

Third Prof. N.R. Madhava Menon SAARCLAW Mooting Competition & Law Students' Conference 2017-18

16- 18 February 2018

Clarification Questions regarding Moot Compromis

1. Whether the issues have to be framed as per the pleadings given on part of both the parties at the end in Paras 58 and 59 of the Compromis or they have to be framed independent of the problem.
Clarification: - Para 58 & 59 of the Moot proposition outlines important arguments and contentions by the parties in the Moot Compromis. The teams can frame issues based on their reading and overall understanding of the Moot Compromis.
2. Please clarify as to Para 23 of Moot Compromis. It talks about army launching assault against Indica. Was this assault launched by SE?
Clarification: The “Army and other security services” as referred in para 23 of Moot Compromis is from SE.
3. **Para 8** – National emergency of who? Corrective action to what extent? Does the Tripartite treaty talk about the ownership of the River Eulga?
Clarification: No, the tri-partite Treaty does not talk about ownership of river Eulga.
4. **Para 42**-What is secretive sanitization? Why was SE trying to hide it?
Clarification:- Kindly read the Moot Problem carefully. Requires no clarification.
5. **Para 53**- ‘Tribal leadership’- how are they elected/ appointed?
Clarification:- Requires no clarification. Kindly read the Moot Problem carefully.
6. **Para 55**- two states endorsed UNDRIPS- which 2 states?
Clarification:- Republic of South Eucalidus, North Eucalidus.
7. Who belongs to the SE Government?
Clarification: Requires no clarification. Kindly read the Moot Compromis.
8. Are BaoBao and Indica represented in the government?
Clarification: Requires No clarification.
9. Who enacted the SE Constitution? Who was in the Parliament?
Clarification: - Constitution of SE was enacted by a constituent assembly, members of which were elected based on regional representation.
10. What are the other clauses is in the Tripartite Agreement?
Clarification:- Requires no clarification.

11. Does Bao-Bao have a defined territory for itself? If so, what are the limits of the territory? Do other tribes/ people live there too?

Clarification:- Requires no clarification. Kindly read the Moot Compromis.

12. Did Indica ever request help from Erga?

Clarification:- Requires no clarification. Kindly read the Moot Compromis.

13. Did erga get permission from SE before intervening?

Clarification:- Requires no clarification. Kindly read the Moot Compromis.

14. Did Erga warn Se that they were going to enter Indica?

Clarification:- Requires no clarification. Kindly read the Moot Compromis.

15. Military intervention to what extent?

Clarification:- Requires no clarification.

16. Did Bao-Boa try amicably to settle the differences between them and the SE government before seceding? Did any negotiations/ meetings with the government happen?

Clarification:- Kindly read the Moot Compromis.

17. Who took part in the referendum for secession? Was it only the BaoBao tribe? Or were there other tribes too hat voted at the referendum?

Clarification:- The referendum was based on region dominated by Bao- Bao tribe only.

18. Who are applicant and respondent?

Clarification:- Kindly read the Moot Compromis.

19. In para 4 of moot compromis, it is said that , the Republic of erga decide"s to unconditionally grant independence to all their colonial possession, however in para 8, it is stated that the policy document of 1945 contained a pre- condition to the grant of independence to the plateau of eucalidus. Does , it not seem contradictory?

Clarification:- There is no contradiction in para 4 & para 8 of the Moot Compromis. Para 4 refers to the general policy of Republic of Erga as Colonial Power which ruled over many countries including Plateau of Eucalidus.

20. In Para 12 it is stated that the constitution of both NE and SE guarantees fundamental rights corresponding to those recognized in International Human Rights instruments. What are those International Human Rights instruments?

Clarification:- Requires no clarification.

21. .What do 'special provisions' stated in para 14 are?

Clarification:- kindly read para 13 & 14 together withregard to the 'special provisions' for dispute settlement and administration of justice through Councils.

