

IN THE INTERNATIONAL COURT OF JUSTICE

THE HAGUE, THE NETHERLANDS

SPECIAL AGREEMENT

BETWEEN THE REPUBLIC OF ANAMIA (APPLICANT) AND  
THE KINGDOM OF RANANIA (RESPONDENT)

Jointly notified to the Court on 1 August 2023

COMPROMIS

THIRTEENTH AMITY INTERNATIONAL LAW MOOT COURT  
COMPETITION (AIM), 2023

AMITY LAW SCHOOL, NOIDA  
AMITY UNIVERSITY

**JOINT NOTIFICATION  
ADDRESSED TO THE REGISTRAR OF THE COURT**

**The Hague, 1st August 2023**

On behalf of the Republic of Anamia and the Kingdom of Ranania in accordance with Article 40 paragraph 1, of the Statute of the International Court of Justice, we have the honor to transmit to you an original copy of the Special Agreement for submission to the International Court of Justice on the case concerning the differences between the Applicant and the Respondent regarding the Polomian Climate Refugees, signed in The Hague, The Netherlands, on the first day of August in the year two thousand twenty three.

(Signed) Her Excellency Tia  
Ambassador of the Republic of Anamia  
to the Kingdom of the Netherlands

(Signed) Her Excellency Priya  
Ambassador of the Kingdom of Ranania  
to the Kingdom of the Netherlands

**SPECIAL AGREEMENT SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE REPUBLIC OF ANAMIA AND THE KINGDOM OF RANANIA ON THE DIFFERENCES BETWEEN THEM CONCERNING CBAM AND THE POLOMIAN CLIMATE REFUGEES**

The Republic of Anamia (Applicant) and the Kingdom of Ranania (Respondent), (hereinafter “the Parties”);

Considering that differences have arisen between them concerning the Polomian Climate Refugees and other matters;

Recognizing the need for a peaceful and just resolution to the legal issues arising from the devastating consequences of climate change and their impact on trade and refugee protection,

Recognizing that the Parties have been unable to settle these differences by direct negotiations;

Desiring further to define the issues to be submitted to the International Court of Justice (“the Court”) for resolution;

In furtherance thereof the Parties have concluded this Special Agreement:

Article 1

The Parties submit the questions contained in the Special Agreement (together with Corrections and Clarifications to follow) (“the Case”) to the Court pursuant to Article 40(1) of the Court’s Statute and in accordance with Article 38 of the Statute of the ICJ and the Optional Clause Declaration made by both parties accepting the jurisdiction of the Court.

Article 2

It is agreed by the Parties that the Republic of Anamia shall appear as Applicant and the Kingdom of Ranania as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

(a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the Amity International Moot Court Competition, 2023.

(b) The Parties agree that the written proceedings should consist of Memorials presented by each of the Parties.

Article 4

(a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

(b) Immediately after the receipt of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Special Agreement and have affixed thereto their respective seals of office. Done in The Hague, The Netherlands, this 1<sup>st</sup> day of August in the year two thousand twenty three, in triplicate in the English language.

(Signed) Mr. Red  
Minister of Foreign Affairs  
Republic of Anamia

(Signed) Mr. Green  
Minister of Foreign Affairs  
Kingdom of Ranania

**CASE CONCERNING CBAM AND THE POLOMIAN CLIMATE REFUGEES**

**ANAMIA V. RANANIA**

1. The Republic of Anamia, hereinafter referred to as "Anamia," the Kingdom of Ranania, hereinafter referred to as "Ranania and the island nation of Republic of Polomia, , hereinafter referred to as "Polomia" are all situated within the Prana continent. The Prana continent, stands witness to the severe environmental consequences of climate change necessitating the urgent intervention of the ICJ to address the legal implications arising from these climate-induced challenges.
2. Anamia and Ranania are both parties being Members of the United Nations and parties to the Statute of the International Court of Justice, submit this Compromis to the International Court of Justice (ICJ) for adjudication.
3. Anamia, is a developing country, and is experiencing the devastating consequences of climate change, which have had profound impacts on various aspects of its society and economy. The rising sea levels, erratic monsoon patterns, and prolonged droughts have severely affected Anamia's agricultural sector, which is heavily reliant on exports. This has resulted in widespread food insecurity as crop failures and diminished resources have made it increasingly challenging for the population to access an adequate food supply. The loss of livelihoods and the struggle to meet basic needs have heightened social and economic vulnerabilities within the country.
4. In addition to the agricultural crisis, Anamia is confronted with the recurrent nightmare of frequent floods. The rising waters have caused permanent displacement, engulfing homes, schools, and critical infrastructure. This ongoing threat of floods has created a sense of insecurity and uncertainty as communities are forced to abandon their ancestral lands and livelihoods. The impact of these displacements is far-reaching, exacerbating poverty and triggering social upheaval as people seek new opportunities and struggle to rebuild their lives in unfamiliar environments.

