

Case Concerning Resettlement of Refugees on Antarctica and Mars.

United States of Aazwell

Versus

Republic of Keneda

1. United States of Aazwell is a capitalist democracy. Geographically it is the third largest country in the world and fifth largest economy in the world. Its total population is 300 million people in a world of nine billion in 2050. The global community failed to achieve 2015 Sustainable Development Goals, except United States of Aazwell. The population boom was highest during this time period and the world population increased from seven billion to nine billion. United States of Aazwell has been consistent in maintaining its population and sustainability of its resources by following strict internal and foreign policy.
2. Republic of Keneda is a socialist democratic country and shares its border with United States of Aazwell. It is geographically tenth largest country and has a population of 500 million. The population of this country has increased from 120 million in 2015 to 500 million in 2050. Republic of Keneda has accepted more refugees than any other nation in the world. It is the friendliest country for the refugees and has been a haven for resettlement of refugees.
3. The world witnessed many international and national civil wars globally between 1990 to 2020. These conflicts caused influx of refugees and migrants from conflict zones to more peaceful countries. Between 2020 to 2050, climate change has been single cause of

migrant and refugee influx. Many small island nations like Maldives and Kiribati have lost their tiniest islands and the loss continues. People continue to migrate to safe lands globally.

4. Between 2020 to 2050, the developed world has also made a strong place in space, particularly on Moon and Mars. The areas that earlier belonged to the Common Heritage of Mankind are now becoming areas for resettlement of people, in order to protect and provide for human life. The Sea bed also supports human life in sea bed home settlement scheme. The Antarctica has also become home to 100 million people and the ecosystem of Antarctica is no longer pristine. Countries like Aazwell and Keneda have started their colonies on both Moon and Mars.
5. The Antarctic Treaty system that was established in 1969 is no longer effective. Nations have failed to live to the object and purpose of the treaty. With the influx of migrants and refugees and large scale destruction of coastlines and islands, more than 90 million people have migrated to the established stations on Antarctica. Even though the living conditions on Antarctica are extreme and inhabitable, people have been successful in surviving on Antarctica between 2045-2050. It is reported that people have started farming on Antarctica, destroying the pristine environment of Antarctica.
6. Recently, in March 2049, Keneda announced that it will take in 20 million refugee and resettle them on its Antarctica Station and its colony on Mars. United States of Aazwell has raised concerns over the resettlement policy adopted by Keneda. Aazwell's President issued a public statement stating that - "The resettlement policy adopted by Keneda violates many established principles of International law, including principles governing the common heritage of mankind, Antarctica Treaty System and principles governing

protection of environment and protection of biodiversity beyond national jurisdiction. Aazwell will approach the World Court, if Keneda does not revoke its resettlement policy.”

7. The Secretary of the Keneda also issued a statement saying- “ The global community is threatened by climate change and ever increasing population. These grave times, require unprecedented measures. We need to protect our planet along with the humanity. We also need to protect the right of life of people, while respecting the principles of non-refoulement.”
8. After repeated reminders, Keneda did not revoke its resettlement policy and in November, 2050 it launched its spacecraft carrying 10 million people to Mars. During the launch of the spacecraft, there was a technical difficulty and the spacecraft crashed, causing death of all 10 million people, along with complete loss of the spacecraft.
9. Aazwell approached the International Court of Justice pursuant to Article 36 (1) of the Statute of International Court of Justice and requested the Court to declare the following-
 - a. Keneda has breached its obligations under international law by adopting a resettlement policy of refugees on Mars and it is responsible for the loss of life of 10 million people and therefore, Keneda should be liable as its Keneda’s responsibility to protect.
 - b. Resettlement Policy of Refugees of Keneda is violation of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.
 - c. Keneda has violated the Antarctic Treaty by destroying its pristine environment. Keneda has responded to the Court by submitting that Keneda acted in good faith to protect the right to life of refugees and to fulfill its obligation of non-refoulement.

- a. Keneda has not breached international law by adopting a resettlement policy of refugees on Mars and Antarctica following the jus cogens norm of non-refoulement and is not responsible for the loss of life as they are participating in the event of their settlement.

- b. Resettlement Policy of Refugees of Keneda is not violation of the Treaty on Principles Governing the Activities of States in the Exploration and Use of outer Space, including the Moon and Other Celestial Bodies.

- c. Keneda has not violated Antarctica Treaty as it has ceased to exist.

****Both the states are party to all existing treaties and conventions.****

ANNEXURE 1

The 1951 Convention Relating to the Status of Refugees.

Article 33: Prohibition of Expulsion or Return (“Refoulement”)

1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.