

**COMPROMIS**  
**REPUBLIC OF CHUNKICHURI**  
**VERSUS**  
**UNION OF KUNCHIMURI**

1. The Republic of Chunkichuri was a member of the erstwhile Socialist Secular Union (SSU), which withered away in 1991. Like the 18 other members, Chunkichuri also declared its independence and constituted itself as a Socialist Republic. It was the only country which shared boundaries with the Capitalist Freedom Union (CFU), a Union of 18 industrialized nations. It had the highest population of Wutins which though was still a recognized national minority as the Crumps outnumbered them in Chunkichuri.
2. The Union of Kunchimuri was its immediate neighbor and the most powerful of all erstwhile members in terms of its strategic location, economic strength and military prowess. Most of its population was Crumps, with a very negligible number of Wutins living in Kunchimuri.
3. The Republic of Chunkichuri's growing ties with the Capitalist Freedom Union (CFU) was a particular cause of the ire of Union of Kunchimuri, as perceived by the former.
4. During 1991-1995, while the two nations were undergoing a host of changes, both political and economic, it was observed that the Temples of the minority Wutin Clan are being destroyed in the name of development of infrastructure. Some of these temples were 5000 years old, based on the stone inscriptions found in the temples. There were widespread protests by various organizations of the Wutin Clan, but to no avail.
5. Both clans enjoyed peaceful co-existence till 15<sup>th</sup> Century, when one Kuttukuttu, a revered saint of the Crump Clan, declared that the Wutins are evil and their temples must be converted to Crump temples. While most Crumps followed his diktat blindly, a small sect within the Crumps disagreed with the direction of their religious leader, and these Crumps were ousted from the community in no time. They started being called oCrumps. So strong was this ex-communication that no inter-marriage or social relations ever happened between Crumps and oCrumps. However, oCrumps' decision was welcomed by the Wutins, and inter-marriages and social relations flourished between the Wutins and oCrumps.
6. As a result of the carrying out of the message of the religious leader, most of the Wutin temples were either destroyed or converted by repainting of deities and realigning their features to match those of the Crump deities. Feeling insecure, several members of the Wutin clan became followers of Kuttukuttu and were converted as Crumps in no time. This was called as the Crumping of the Wutins and for the first time in history, the Crumps completely outnumbered the Wutins and became a clear majority.
7. The Wutins took to arms to oppose the forced changes, and with the help of the oCrumps, were able to safeguard some of their temples.

8. Several of these remaining temples have since been declared UNESCO world heritage sites thanks to the efforts of Kullumullu who was a noted scholar of religious history and a paleontologist by profession. His father was an oCrump and mother was a Wutin.
9. Mr. Natru, one of the leaders of the Thanak sect of Wutins, and a respected journalist did intensive research on the issue and published a book called the "Re Crumping of the Wutins: Truth of the Lost Wutin Temples". In his book, he cited more than 4000 public sources to conclude that the temples are being destroyed by companies where the promoters/controlling shareholders are members of the Crump clan. This lead to a furore and there were mass demonstrations by Wutins across all states and in the capital. The demonstrations were largely peaceful till mid of 1996, when Devalaya, a highly revered Wutin temple was brought down to give way to a multi-level flyover for an upcoming speedway. On the next Sunday, bomb explosions took place at Government buildings in all major cities and the capital; as a result of which great damage was caused to public property, though nobody was hurt.
10. The Prime Minister of Chunkichuri called an urgent cabinet meeting on June 30, 1996. He released a press note right after, which stated:
 

" By this message, I wish to warn the bad people- the people who are responsible for sponsoring this damage, and they are aware that we are aware who they are. And they are also aware, that merely because they have the military might, is not going to cow us down as we are now a nuclear power."
11. This statement came as a surprise to all nations, who hitherto were not aware that Chunkichuri was a nuclear power. Within the next few months, sporadic bomb explosions took place in some government buildings in Kunchimuri, curiously again, all on Sundays. The President of Kunchimuri issued a press release, in which he stated:
 

" Who does this, to be bad to someone, when someone else has been bad to you. Cross border terrorism will never be tolerated by us, much less when it is sponsored by you. You know who we are talking about, and we know who you are, real enemies of peace."
12. So much was the acrimony and mutual hatred between the two nations after these bomb explosions, that it was widely feared that these bomb explosions may lead to a full scale nuclear war. Due to UN Intervention, both nations signed a peace accord in 1998 whereby they agreed that none of them will be the first-user of any nuclear ammunition against the other.
13. Both nations joined hands in helping each other for investigating the bomb explosions. In their joint report on investigations published in 1999, it was revealed that all the bombs used Trinitrotoluene and Cyclotrime-thylene-trinitramine based explosives. In no time, another round of mutual blaming started, as Chunkichuri and Kunchimuri were the largest manufacturers of explosive devices based on Tri-nitro-toluene and Cyclotrime-thylene-trinitramine respectively. Based on a 1991 treaty, the two nations decided that between the two of them Chunkichuri will have exclusive rights to produce Tri-nitro-toluene and likewise Kunchimuri will produce Cyclotrime-thylene-trinitramine.