5. The consequences of climate change in Anamia extend beyond floods and droughts. The encroachment of invasive species poses an additional challenge to the country's fragile ecosystems. As floodwaters expand, invasive species take advantage of the disrupted ecological balance, threatening local flora and fauna. The proliferation of these invasive species further disrupts the recovery process and compromises the resilience of communities that rely on the land for sustenance and economic stability. This ecological disruption exacerbates the challenges faced by Anamia and hampers its efforts to adapt to and mitigate the impacts of climate change.
6. As a developing country, Anamia faces significant obstacles in addressing the consequences of climate change. Limited resources, inadequate infrastructure, and socio-economic disparities further complicate efforts to build resilience and implement effective adaptation measures. For the last decade, Anamia has been insisting that the international community must recognize the unique challenges faced by developing nations like Anamia and provide support through financial aid, technology transfer, capacity-building initiatives, and knowledge sharing. Anamia has been insisting that collaboration and cooperation at the global level are crucial to mitigate the adverse effects of climate change on Anamia's population and enable the country to pursue a sustainable and inclusive development path.
7. Anamia asserts that, as a developing country, it operates within the framework of the Common But Differentiated Responsibilities (CBDR) principle and thus contends that carbon pricing measures are not necessary at this stage of its development. The CBDR principle recognizes that developed and developing countries have differing responsibilities and capacities when it comes to addressing climate change.
8. Anamia argues that its primary focus should be on economic growth, poverty alleviation, and meeting the basic needs of its population. The country believes that imposing carbon pricing mechanisms could hinder its industrial development and impede its ability to provide essential services to its citizens. Anamia contends that



it requires the flexibility to prioritize economic growth in order to uplift its population and improve living standards.

9. While Anamia acknowledges the importance of reducing greenhouse gas (GHG) emissions, it emphasizes that its current emissions levels are significantly lower compared to those of developed countries. The country argues that imposing carbon pricing measures without providing adequate financial and technological support would place an undue burden on its economy and hinder its efforts to address other pressing development challenges.
10. Instead of focusing on carbon pricing, Anamia has taken alternative steps to mitigate the impacts of climate change. The country has invested in renewable energy sources, such as solar and wind power, to diversify its energy mix and reduce its reliance on fossil fuels. Anamia has also implemented energy efficiency measures, promoting sustainable practices in various sectors, including transportation, industry, and residential areas.
11. Additionally, Anamia has sought international cooperation and financial support from developed countries and international organizations to aid its climate change mitigation and adaptation efforts. The country argues that under the CBDR principle, developed nations have a responsibility to assist developing countries in their climate actions through financial aid, technology transfer, capacity-building initiatives, and knowledge sharing.
12. By advocating for its exemption from carbon pricing measures, Anamia aims to strike a balance between its development aspirations and its commitment to addressing climate change. The country asserts that, as a developing nation, it requires flexibility and support to pursue sustainable development while mitigating the impacts of climate change in a manner that aligns with its unique circumstances and developmental needs.
13. Ranania, a developed nation with robust industries, has not been immune to the impacts of extreme weather events and environmental degradation, although the

severity of these challenges may be comparatively lower than that faced by Anamia. One of the key impacts Ranania has experienced is an increase in heatwaves, leading to health risks, strain on energy systems, and reduced agricultural productivity. The soaring temperatures have posed a threat to vulnerable populations, strained energy grids, and caused water scarcity, ultimately affecting food production. To mitigate these impacts, Ranania has implemented heatwave early warning systems, invested in renewable energy sources, and promoted water conservation measures to ensure the well-being of its citizens and the resilience of its industries.

