



CNLU NATIONAL MEDIATION COMPETITION 2024



**GENERAL
INFORMATION**

FINAL ROUND

ABOUT THE DRAFTERS

MediateGuru



MediateGuru, a distinguished institute in the realm of alternative dispute resolution. We pride ourselves on being more than just a service provider; we are a dedicated community committed to facilitating amicable resolutions through expert mediation and arbitration services. Our team of seasoned professionals brings a wealth of experience and a deep sense of empathy to every case, ensuring a fair, efficient, and compassionate resolution process. We uphold the highest standards of integrity and professionalism, providing our clients with unparalleled support and guidance.

Beyond our core services, MediateGuru plays a pivotal role in enriching the ADR field through a series of meticulously curated events, competitions, and conferences. These initiatives are designed to foster professional development, encourage knowledge sharing, and cultivate the next generation of resolution experts.

Engage with industry thought leaders at our workshops, participate in challenging competitions, and become part of a network that values and promotes the principles of peace and resolution. At MediateGuru, we are steadfast in our mission to create a more harmonious world, one resolved dispute at a time.

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General Information

The Territorial Dispute of Mirador Isles

1. The territorial dispute of the Mirador Isles, an archipelago located in the North Tethys Sea, presents a complex geopolitical conundrum that has been the source of tension between the neighboring states of Atlantia and Borealia for decades. The Mirador Isles, an archipelago comprising over 200 small islands, islets, and rocks, is situated strategically at the maritime crossroads of major shipping routes and is endowed with rich marine resources and potential mineral wealth. The islands themselves are largely uninhabited, with only a few supporting small populations, primarily engaged in fishing and limited agriculture. The roots of the dispute date back to the mid-19th century, a period marked by colonial expansion and ambiguous territorial claims. Atlantia and Borealia, both emerging as significant naval powers at the time, laid overlapping claims to the archipelago, primarily motivated by its strategic location and the promise of resource exploitation.
2. The history of the Mirador Isles is a tapestry of colonial interests, native heritage, and geopolitical maneuvering. Before the 19th century, the islands were largely ignored by European powers, despite their presence on navigational charts. The indigenous Miradorians, a seafaring people with a culture deeply intertwined with the sea, inhabited several of the larger islands. Their history, oral traditions, and archaeological findings suggest a continuous presence on the islands for centuries. However, the surge in colonial interest in the region during the 1800s brought Atlantia and Borealia into direct competition. Both nations, seeking to expand their global influence, recognized the strategic and economic potential of the Mirador Isles. Atlantia, with its powerful navy, established a series of outposts on key islands, claiming sovereignty. Meanwhile, Borealia, with historical trading ties in the region, argued its rights based on long-standing economic activities and exploratory expeditions that predated Atlantian presence.
3. The escalation of the dispute was marked by a series of incidents and diplomatic skirmishes throughout the late 19th and early 20th centuries. Atlantia, bolstering its

claim, began to establish permanent settlements and military installations on the largest of the Mirador Isles. In response, Borealia lodged formal protests and sent naval patrols to assert its claim, leading to several confrontations at sea. Notably, in the early 1900s, an incident involving Atlantian and Borealian naval vessels near the central island of Bellona nearly resulted in open conflict. This event, known as the "Bellona Skirmish," epitomized the simmering tensions and the potential for a larger conflict. The incident was eventually defused through diplomatic channels, but it left an indelible mark on the relations between the two nations, setting the stage for a protracted standoff.