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14. The western border of Chunkichuri which was the most proximate to Capitalist Freedom Union had the oNagpura temple complex which was a spread across several kilometers. Part of the temple complex abutted the international border with CFU. It was one of the oldest religious sites in the area, with written history dating from 5500 BCE. The complex had 9 Wutin temples and one Crump temple. Kullumullu published a few research papers demonstrating that the Crump temple may originally have been a Wutin temple, converted as such around 1000 BCE.
15. The site was visited by Premiers, Diplomats and citizens in huge numbers. Lot of expat Wutins and Trumps also used to visit the oNagpura temple complex and it was held to be not only the highly revered site of the two clans, but also one of the richest temple complexes of the world given the donations of the pilgrims and fees charged from the tourists.
16. In 2001, to facilitate the entry of foreigners, a border check post was established within the temple complex and the international border was thrown open to visitors without the requirement of a visa, to visit the temple complex. This initiative led to increase in both the number of persons and revenues growing manifold. The Crumps used to be the highest single group visiting the site on any given day.
17. With such an unprecedented increase of foreigners, the area saw mushrooming of shops selling items of worship and offerings. Soon, in the outer periphery of the temple complex in Chunkichuri, mass commercialization occurred and hotels and eateries left no inch of land left. The opening of international border led to cross border human trafficking, rampant prostitution and illegal transport of arms and drugs. Kullumullu issued a press statement claiming that the swelling crowd has taken away the peace and serenity of the temple complex and reduced it to a tourist-spot with no spiritual vibes left.
18. In December 2001, H9, the smallest of the temples in the complex was found to have been ransacked. The outer walls were full of rogue graffiti with messages like "Let's Crump the Wutins"; "Wutins are evil". The Wutin deity's statue was chiseled to match the looks of a famous Crump deity.
19. Beginning from 2<sup>nd</sup> week of December 2001, there were some minor explosions which took place in the Crump temple of the complex, and investigations revealed that these explosions were caused using improvised IED with RDX explosives. This not only angered the Crumps, but also led to a heated diplomatic exchange between the two nations, where they blamed each other for these minor explosions which lasted for months.
20. In January 2002, UNESCO sent a monitoring group to the site as both H9 and the Crump temple were UNESCO world heritage sites. The Group reported that the damage to the H9 temple was irreversible, whereas the damage due to the minor explosions did not really harm the temple but only its outer walls.
21. Some of the radical Crump groups called for a resignation of the then Prime Minister of Chunkichuri, who was a Wutin. A small set of Crumps decided to form themselves unto a vigilante group for the protection of their temple in February 2002. They used to be outside the Crump temple of the oNagpura complex, and frisk people heavily before they could enter the temple. In no time they formed themselves into an armed group and started collecting money from the visitors of temple complex in name of security charges.



22. Due to its strategic location, the Crump temple was nearest to the border check post. In name of security, the Vigilante group took over the in and out gates of the check posts, leading to their effective control of the border check –post. The Vigilantes declared that the border next to the temple cannot be used for trade purposes as it results in commercialization of the holy site. In no time, the trade relations of Chunkichuri with CFU ceased. The Vigilante group started charging a very high sum from the visitors coming from CFU. CFU issued a statement condemning the Vigilante group for its excesses and the Republic of Chunkichuri for its failure to control the situation.
23. Chunkichuri constantly strived to remove the Vigilante group of Crumps from the complex, but each time they carried out such a drive, in no time some others took over. Chunkichuri's Prime Minister released a press statement on Feb 24, 2003:

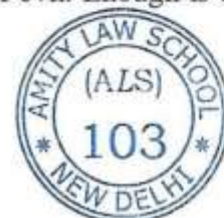
“The bad people have gone worse. They are now supplying arms to our citizens to stand against us. They are sending their citizens to extort tourists and pilgrims alike. They are planting their spies on our soil, and trying to interfere with our lawful authority on our sovereign territory. Investigations have revealed that all the arms recovered from the Vigilantes, have been manufactured in Kunchimuri. Now the whole world is aware that we are aware who they really are. They are trafficking humans including minors.”

24. On the same day, the External Affairs Minister of Kunchimuri issued the following statement in the afternoon:

“We are good people. Our arms are only for keeping peace. If peace comes at a cost, so be it. The Crump temple at oNagpura has been part of our common heritage for centuries and cannot be appropriated by any one country. We will do everything that is required to protect our ancient heritage. After the initiative by good Samaritans, no one has dared to terrorize at the holy place. We are in full control of the situation and taking stock on a day to day basis for the safety of our own citizens as well as other human beings in the complex.”