14. Another significant impact on Ranania is coastal erosion and rising sea levels. The nation's coastal regions have faced increased vulnerability to storm surges, flooding, and loss of land due to erosion. These impacts have threatened infrastructure, coastal ecosystems, and tourism, which are vital contributors to the national economy. To address these challenges, Ranania has implemented coastal management strategies, including beach nourishment, dune restoration, and the construction of sea barriers. The nation has also adopted stringent building codes to ensure the resilience of coastal structures, and it has invested in research and development to explore long-term solutions such as coastal reforestation and sustainable coastal infrastructure.
15. Ranania has also experienced environmental degradation, particularly in its urban areas, due to industrial pollution and unsustainable practices. Air pollution, water contamination, and the loss of green spaces have had detrimental effects on public health and the quality of life. To combat these issues, Ranania has implemented stringent environmental regulations and invested in cleaner technologies and sustainable practices. The nation has encouraged industries to adopt cleaner production methods, promote waste reduction and recycling, and prioritize the conservation and restoration of green spaces. Public awareness campaigns and education programs have also played a crucial role in fostering a culture of environmental responsibility among Rananians.



16. While Ranania has made progress in mitigating the impacts of extreme weather events and environmental degradation, ongoing efforts are essential to adapt to changing climate conditions and promote sustainability. The nation recognizes the importance of continuous research, innovation, and collaboration with international partners to address climate change challenges effectively. By investing in resilient infrastructure, promoting sustainable industries, and fostering environmental stewardship among its citizens, Ranania aims to build a greener and more resilient future for its people and the planet.
17. As part of their efforts to address the climate change crisis, Ranania introduced a Carbon Border Adjustment Mechanism (CBAM) through the publication of a comprehensive regulation, known as the "Ranian Carbon Border Adjustment Mechanism Act" (RCBAMA). The RCBAMA aims to impose a carbon price on imported goods based on their carbon footprint, levying charges on products from countries with weaker climate change mitigation measures. The RCBAMA aimed to tackle carbon leakage and ensure a level playing field for domestic industries in Ranania. The regulation outlined provisions related to the scope and applicability, carbon footprint calculation, reporting and verification, carbon price mechanism, importer obligations, and cooperation and recognition.
18. Ranania is at the forefront of international efforts to fight climate change. The Ranian Green Deal set out a clear path towards realizing Ranania's ambitious target of a 55% reduction in carbon emissions compared to 1990 levels by 2030, and to become a climate-neutral country by 2050. In July 2021, Ranania made its Fit for 55 policy proposals to turn this ambition into reality, further establishing Ranania as a global climate leader. Since then, those policies have taken shape through negotiations with co-legislators, the Ranian Parliament and the Council, and many have now been signed into Ranian law. This includes Ranania's plan for a Carbon Border Adjustment Mechanism (CBAM).
19. As Ranania raises its own climate ambition and less stringent environmental and climate policies prevail in non-Ranian countries, there is a strong risk of so-called 'carbon leakage' – i.e., companies based in Ranania could move carbon-intensive

production abroad to take advantage of lax standards, or Rananian products could be replaced by more carbon-intensive imports. Such carbon leakage can shift emissions outside of Ranania and therefore seriously undermine Ranania as well as global climate efforts. The CBAM will equalize the price of carbon between domestic products and imports of a selected number of products and ensure that Ranania's climate objectives are not undermined by production relocating to countries with less ambitious policies. The CBAM is therefore a climate measure that should support Ranania's increased ambition on climate mitigation by preventing carbon leakage and, while ensuring compatibility with international trade rules.

20. The Rananian Parliament and the Council of Ranania, as co-legislators, signed the final CBAM Regulation on 10 May 2023. The provisions underpinning the CBAM, and its operational features will now progressively enter into force and application.
21. Designed in compliance with international obligations of Ranania, the CBAM system will work as follows:
  - a. As from the CBAM's entry into force in 2026, Rananian importers will buy carbon certificates corresponding to the carbon price that would have been paid, had the goods been produced under Ranania's carbon pricing rules.
  - b. Conversely, once a non-Ranian producer can show that they have already paid a price for the carbon used in the production of the imported goods in a third country, the corresponding cost can be fully deducted for the Rananian importer.
  - c. The CBAM will, therefore, help reduce the risk of carbon leakage by encouraging producers in non-Ranian countries to green their production processes.
  - d. To provide businesses and other countries with legal certainty and stability, the CBAM will be phased in gradually and will initially apply only to a selected number of goods at high risk of carbon leakage: iron, steel, cement, fertilizer, aluminum, hydrogen, and electricity generation. In a transitional phase, a reporting system will apply as of 1 October 2023 for those products with the objective of facilitating a smooth rollout and to facilitate dialogue

with third countries. Importers will start paying the financial adjustment under the CBAM from 2026.