4. Throughout the 20th century, the Mirador dispute became entangled with broader regional and global political dynamics. The advent of the Cold War saw both Atlantia and Borealia aligning with different superpowers, further complicating the dispute. Atlantia, with its strategic military bases on the islands, became an important ally for one bloc, while Borealia, advocating for a peaceful resolution and leveraging its economic ties, sought support from the other. This global dimension added layers of complexity to the dispute, transforming it from a bilateral issue into a matter of international strategic importance. The islands, once the site of a localized territorial dispute, became a pawn in the larger game of global politics, with both nations receiving external support and facing international pressure to resolve the conflict.
5. The legal basis for the claims of Atlantia and Borealia rests on a mix of historical treaties, colonial charters, and international law principles. Atlantia's claim primarily hinges on the principle of effective occupation, citing its establishment of settlements and administrative structures on the islands. Atlantia also references specific colonial-era treaties in which other powers recognized its sovereignty over the archipelago. On the other hand, Borealia bases its claim on the principle of *uti possidetis*, arguing that the islands were part of its colonial possessions and that historical economic activities and exploratory expeditions established a longstanding presence. Borealia also highlights the cultural and historical ties between the indigenous Miradorians and Borealia, asserting a responsibility to protect the interests and heritage of the native population. The interplay of these legal arguments and historical narratives has been central to the ongoing diplomatic and legal efforts to resolve the dispute.
6. The Mirador Isles dispute took a significant turn in the post-Cold War era, as the global geopolitical landscape shifted. With the decline of bipolar world politics, Atlantia and Borealia found themselves navigating a new international order. This

period saw a renewed push for a diplomatic resolution to the dispute, encouraged by international bodies and neighboring states concerned about regional stability. The United Nations, recognizing the potential for conflict in the region, offered to mediate talks between the two nations. These talks, known as the Tethys Dialogues, began in the early 1990s with high hopes for a peaceful resolution. The dialogues were marked by several rounds of negotiations, focusing on issues such as sovereignty, resource sharing, and the rights of indigenous populations. However, deep-seated nationalistic sentiments and political pressures within both Atlantia and Borealia posed significant challenges to reaching a consensus.

7. The economic aspects of the Mirador Isles dispute became increasingly prominent during this period. Advances in technology and the discovery of potential offshore oil and gas reserves around the archipelago intensified the stakes. Both Atlantia and Borealia, facing growing energy demands at home, saw the exploitation of these resources as crucial to their national interests. This economic dimension added a new layer of complexity to the negotiations. Environmental concerns also came to the forefront, with international environmental groups and the indigenous Miradorian community raising alarms about the potential impact of large-scale resource extraction on the fragile ecosystem of the islands.
8. In the late 1990s, the Mirador dispute witnessed a dramatic escalation when Atlantia began exploratory drilling in the disputed waters. Borealia, viewing this as a unilateral and provocative act, responded by increasing its naval presence in the area and conducting its own exploration activities. This tit-for-tat strategy led to several close encounters and standoffs at sea, heightening tensions and drawing international concern. The situation reached a critical point when a Borealian exploration vessel and an Atlantian naval ship were involved in a minor collision, causing no casualties but significant diplomatic fallout. This incident, known as the "Grey Sea Confrontation," underscored the urgent need for a resolution and brought international mediators back to the negotiating table.
9. The legal intricacies of the dispute became a focal point in the late 20th and early 21st centuries. International law, particularly the United Nations Convention on the Law of the Sea (UNCLOS), provided a framework for the discussions. Both Atlantia and Borealia, while not always in agreement with each other's interpretations, recognized the importance of adhering to international legal norms. The principle of equitable maritime delimitation, which aims to reach an equitable solution considering the

geographical and historical context, was particularly relevant. Legal experts from both sides engaged in detailed analyses of historical treaties, maps, and documents, seeking to bolster their respective claims with historical and legal precedents.