25. This lead to a rejoinder statement being issued by the Prime Minister of Chunkichuri in the late evening, which read:

“Talks are between equals. We may be a small nation, but we are close knit. We do not allow anyone to act contemptuously to our lawful authority. We take no notice of the statement of a minister, when their Prime Minister was very much in the country and playing chess on the internet throughout the day as reported by their own media. The oNagpura temple complex is a cultural heritage which comes within our sovereign territory. The real intention of the bad people is to control our borders, which we will never permit. The bad people have shown a consistent contempt of our rights and their treaty obligations which must be viewed seriously. In name of security, you are persecuting our citizens, extorting money from them and running trafficking and prostitution rackets. They have turned down all our requests to cooperate in the investigation, and brining to justice of the perpetrators of evil. Enough is enough, we are going to go to the Court.”



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26. Considering that the situation may lead to an armed conflict, in an unprecedented action, on 24.3.2003 the Security Council of the UN intimated both the nations to resolve the dispute amicably, offered to appoint mediators and sought for status-quo to be maintained in the interregnum. Republic of Chunkichuri accepted the offer, but the Union of Kunchimuri refused the request claiming that any status-quo would violate its sovereign rights to protect its citizens and violate its treaty obligations.
27. Given the immediate need of provisional measures, the Republic of Chunkichuri approached the ICJ in early 2004 and sought for the following prayers:
- To direct Union of Kunchimuri to cease and desist by not continuing armed interference or trafficking activities at the border check post or in the temple complex;
  - To direct Union of Kunchimuri to abide by all its treaty obligations in the interregnum, and not violate well known provisions of customary international law and *jus cogens*.
28. While seeking response from Union of Kunchimuri, considering the alarming situation, the ICJ allowed the first prayer while rejecting the second prayer for provisional measures.
29. Both the nations filed an agreed statement of facts in January, 2005, which is this Compromis before the ICJ and sought the matter to be heard finally on an urgent basis.
30. In February 2005, the regime in Union of Kunchimuri changed. The new Prime Minister gave the following statement:
- “ We have historically been one with Chunkichuri. We do not want to waste our money on lawyers. Let us accept the role of UN appointed mediators and till then disarm the Vigilante group which will continue to be present in the temple complex for the safety of our citizens.”
31. The Prime Minister of Chunkichuri accepted only the proposal of going through Mediation, and both nations jointly requested the ICJ to postpone the hearing of the matter.
32. The mediation eventually failed in January 2017, and both nations reinstated their request for the ICJ to hear the matter again. Armed persons identifying as part of Vigilante group resurfaced in the temple complex in no time.
33. Applicant, Republic of Chunkichuri made the following prayers:
- Respondent has violated its treaty obligations as applicable from time to time;
  - Respondent has also violated the provisional measures instituted by this Court;
  - Any other relief as deemed fit in the ends of justice;
34. Respondent, Union of Kunchimuri made the following prayers:
- Applicant lacks a cause of action;
  - A due interpretation is required of the provisional measures since acceptance of the offer of Mediation eclipsed the provisional measures in law;
  - Respondent has not violated any of its treaty obligations; and in alternative, Respondents act were governed by the doctrine of necessity and have precedents in state practice.
35. Applicant made a prayer in rejoinder:



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- a. Determination of violation by Respondent must precede the prayer of interpretation, as a violator cannot be heard before purging the violation;
36. The Court determined the rejoinder prayer to be heard as a preliminary procedural issue; and posted the matter to be heard finally on all issues with the preliminary procedural issue to be heard first.
37. The erstwhile Socialist Secular Union (SSU) was a charter member of the UN and subscribed to the ICJ Statute, with no reservations. Both the nations adopted such acts of the erstwhile Socialist Secular Union (SSU) as their own in their respective Constitutions. They have also signed and ratified the International Convention for the Suppression of the Financing of Terrorism, International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, United Nations Convention against Transnational Organized Crime and all its Protocols, Convention on the Elimination of all Forms of Discrimination Against Women. Domestic legal system of the two nations are *pari materia* with the laws of India, as applicable from time to time.

**Nota Bene:**

- a. All references, actual, deeming or fictional; are fictional.
- b. Participants stand advised to devise a "litigation strategy". The issues can be argued in alternative/without prejudice, be divided into sub-issues, **and can be added to or amended upon**. It is permissible to concede issue(s) at the time of oral arguments subject, however, to appropriate explanation readily available on the query of the bench. However, the written submissions must address all the issues.
- c. Citations should not be without actual para/page references. Unnecessary citations and *passim* references are to be avoided. In case of oral arguments, primary references for all materials being referred **is mandatory**.
- d. The moot problem is the way it is, with full application of the principle of "***as is, there is...whatever where is***".
- e. Please avoid use of any plastic materials or binding for the Memorials. Use simple color-paper sheets for identification of respective sides.



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