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Moot Compromis



This moot Compromis has been authored by Mr. Ravi Prakash, Advocate, Supreme Court of India for the SAARC Round of Third Prof. N. R. Madhava Menon SAARC Mooting Competition & Law Students' Conference, 2017-18. This moot proposition has been formulated solely for the purpose of this competition furthering the academic exercise.



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PART I.

- [1.] Historically, the plateau of 'Eucalidus' was under the colonial domination of Republic of 'Erga' since 1600. Then, the plateau of Eucalidus was sparsely populated and believed to be the treasure trove of all precious metals, minerals and full of natural resources. Across the breadth of plateau, river 'Eulga' flows, on the bank of which, it is believed that one of the most advanced human civilization i.e. 'Eucalidian civilization' used to thrive and flourish. It was land inhabited by tribes. The River 'Eulga' has its origin in Republic of 'Erga'.
- [2.] The plateau of 'Eucalidus' is presently inhabited by a mixed population. Originally, the tribes of 'Yo-Yo' and the 'Bao- Bao' are believed to be aboriginal, indigenous tribes of this plateau. These two tribes formed part of the same ancestral clan i.e. 'Phukan Clan'. These two tribes used to live in the northern part of river 'Eulga', spread across the north bank of the river sharing the same culture, religious practices and customs.
- [3.] About 200 years back, a local chieftaincy dispute of the two tribes/communities – forced the 'Bao-Bao' faction of the tribe to cross the other side of river 'Eulga' and settled in the south-eastern part of it, which was a mountainous region. This new settlement in the south- eastern part did not offer any conducive condition for their subsistence as this region remained dry, infertile mountainous region. Over generations, the tribe of 'Bao- Bao' devised new methods of irrigation, scientific methods of agriculture alongwith horticulture and developed animal husbandry industry. The Tribe of 'Bao- Bao' is also credited with building one of the earliest dams in the south-eastern part (near their settlement) to divert the required amount of water from the river 'Eulga'.
- [4.] With the passage of time, by the mid of 20th Century, under the increasing pressure from the different administrative group, internal constituencies of plateau of 'Eucalidus', and the rise of new republic order/ governance along with present day International legal regime – the Republic of 'Erga' realized that their domination over



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the plateau of 'Eucalidus' was not only tenuous rather morally wrong. It convened a Round Table conference wherein it invited the local administrative head, Tribal head and agreed to have a plan for 'Devolution of Power leading to Independence- 1945'. Under this policy document, The Republic of 'Erga' decided to unconditionally grant independence to all their colonial possessions including the plateau of 'Eucalidus', if the inhabitants of these territories chose that option by referendum under the aegis of United Nation (UN).

- [5.] As the referendum, by over 97% of their vote, the northern and southern plateau of 'Eucalidus' decided to become independent and form 'Two' Separate Nation i.e. 'North Eucalidus' and 'South Eucalidus' respectively.
- [6.] The Republic of 'Erga' withdrew itself from the administration of the plateau of 'Eucalidus' w.e.f. Dec. 31, 1959 and the two nations was born on 01.01.1960.

PART II.

- [7.] The birth of two nation had social, economic and political impact on the inhabitants of the 'Eucalidus' plateau. It was the ultimately people who were being divided as separate nation specially when the aborigines (Bao- Bao & Yo -Yo tribes) of that plateau shared a common cultural heritage, practicing the same traditions and values. However, despite this, the two tribes 'Yo-Yo' and 'Bao- Bao' continued visiting their kith and kin across the river, leading to a harmonious, cordial inter-personal relationship including marriages and other social exchange. The interaction among the ordinary members of these two tribes were so natural and fluent that the systematic investigation by one of the leading anthropologist of the Republic of 'Erga' i.e. Dr. KHAN, who is widely quoted and published; in one of his celebrated publication observed as under:-

"The recent historical events have forced the 'Bao- Bao & Yo- Yo' tribes to be separated geographically i.e. one the northern side and other on southern side of the river 'Eulga'. But, the bonds of culture, social tie-up, sense of belongingness among the two tribes have been too string to be broken and



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separated. The policy document of 1945 may separate them further into two nation theory in the present international political set – up, but, are not the borders becoming irrelevant and the over-arching principles of ‘humanism’, ‘global citizenship’ to mankind are finding more relevance than these territorial demarcations in 21st Century. The Truth is along the river ‘Eulga’ – people have been divided, who have somehow refused to be divided. The fact remains that natives of southern plateau (Bao- Bao tribe) maintain a higher level of originality than those of their northern counterpart meaning thereby the people of North Eucalidus have fully embraced the foreign system as way of life.”