22. The Rananian CBAM aligns with the global trend of introducing Carbon Border Adjustment Mechanisms. Several countries including Saltechtonia, a developed country, already have similar mechanisms in place, and other countries, such as Taltatonia, are also considering implementing their own initiatives. The Rananian CBAM, therefore, contributes to global climate mitigation efforts and reinforces Ranania's role as a climate leader.
23. Ranania is committed to engaging with industry stakeholders and third countries throughout the transition period to ensure effective implementation of the CBAM. Consultations with public authorities, business associations, companies, and NGOs have already taken place during the preparation of the mechanism, and their input will continue to be sought. Ranania aims to work with industry and partner countries to increase mutual understanding, promote synergies, and support effective decarbonization methods globally. The evaluation of the CBAM's application will be completed by mid-2025, defining the final methodology for its implementation from January 1, 2026. Ranania also remains committed to collaborating with low- and middle-income countries and providing technical assistance to support the decarbonization of their manufacturing industries.
24. The imposition of the Carbon Border Adjustment Mechanism (CBAM) by Ranania, is expected to have significant monetary implications for Anamia. According to projections by the United Nations Conference on Trade and Development (UNCTAD), Anamia is likely to experience a substantial loss of exports amounting to \$1-1.7 billion, particularly in energy-intensive sectors such as steel and aluminum. These monetary implications underscore the potential economic challenges and adverse impact on Anamia's trade balance, emphasizing the need for careful consideration and mitigation measures to address the financial consequences of the CBAM.

25. In the Polomia, a once-thriving island nation nestled in the heart of the ocean, now finds itself in the midst of a grave crisis. The devastating impacts of climate change have taken a toll on this picturesque land, leaving it virtually uninhabitable. Rising sea levels, exacerbated by the melting polar ice caps, have encroached upon its shores, eroding its beaches and submerging coastal communities. Additionally, the frequency and intensity of cyclones have escalated, wreaking havoc on infrastructure and displacing countless Polomians from their homes.
26. The dire circumstances in Polomia have given rise to a new category of refugees: climate refugees. These are individuals who are forced to flee their homes due to the adverse effects of climate change. Polomia has witnessed a mass exodus of its population as thousands seek refuge in neighboring countries such as Anamia and Ranania. The situation in Polomia has also taken a toll on its social fabric, triggering civil unrest and conflict as communities compete for dwindling resources.
27. Anamia and Ranania have implemented differing immigration policies to manage the influx of climate refugees, leading to concerns regarding compliance with existing emigration and refugee laws.
28. The dire environmental circumstances have forced thousands of Polomians to flee their homeland in search of refuge. Among the neighboring countries that have witnessed a significant influx of climate refugees from Polomia are Anamia and Ranania. These two nations now face the challenge of accommodating and providing for the basic needs of the displaced population.
29. Anamia, in January 2022, adopted an open-door policy, offering sanctuary to around 25,560 Polomian climate refugees. While this compassionate approach aimed to alleviate the suffering of the displaced, the rapid influx of refugees has strained Anamia's resources. Concerns have been raised regarding the living conditions within the refugee camps, with organizations like Refugee Rights Watch highlighting issues such as malnutrition-related deaths among the displaced population. The situation underscores the need for robust support systems and international cooperation to ensure the well-being of the climate refugees.