10. Amidst the political and legal wrangling, the plight of the indigenous Miradorians began to gain international attention. Human rights organizations and indigenous advocacy groups highlighted the impact of the dispute on the Miradorian community. Issues such as cultural preservation, land rights, and the impact of military and commercial activities on the islands' environment were brought to the fore. Borealia, in particular, attempted to leverage this aspect of the dispute, portraying itself as a protector of indigenous rights. Atlantia, while initially dismissive of these concerns, gradually began to engage with Miradorian representatives, recognizing the importance of their support in bolstering its claim and ensuring a sustainable resolution to the conflict.
11. The turn of the century saw the emergence of new diplomatic efforts to resolve the Mirador Isles dispute. A significant development was the proposal of a joint sovereignty arrangement, a concept floated by international mediators and cautiously entertained by both Atlantia and Borealia. This arrangement suggested a shared governance model for the islands, with joint responsibility for environmental protection, resource management, and economic development. The proposal aimed to create a framework for cooperation that would alleviate the need for a definitive resolution on sovereignty. However, this idea faced considerable internal opposition within both countries, as nationalist factions viewed it as a compromise of their respective territorial claims.
12. The role of external powers and international organizations in the Mirador dispute evolved significantly during this period. Regional powers, concerned about the stability of the North Tethys Sea, began to take an active interest in the resolution of the conflict. The European Union, the African Union, and the Association of Southeast Asian Nations (ASEAN), among others, offered diplomatic support and occasionally acted as intermediaries in negotiations. Their involvement brought a broader perspective to the discussions, emphasizing regional stability and international maritime law. However, their efforts were sometimes viewed with suspicion by Atlantia and Borealia, who were wary of external interference in what they considered a bilateral issue.

13. The early 21st century also witnessed a growing emphasis on the economic potential of the Mirador Isles. Global demand for resources, particularly oil and natural gas, surged, making the islands even more strategically valuable. International corporations, eyeing the untapped resources, began lobbying both Atlantia and Borealia for exploration rights. This economic interest introduced a new dynamic to the dispute, with both countries now having to balance their territorial claims with the potential economic benefits of foreign investment. Environmental groups and the Miradorian community continued to express concerns, fearing that unchecked resource exploitation could lead to environmental degradation and cultural disruption.
14. The dispute took another turn when a group of Miradorian activists, seeking to draw attention to their cause, occupied one of the smaller islands, declaring it a sovereign Miradorian territory. This act of defiance brought the indigenous perspective to the forefront of the dispute. Atlantia and Borealia, while initially responding with consternation, were forced to acknowledge the Miradorian perspective in their negotiations. This event led to increased international media coverage, highlighting the human dimension of the dispute. The occupation was peaceful but symbolically significant, casting the Miradorians not just as victims or pawns in the dispute, but as active stakeholders with their own claims and aspirations.
15. The technological advancements of the early 21st century introduced new dimensions to the dispute. Satellite imagery and advanced marine surveying techniques provided more detailed information about the geographical and resource features of the Mirador Isles. Both Atlantia and Borealia utilized these technologies to strengthen their claims, conducting extensive surveys to delineate maritime boundaries and identify resource-rich areas. However, these technological advancements also raised new challenges in terms of data interpretation and the application of international law. The precision of modern mapping contrasted with the ambiguities of historical claims and treaties, leading to further debates and legal arguments in international forums.
16. As the dispute progressed into the mid-21st century, the international community's role became increasingly pivotal. The United Nations appointed a special envoy to the Mirador Isles, tasked with facilitating negotiations and finding a peaceful resolution. This appointment was a clear indication of the international community's concern about the potential for conflict escalation and its impact on regional stability. The envoy's efforts were focused on bringing Atlantia and Borealia back to the negotiating

- table, emphasizing the principles of international law and the need for a sustainable solution that respected the rights of all parties, including the indigenous Miradorians.
17. In this period, the environmental impact of the dispute gained global attention, spurred by a series of ecological incidents in the region. Illegal fishing, pollution from military exercises, and the risk of oil spills became major concerns. International environmental organizations, along with the Miradorian community, launched campaigns to protect the unique ecosystems of the islands. These campaigns highlighted the environmental costs of the ongoing dispute and pressured Atlantia and Borealia to consider ecological sustainability in their claims and activities. The environmental dimension of the dispute served as a unifying issue, leading to some common ground between the two nations as they acknowledged the need to safeguard the archipelago's natural heritage.
 18. The economic aspect of the dispute also evolved, as both Atlantia and Borealia began to explore alternative energy sources. The global shift towards renewable energy reduced the immediate strategic value of the islands' oil and gas reserves, leading to a reevaluation of their economic importance. This shift opened new avenues for negotiation, as the two countries started considering the potential of joint ventures in renewable energy projects in and around the Mirador Isles. Such collaborative efforts were seen as a way to reduce tensions while benefiting from the archipelago's strategic location for wind and tidal energy generation.
 19. The legal battles over the Mirador Isles also saw significant developments. International courts and arbitration panels became involved, with both Atlantia and Borealia presenting their cases. These legal proceedings focused on interpreting historical treaties, analyzing colonial-era documents, and applying principles of international maritime law. The involvement of these international judicial bodies added a formal structure to the dispute resolution process, though the decisions and recommendations were often met with mixed reactions from the disputing parties.
 20. Cultural and historical claims began to take center stage as both nations sought to strengthen their positions by emphasizing their historical connections to the islands. Atlantia highlighted archaeological findings and historical narratives that supported its claims of early exploration and settlement. Borealia, on the other hand, focused on its historical trade routes and interactions with the indigenous Miradorians, portraying a long-standing relationship with the islands. These cultural and historical arguments added a layer of complexity to the dispute, as they intertwined with legal and political