- [8.] The policy document of 1945, contained a pre-condition to the grant of independence to the plateau of ‘Eucalidus’ that “... to respect the WILL of the ‘Bao- Bao’ & ‘Yo – Yo’ tribe and their freedom from all outside interference in its administration”. It was reflected in the Tri- Partite Treaty signed on 1st January 1960 –wherein all the stakeholders acknowledged the autonomy of these two tribes. Two nation i.e. North Eucalidus (hereinafter **NE**)&South Eucalidus (hereinafter **SE**) pledged not to interfere and Republic of ‘Erga’ guaranteed the autonomy in the event of a breach of this treaty as under :-

“Republic of Erga ... reserved the right to take corrective action in the plateau of ‘Eucalidus’ with the sole objective of re-establishing the state of affairs as envisaged under the Treaty”.

The Tri- Partite Agreement further guaranteed the existing free flow and exchange of the two tribe across the river Eulga without any interference except national emergency.

- [9.] The Constitution of South Eucalidus (hereinafter **SE**) provides the basic legal framework of the Country. It lays down the basic principle of governance in the Republic of **SE**, which are heavily influenced by its culture and practices followed by majority of its population. The social set up of **SE** is that men enjoy power over



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women. They control the country's economic activity, and responsible for making all important decisions in house-hold, political, economic life.

- [10.] The Constitution of South Eucalidus places special importance to the Culture & Traditional value as one of the Directive Principles of State Policy & under Fundamental Duty as under: -

“Culture and Tradition: - The State shall strive to strengthen and maintain cultural values by instilling/ prescribing the same in unified educational curriculum. The State must strive to teach national culture and traditions to the younger generation to become useful members in the building of their society and nation as a whole.

Fundamental Duty: - Everyone shall observe the value of cultural heritage, traditions and historical harmony based on the spirit of common brotherhood and fraternity amongst all the people in an equal manner.”

- [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.
- [12.] The Constitution of **NE** as well as **SE** guarantees several fundamental rights, broadly corresponding to those recognized in International Human Rights instruments. Their Constitution further guarantees direct access to its Supreme Court for enforcement of those rights.
- [13.] Under the Constitutional scheme of both the countries, the ‘Yo –Yo’ & ‘Bao- Bao’ tribe respectively, have been granted a great degree of autonomy, as well as special powers and autonomy for tribes to conduct their own affairs. Each tribe has a



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hierarchy of councils at the village, range, and tribal levels dealing with local disputes.

- [14.] The Constitution of both the countries also provides a kind of autonomy for the administration of such areas through the Tribal Advisory Council and provides special protection to the 'land' and 'area' inhabited by them. Special provisions for administration of justice in these areas are guaranteed.
- [15.] Both the countries have ratified the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (ratified in year 1995); the 1966 International Covenant on Civil and Political Rights (ICCPR) (ratified by **NE** in 1967 & **SE** in 1970 respectively); the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratified in 1977); the 1951 Convention relating to the Status of Refugees (ratified in 1973) and the **NE** also ratified 1967 Protocol to the Convention relating to the Status of Refugees (ratified in 1977); the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified in 1994).
- [16.] When ratifying CEDAW, **SE** has expressed reservations as follows:

"In general

*In case of contradiction between any term of the Convention and underlying culture, tradition and values of these, the **SE** is not under an obligation to observe the contradictory terms of the Convention.*

In particular

*i. The State of **SE** hereby expresses its reservation with regard to article 7(b) and (c) of the Convention to the extent they are inconsistent with the culture and customary practice. If not, the provisions are fully implemented in **SE**.*

*ii. The state of **SE** does not consider itself bound by article 9(2) and article 29 (1) of the Convention."*



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[17.] One of the woman leader of South Eucalidus has observed during a program show on the Television in following words:-

“It is not about the law, it is about the culture, tradition which we the people of Eucalidus Plateau seeks to preserve and nurture for the future generation. The womanhood in general, don’t want to go against it, well, some women respect it out of fear. The Eucalidian family structure is generally hierarchical with the husband as the head of the family. We are used to that; it is our society.”

[18.] Another glaring example of this prevailing inequality among the men & women of South Eucalidus is that even for getting a telephone / mobile phone SIM Card, the women need to get the approval of their husband / male head of the family member. One of the leading human rights NGO in year 2015, published a report that 97% women who were turned down the issuance of SIM Card were the one whose application lacked of consent/ approval of male family member.

Part III.

