but also a specie, revered by the SOEL tribes living along the East Coast of Avalon. This report was also available in the public domain and global opinion turned against Avalon.
16. A further report from the Pro Bono Enviro, two weeks later, established that the damage to the marine environment, in particular to Sameena, was due to leak from one of Riverdale's payload named Arjun-7, that contained massive quantities of Chemical IRIS. Arjun-7 was a non-explosive payload, designed

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specifically for the disposal of Chemical IRIS. The report raised grave concerns with respect to the survival of the Sameena species and urged IUCN to change Sameena's status from endangered to critically endangered. The UN Secretary-General Mr. Manjunath, endorsed the study and raised serious concerns over the extent of damage. He urged the nations to come together and secure the common interest of mankind.

17. Consequently, several nations expressed concerns and pressed both Avalon and Riverdale to act and contain the damages to the high seas and the marine life. Adit Sarang, a technology entrepreneur promised to retrieve the debris and reverse the effects of VK14's failure and leaks of Arjun-7, if offered due compensation.
18. Meanwhile, there were various reports and newspapers in Riverdale, which suggested that the government of Riverdale was contemplating legal action against Avalon for the failure of VK14. This significantly strained the diplomatic relationship between the two States.
19. Diplomatic notes were exchanged between the two countries and there was a high degree of tension between the two sides. Riverdale pressed that Avalon was responsible for the consequences of the failure of VK14. Avalon, on the other hand, hoping to salvage its international reputation, took steps to move the International Tribunal of the Law of the Seas (ITLOS) on the basis of the Second Report of Pro Bono Enviro. Avalon contended that as both parties have declared that the ITLOS will decide matters governed by UNCLOS, ITLOS shall have jurisdiction.
20. Riverdale instead chose to invoke the compromissory jurisdiction of the ICJ under the Bilateral Treaty. Avalon, agreed to appear before the World Court though it reserved the right to object to its jurisdiction.
21. Avalon and Riverdale, at all relevant times, have been Member States of the United Nations, parties to the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties, the Vienna Convention on Diplomatic Relations and the United Nations Convention on the Law of Seas, Convention on Biological Diversity. Avalon and Riverdale are not parties to any conventions relating to outer space.
22. For the purpose of convenience, Avalon has opted to be the Applicant and Riverdale the Respondent.

The case has been posted before the ICJ for hearing and disposal on 19th and 20th October, 2019.

Annexure I

Bilateral Treaty between Avalon and Riverdale dated 13thSeptember 2018 (Extract)

Art. 3(1): The satellites, payloads and their contents thereof shall remain the sovereign property of Riverdale at all times.

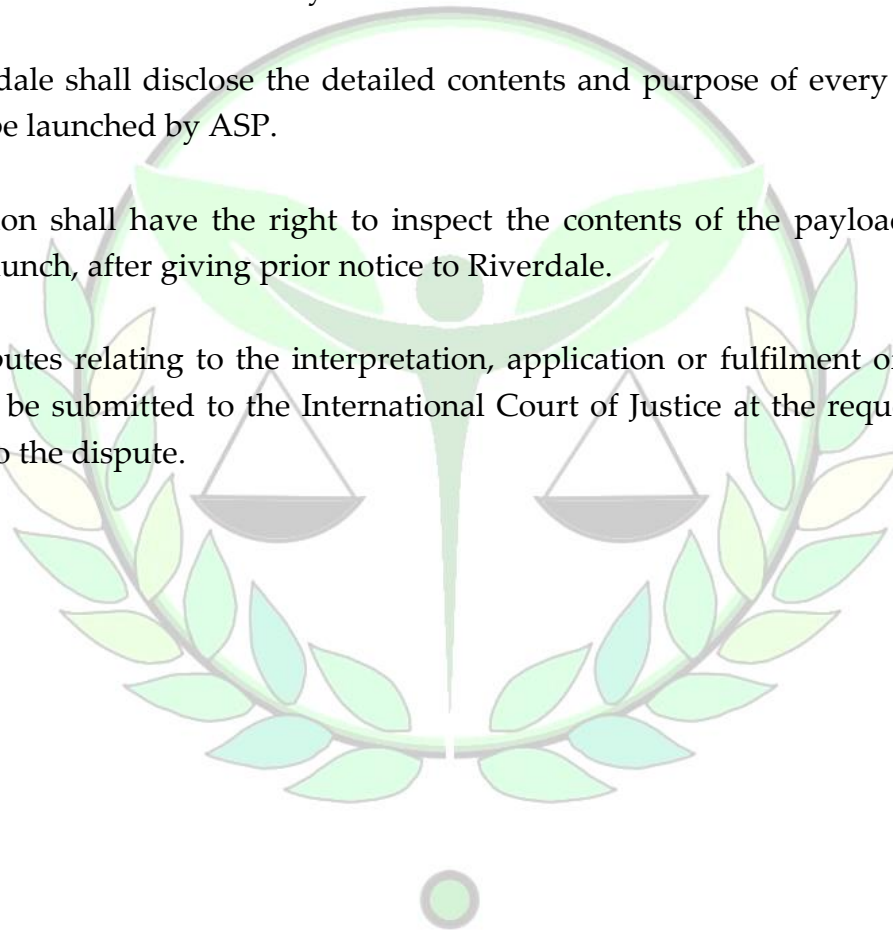
Art. 3(2): Avalon shall take due care of the said properties and shall be responsible for any deliberate or intentional or negligent damage done to the same.

Art. 3(3): Avalon has the right to hold these properties as collaterals against non-payment for the services offered by ASP.

Art. 6: Riverdale shall disclose the detailed contents and purpose of every satellite and payload to be launched by ASP.

Art. 7: Avalon shall have the right to inspect the contents of the payloads, any time before the launch, after giving prior notice to Riverdale.

Art 34: Disputes relating to the interpretation, application or fulfilment of the present Treaty shall be submitted to the International Court of Justice at the request of one of the parties to the dispute.



The problem has been drafted by Dr. Sangeetha Sriraam, Assistant Professor, School of Excellence of Law. Any attempts to directly or indirectly, contact her regarding the problem, for clarifications, research or allied matters would result in an immediate disqualification of the team. A right to appeal, within 3 days, against the decision would be available to the team concerned. The decision of the Moot Court Association, School of Excellence in Law, on this appeal would be final and non-negotiable.