considerations. The role of history in shaping national identity played a significant part in public perception and governmental policies regarding the Mirador Isles.

21. As the Mirador Isles dispute moved further into the 21st century, the focus gradually shifted towards finding a peaceful and lasting resolution. The international community, recognizing the potential for the dispute to destabilize the region, intensified its efforts to facilitate a dialogue between Atlantia and Borealia. Prominent global leaders and diplomats engaged in shuttle diplomacy, visiting both capitals to encourage a resolution. This diplomatic push was accompanied by a growing public sentiment within both nations, advocating for an end to the prolonged dispute. Civil society organizations, trade unions, and business communities began voicing their concerns about the economic and social costs of the ongoing conflict, urging their governments to seek a peaceful resolution.
22. The Miradorian indigenous community, whose plight had often been overshadowed by the larger geopolitical dimensions of the dispute, became more vocal and organized in their demands. They called for the protection of their cultural heritage and rights, along with the preservation of the islands' environment. International indigenous rights groups and NGOs lent their support, bringing attention to the Miradorians' unique position in the dispute. This increased focus on indigenous rights added a moral dimension to the conflict, pressuring Atlantia and Borealia to consider the human impact of their actions and policies.
23. In the realm of public opinion, a significant shift occurred as the populations of Atlantia and Borealia, influenced by widespread media coverage and public debates, began to view the dispute through a pragmatic lens. The prolonged nature of the conflict, with its associated costs and risks, led to a growing consensus that a negotiated settlement was preferable to continued stalemate or escalation. This public sentiment was reflected in the political arena, as parties and leaders who advocated for a diplomatic resolution gained popularity and influence. The governments of both Atlantia and Borealia, responding to this shift in public opinion, showed greater openness to alternative dispute resolution mechanisms.
24. In a landmark development, the governments of Atlantia and Borealia agreed to enter into formal mediation under the auspices of the International Chamber of Commerce (ICC). This decision was reached after extensive bilateral discussions and consultations with international mediators. The choice of the ICC Mediation Rules was seen as a neutral and respected framework for resolving the dispute. The ICC's

experience in handling complex international disputes and its emphasis on a flexible, confidential, and party-driven process were key factors in this decision. The mediation process was set to be overseen by a panel of experienced mediators, chosen for their expertise in international law, maritime disputes, and environmental issues.

25. The announcement of the mediation under the ICC Mediation Rules was met with cautious optimism by the international community and the general public in both Atlantia and Borealia. The commencement date for the mediation was set for 16th March 2024, marking a significant step towards a potential resolution of the decades-long Mirador Isles dispute. The decision to pursue mediation represented a departure from the adversarial approaches of the past, signaling a willingness by both parties to engage in a constructive dialogue. As the date approached, there was a sense of anticipation and hope that this process would finally bring an end to the territorial conflict and pave the way for a stable and prosperous future for the Mirador Isles and its people.



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For updates regarding the competition, visit ccadr.cnlu.ac.in/nmc-2024/.



The logo is a purple shield-shaped emblem with a white rectangular area at the bottom. The text is arranged in four lines: 'CNLU' in white, 'NATIONAL' in white, 'MEDIATION' in white, and 'COMPETITON' in purple. The year '2024' is also in purple and is positioned below the white area.

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