[19.] Another salient feature of the 1945 Plan was to have the ‘Brown Fleet’ of Naval base of Republic of ‘Erga’ to be exclusively situated in the port city of ‘Indica’ for another 60 years. ‘Indica’ is an island port city in the adjacent sea to the plateau of ‘Eucalidus’. After 1 January, 1960 – the plateau of Island port city of Indica became the part of SE.

[20.] Since, 1960, the Island city of Indica was having an autonomous government, which was strongly supported by the Republic of Erga. In year 2012, the autonomous government was led by Mr. Orohan Phamuk against whom there many cases of corruption were pending before the Constitutional Court of South Eucalidus. It was also reported that, in the election year 2010, there was massive rigging in the election process for the island city of Indica consequent of which Mr. Orohan Phamuk govt. got elected. However, in December 2013, the causes of political upheavals were not known, but due to massive protest by the public and social unrest, which condemned the rule of Mr. Orohan Phamuk and demanded his ousting. Mr. Orohan Phamuk



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condemned the protest and stated that the vested interest/ leadership in the mainland South Eucalidus is trying to destabilize his Government in island City of Indica. 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.

- [21.] As the protest continued, the autonomous parliament of Indica led by Mr. Orohan Phamuk, passed a resolution in month of January 2014 and urged the Governmental machinery to "strengthen friendly ties with the Republic of Erga" at various levels.
- [22.] On 4 February 2014, the Supreme Council of Indica considered holding a referendum on the island city status, and requested the Republic of Erga to guarantee a free and fair referendum and the vote. The Security Service of mainland South Eucalidus responded by opening a criminal case to investigate the possible "subversion" of its territorial integrity and charged Mr. Orohan Phamuk under various statutes dealing with sedition, anti- national activities etc.
- [23.] As the Army and other security services launched its assault in the island City of Indica, the associates and other ministers of Mr. Orohan Phamuk fled from the island city of Indica. After this, the opposition parties and other leaders who were sponsored by the mainland South Eucalidus put together a parliamentary quorum in the Parliament of South Eucalidus and voted on to remove Mr. Orohan Phamuk from his post on the grounds that he was unable to fulfil his duties, for his alleged role in anti-national activities, and the resolution got passed by the autonomous parliament of island City of Indica.
- [24.] The Republic of South Eucalidus approved the military rule in the island city of Indica with a caretaker government under Mr. Yohan. The Republic of Erga termed this as forceful occupation of the island city of Indica and termed the present arrangement as forceful military occupation of the territory. It also reminded that the Brown Fleet of Republic of Erga and its compatriots are ready to sacrifice for the supreme cause of motherland. It termed the action and decision of Parliament of South Eucalidus as "*coup d'état*", and that the caretaker government was illegitimate.



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[25.] On 15th March 2014, the world woke up to the news that situation in island City of Indica has completely changed as the flag of Republic of Erga has been hoisted on all important public buildings, public places including the Autonomous Parliament. The Premier of Republic of Erga through a Press Conference announced that the considering the WILL of People of Island City of Indica as reflected in the resolution passed in January 2014, Indica has been re- integrated back with the Republic of Erga. The Premier made the following speech: -

“The Supreme Will of people must prevail and reflected in the legitimate Government as one of the cherished ideals of human civilization in modern governance. Such a WILL which is reflected through the Parliamentary resolution could be halted, suppressed and avoided for some time, but., ultimately it is one of the basic universal human right as inscribed in the ‘right to self- determination’. Pursuant to this, the re-integration of island city is like coming home back. As the majority of population of island city comprises of people who have their origin in Republic of Erga, with the permanent base of Brown Fleet – it is the victory of people of Indica and compatriots of Republic of Erga.’

[26.] The Republic of South Eucalidus andvarious international organization including UN termed it as blatant violation" of sovereignty and territorial integrity of **SE**. The UN passed a resolution wherein it termed this event as ‘illegal occupation of Republic of Erga’ and did not recognize the annexation of island city of Indica.

[27.] The Republic of Erga opposes the "annexation" label, with its premier defending the act and decision of 15th March 2014 as complying with the principle of self-determination of peoples.

Part IV.

[28.] The ‘Bao- Bao’ tribe leadership condemned all existing discrimination towards women by the general Government in South Eucalidus (**SE**) and often used to make reference to the North Eucalidus (**NE**) for their progress, development and the kind of



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equality which they embraced in tune with the principles of international human rights. The leadership of 'Bao- Bao' tribe urged the general Government of SE to bring suitable amendment in the Constitution of SE to that effect. The various organization working the field of Women Empowerment and Women Equality also petitioned the Govt. of SE to shun the practices which were discriminatory in nature from social and economic life of SE.