30. On the other hand, Ranania has implemented stricter immigration policies in response to the influx of Polomian climate refugees. In February 2023, Ranania announced its automatic rejection of all asylum claims from Polomia, arguing that the existing international refugee laws do not encompass "climate refugees." This stance has led to the return of many refugees to Polomia, where they face violence, hunger, and disease. Those who arrived in Ranania after August 2022 saw their asylum claims automatically rejected without due process, subjecting them to the threat of arrest under the Foreigners Act of 2023. Consequently, many refugees perished due to the harsh conditions in their home country. In the face of such adversity, some Polomians have sought safety in Anamia, exacerbating the challenges faced by both nations.
31. The differing immigration policies adopted by Anamia and Ranania have sparked concerns about compliance with existing emigration and refugee laws. Anamia's open-door policy, while reflecting a humanitarian approach, needs to be supported by adequate resources and international assistance to ensure the well-being of the refugees. Ranania's rejection of asylum claims based on the absence of explicit provisions for climate refugees in international law raises questions about the protection and rights of those displaced by the climate crisis.
32. Ranania, defends its strict immigration policies by asserting that they comply with existing emigration and refugee laws. They argue that denying entry or deporting climate refugees is necessary to safeguard national security and public welfare. Ranania emphasizes that there is currently no specific legal provision in international law that explicitly recognizes climate refugees. They argue that the absence of such provisions justifies their actions and suggests that a broader interpretation of existing frameworks would not be appropriate.
33. Anamia, on the other hand, strongly criticizes Ranania's immigration policies. They argue that the automatic rejection of asylum claims and deportation without due process violate the principle of non-refoulement. Anamia contends that climate refugees face severe environmental and humanitarian challenges, and therefore, an



expanded interpretation of existing legal frameworks is necessary to include them within the scope of protection. They believe that the existing legal principles should be interpreted more broadly to account for the unique circumstances faced by climate refugees. Anamia is deeply concerned with Ranania's immigration policies due to their direct impact on climate refugees and the disproportionate burden placed on Anamia's system as a result. The strict measures implemented by Ranania, including the denial of entry and forcible deportation of climate refugees, have created a situation where individuals fleeing the dire circumstances in Polomia are unable to find adequate refugee protection. This has led to an influx of refugees seeking shelter in Anamia, straining its resources, infrastructure, and social systems. Anamia recognizes that the lack of robust refugee protection in Ranania has placed an unfair burden on their nation, highlighting the urgent need for international cooperation and comprehensive frameworks to address the challenges posed by climate-induced displacement and ensure the well-being and rights of climate refugees.

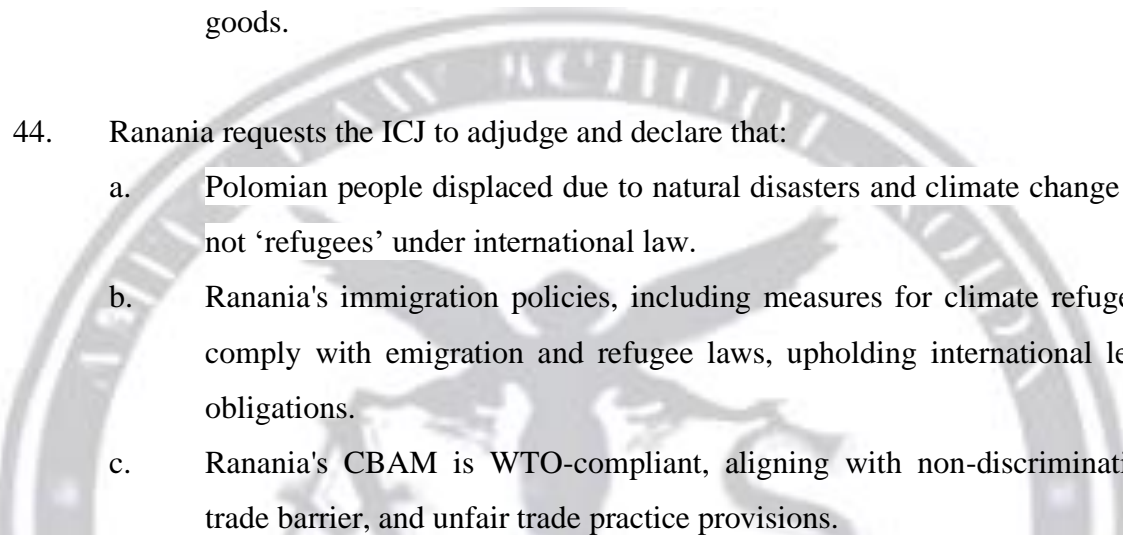
34. The impact of Ranania's immigration policies is particularly evident in the case of 30,000 climate refugees who were refused entry by Ranania and subsequently entered Anamia seeking safety and protection. This significant influx of refugees has further stretched Anamia's already burdened system, exacerbating the challenges faced by the nation in providing for the basic needs and well-being of these displaced individuals. The sheer volume of refugees entering Anamia underscores the urgent need for a comprehensive and coordinated response to address the plight of climate refugees and ensure their rights are upheld.
35. Anamia emphasizes that the denial of entry by Ranania and the subsequent arrival of these refugees in Anamia are clear indications of the failure to provide adequate protection and support to those affected by climate-induced displacement. It underscores the need for Ranania to reassess its immigration policies and adhere to international legal obligations, particularly the principle of non-refoulement and the protection of refugees. Anamia calls for international cooperation to address the challenges posed by climate-induced displacement and to ensure that all countries,

including Ranania, fulfill their responsibilities in protecting and assisting climate refugees.