22. What is the percentage of Bao-Bao population in the Republic of South Eucalidus as per the moot compromise?

Clarification:- It does not require any clarification.

23. Contradictions:

- i. Para-9 *“The social set up of SE is that men enjoy power over women. They control the country’s economic activity, and responsible for making all important decisions in house-hold, political, economic life.”* And
- ii. Para-11 *“The social set up of South Eucalidus does not allow the women to take any independent decision in social and economic aspect of life. The Government as well as South Eucalidus seeks to justify this indifferent approach to Equality on account of its historical practices, as custom practiced for so long as part of its cultural heritage. Certain women leader of the South Eucalidus also endorses this view as part of its rich cultural heritage and binding on the womanhood under the scheme of the Constitution.”*
- iii. Para- 32 *“The President of the Political party ruling the South Eucalidus plateau observed as under:- “It is historically proven and pious hard work of our ancestors , who often used to say that where a woman rules, the streams of Eulga runs uphill”*

Now as per para -9, 11 and 32 which allows men to take any decision in house hold , social and political life, how can there be a women leader as mention in para-11 and 17 of the moot compromise. Also if any woman leaders exists in South Eucalidus mentioned in para -11 and 17, then what is the status of that kind of leadership?

Clarifications:- Kindly read the Moot Compromis. It nowhere states that there does not exist any women leadership in socio- political life of South Eucalidus. The reference of existence of women leader in para 11 & 17 of the Moot Compromis affirms the above.

24. Which area is being covered as an ‘adjacent province’ as per para- 38 of the moot compromise?

Clarifications:- It does not require any clarification.

25. Para -56 states that – *“The Republic of South Eucalidus approached the International Court of Justice against the Republic of North Eucalidus as well as Republic of Erga raising disputes on Tri- Partite treaty interpretation and obligation arising out of it.”*

The moot compromise does not provide any tri-partite treaty provisions which can be used to interpret as provided by the moot compromise. We seek for the relevant provisions of the tri-partite treaty for the enabling us interpret as per the given moot compromise in para-56. We also seek for the provisions of the treaty where the Republic of Erga has a solemn responsibility to protect the basic human rights of the people of Indica as per para -20.

Clarification:- The tri- Partite agreement referred is in para 8 of the Moot Compromis.

26. What is the status of the island city of Indica? As it is now a part of the Republic of South Eucalidus, how can it have an autonomous government and an autonomous parliament for its functioning? Also as per para- 20, *“He also stated that under the Tri- Partite Agreement, the Republic of Erga has a solemn responsibility to protect the basic human rights of the people of Indica.”*

We seek to clarify whether Indica has been integrated into South Eucalidus as per the tri-partite agreement in 1960?

We also seek to get a clarified status of Indica, as to whether a city which is included with the South Eucalidus from 1960 onwards, can have an autonomous parliament as well as an autonomous government?

Clarification:- The port city of Indica became part of South Eucalidus on 1, Jan, 1960. Kindly read moot compromise carefully.

27. Before Jan 1, 1960 whose part was Island port city of Indica?

Clarification:- Island port city of Indica was governed as part of plateau of Eucalidus by Republic of Erga before Jan 1, 1960.

28. As per the factsheet the constitution of the south eucalidus had its own constitution as per the culture, we seek clarification whether Bao-Bao have its own constitution and also seek clarification that the discriminative practices to women existed in the tribal administrative area of the South Eucalidus?

Clarification:- Bao- Bao does not have its own Constitution. Kindly read the moot Compromis carefully about existing social realities (in particular discriminative practices to women in Tribal Administrative Area of SE).

29. We seek to clarify regarding about the culture of the Bao-Bao tribe. We seek to know, whether the culture followed by Bao-Bao is same or coherent with that of the culture of south eucalidus?

Clarification:- The culture of Bao- Bao tribe is different than the mainland South Eucalidus as pointed out in several paragraphs of Moot Compromis.