- [29.] As the tribal community of 'Bao- Bao' asserted its independence and functional autonomy under the Tri- Partite Agreement dated 01 January 1960 for governing the social and economic affairs of the Tribe, it passed a community order prohibiting all kind of discriminatory practices towards women in their political, economic and social life. It guaranteed the 'Right to Equality' to women of 'Bao- Bao' tribe contrary to the cultural and historical practices, customs of the 'South Eucalidus'. The General Government of the SE see this attempt as an attempt of express rebellion by the 'Bao- Bao' tribe.
- [30.] The leadership of South Eucalidus termed it as a situation akin to 'internal disturbance' and failure of 'law & order' situation in the tribal administered territory i.e. of 'Bao- Bao Territory'. It threatened to invoke the 'Emergency Clause' which the Constitution of South Eucalidus envisaged under for the proper administration of the area. The 'Bao- Bao' tribe leadership has also a different set of bonding and affinity towards the Republic of Erga which never interfered and gave a full autonomy to the Tribal Community for regulating social, economic and political life. The Deputy Prime Minister of South Eucalidus also reminded the solemn constitutional provision highlighting the importance of culture, tradition and historical values which has equal importance in the scheme of the Constitution along with the following provision, which reads as under: -

*“ *** Duty of the Government of South Eucalidus against external aggression and internal disturbances: - It shall be the duty of the Government of South Eucalidus to protect every autonomous territory, Tribal administered territory against external aggression and internal disturbances and to ensure*



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that the Governance is carried out in accordance with the provisions of the Constitution.”

- [31.] That as the Tribal Administered Area as governed by ‘Bao- Bao’ Community exerted its special right to govern and administer the community without any external interference and reminded it of Tri- Partite Agreement dated 1st January 1960. It also sent a communique to the Government of ‘Erga’ explaining the looming threat and interference at the hand of Government of South Eucalidus in the day to day affair. It also reminded the Government of Erga of its pledge and duty under the Tri- Partite Agreement at the time of grant of independence to South Eucalidus. It is further imperative to mention that the Tribal Administered Area also reminded of responsibility of Republic of Erga under the existing International Legal Framework about the ‘right to self –determination’, right to equality to women, right against gender – discrimination under various international convention, treaty and emerging human rights obligations of mankind and right to development as a basic human right in the 21st century.
- [32.] On 1st June 2015, the Govt. of South Eucalidus imposed the Emergency in the tribal area which was administered by the ‘Bao- Bao’ tribe. The Government machinery including the forces, police has developed a different attitude and hatred towards the member of Bao- Bao community specially ‘women’. It demanded the alienation of women from the public life and political discussions , negotiations as it considered their involvement as culturally inappropriate. 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. The public tranquility and peace becomes perilous and the recent incidents and happening over past few years have proven it again when the Bao- Bao Community allowed the women so called Equality. It is ripen to get the house in order.”



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- [33.] As a general, the Bao –Bao community in particular and other population living in those territory started protesting and demanding the prosecution of those who were responsible for gross violation of various human rights as enshrined under the international instruments and humanitarian law violations during and after the armed conflict.
- [34.] One of the leading international NGO i.e. UNGENDER working in the field of Gender Justice opened up the various rehabilitation center, relief camp for the Bao – Bao tribal women including others. It encouraged the victims of gender based violence to come and report to its designated Victim Desk for the documentation. A large number of women who were victimized during the armed conflict came forward and described their ordeals in last nine months since imposition of emergency provision. UNGENDER petitioned the Government of SE seeking investigation and criminal trial of the perpetrators of the crime against the recorded incidents.
- [35.] The Chief of Police Staff of SE under the new Government directed the NGO ‘UNGENDER’ to hand over all the documentation and collection of evidence to the concerned police machinery. It further noted that the Victims’ Desk as set up by you have been converted like another law enforcement office which is in conflict with the institutional autonomy of the police force. It stated that such investigation, recording of witnesses, incidents, investigations remains the exclusive function of Police as law enforcement agency. It further directed UNGENDER to refer all criminal matters to the concerned police Station and asked UNGENDER not to take further statements from victims and witnesses.
- [36.] The Government in order to propel the peace process and reconciliation measures, it focused on establishing law and order, rebuilding the society and took a series of decisions for Trust Building Measures with Bao- Bao community. The Prime Minister in one of its address to the nation through national television observed as under: -

“The Priority of his Government is not to punish the perpetrators of the gender- based violation during the emergency period in particular inflicted to



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the women of Ba- Bao Community, rather it focuses on establishing peace, providing greater autonomy, restoring the trust of the Bao- Bao community to the Government and rebuilding the country overall. We all believe in Rule of Law and Equality as progressive principles but the customs and culture followed for centuries cannot be altered with one stroke of constitutional amendments. I do not seek to justify the barbaric, inhuman and degrading treatment to the women in particular, but, under the existing international treaty and conventions, we do have expressed our valid reservations in the past and my Government is not thinking of altering this position as well.”