36. Ranania maintains that its immigration policies are crucial to protecting national security and public welfare. They assert that accepting a large influx of climate refugees could strain their resources and infrastructure, potentially creating social and economic instability within the country. Ranania emphasizes the importance of prioritizing the needs and well-being of its own citizens, which they believe justifies their restrictive stance on climate refugees.
37. Anamia argues that the impacts of climate change require a reevaluation of traditional immigration and refugee laws. They contend that the severity of environmental challenges faced by climate refugees necessitates an expanded interpretation of existing legal frameworks. Anamia believes that the principle of non-refoulement should encompass individuals displaced by climate change, as they often face significant risks and vulnerabilities in their home countries. They emphasize the moral obligation to protect and assist climate refugees, calling for international cooperation to address this global crisis.
38. Ranania asserts that addressing climate-induced displacement requires comprehensive international agreements and consensus, rather than unilateral actions that could undermine national security and sovereignty.
39. Anamia emphasizes the urgency of recognizing and protecting climate refugees. They argue that the devastating consequences of climate change demand an expanded understanding of refugee rights. Anamia calls for a collective effort to develop comprehensive frameworks that provide adequate protection and assistance to climate refugees. They stress the need for international solidarity and cooperation to address the challenges posed by climate-induced displacement and ensure the well-being of those affected.
40. As a country directly impacted by climate change and hosting a significant number of climate refugees, Anamia asserts its legitimate interest in seeking protection and

advocating for the rights of these individuals. Anamia has conducted extensive research and collaborated with international organizations such as the United Nations High Commissioner for Refugees (UNHCR). From June to September 2022, they have gathered evidence that highlights the adverse effects of climate change on the lives and well-being of climate refugees. This evidence showcases the loss of livelihoods, forced displacement, and the infringement of fundamental rights experienced by climate refugees. Anamia contends that Ranania's denial of entry or forcible deportation of climate refugees puts their lives at risk and violates their rights under international law.

41. The Republic of Anamia and the Kingdom of Ranania are active participants in global efforts to combat climate change, and as signatories to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, both countries have committed to taking action to mitigate the impacts of climate change and promote sustainable development. Both countries are committed members of the WTO, upholding principles of non-discrimination and fair trade practices. Both countries have ratified the Montreal Protocol, a global treaty aimed at phasing out the production and use of ozone-depleting substances, demonstrating their commitment to environmental preservation. Additionally, they are parties to the 1967 Protocol relating to the Status of Refugees. They also prioritize the protection of human rights through adherence to the Universal Declaration of Human Rights (UDHR), the Convention Relating to the Status of Refugees, and the International Covenant on Civil and Political Rights (ICCPR). Their collective dedication to these agreements reflects their commitment to global cooperation, sustainability, and equitable international relations.
42. Anamia and Ranania, despite their earnest attempts at negotiation, have reached an impasse in resolving their trade and climate change related disputes. Consequently, both nations have collectively opted to turn to the International Court of Justice (ICJ) as their final recourse, excluding any other available remedies provided by international law.
43. Anamia requests the ICJ to adjudge and declare that:

- a. Polomian people displaced due to natural disasters and climate change are 'refugees' under international law.
  - b. Ranania's strict immigration policies, including denial of entry or forcible deportation of climate refugees, violate the principle of non-refoulement and endanger the lives of climate refugees and
  - c. Ranania's CBAM violates the principle of non-discrimination in international trade law by unfairly burdening developing countries' exported goods.
44. Ranania requests the ICJ to adjudge and declare that:
- a. Polomian people displaced due to natural disasters and climate change are not 'refugees' under international law.
  - b. Ranania's immigration policies, including measures for climate refugees, comply with emigration and refugee laws, upholding international legal obligations.
  - c. Ranania's CBAM is WTO-compliant, aligning with non-discrimination, trade barrier, and unfair trade practice provisions.
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