- [37.] After this very public speech of new Prime Minister of South Eucalidus, the UN representative of Republic of Erga responded asunder: -

“The entire world is curiously watching and understating each word of Prime Minister of SE. It is very disappointing that the Government has also merely paid a lip service to the agenda and promises of ‘Gender -Equality’ which has attained the status of ‘erga omnes’ under the International Legal framework. It sought to give undue importance to the ‘culture, tradition and repressive historical values’. Republic of Erga with the help of international organizations working in the field of human rights, UN Agencies and various other diplomatic agencies is monitoring the human right situation in Tribal Administered Area of South Eucalidus and in particularly of Bao- Bao Community.”

- [38.] During the period of conflict and civil strife, there were a number of internally displaced persons (IDPs) camps were established in the Tribal Administered Area of South Eucalidus and adjacent province. These camps needed due governmental attention and relief measures specially on the aspect of health and sanitation. The Administrator of these IDPs complained that they do not have adequate access to clean water which is causing a variety of diseases and specially children are falling sick in routine manner. There was also no adequate provision for the medical and health care in these IDPs. Almost 2,25,000 people are living in the IDP camps for



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almost twenty months, the worst victim are women and children as they constitute around 80% of its population in IDPs.

- [39.] These IDPs are running into their second year, but, there is no increase in budget or allocation of relief funds from the Government of South Eucalidus, however, despite a substantial increase in the population of inmates living in the IDPs in the past one year.
- [40.] This state of affairs in the IDPs have been recently reported by the international media and several human rights advocacy groups seeking immediate intervention and an increased budgetary allocation by the Government of **SE**.

Part V.

- [41.] Contrary to the popular perception, the Govt. of **SE** offered an amnesty program for the citizens of **SE** who lived in the island city of Indica. The amnesty policy of South Eucalidus asked and welcomed the native/ citizens of South Eucalidus to leave the island city of 'Indica' which it termed as under illegal occupation of Republic of Erga. It asked its fellow citizens to show the nationalism and commitment towards motherland i.e. **SE** and also offered full compensation in lieu of loss of property and livelihood in island city of Indica. Thousands of its citizens returned from Island City.
- [42.] However, on return, instead of giving any immediate relief and rehabilitation package, it put them in the existing IDPs camps in the Tribal Administered Area, which were already operating for the women and children due to Bao- Bao Conflict. They were further issued Unique identification Number and it is presumed that Govt. of South Eucalidus was carrying a secretive sanitization of its own citizens who returned from the Island City of Indica in the name of Amnesty program.
- [43.] With the arrival of thousands of its citizens from the island City of Indica, the situation in IDPs camps have gone from bad to worse as the Govt. maintains the quantity of food and medical supplies provided to these camps at earlier level only.



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- [44.] On a visit of Prime Minister of SE to one of the largest IDPs camp – the inmates / residents submitted a signed petition in which it was urged to create provision for the basic amenities and for the Govt. to come with a proper resettlement as well as rehabilitation plan for the affected people. It was categorically mentioned that the residents feel like they are living in an open prison in IDPs, many of them have committed suicide in recent past due to depression, mental agony and repressive measures, which are practiced by officer in-charge of IDPs. Women further complained of continued gender- based violence, sexual harassment at the hand of authorities and general public as well as of rape.
- [45.] That one 6 June 2016, that the Govt. Authorities convened a meeting of those inmates in the camp at IDP camps, who have returned from the island city of Indica. One of the speaker in a highly inflammatory statements held the Bao- Bao Community exclusively responsible for their condition, plight, repression and difficulties which they were facing.
- [46.] The very next day i.e. 7 June 2016, in a ghastly incident, a Bao- bao girl aged 14 years was gang raped by six men who returned from the Indica island. This incident got allmedia attention and was publicized widely by the leading news channels and human rights activists. It was condemned by all the political leaders across the Eucalidus plateau.
- [47.] The Govt. of Erga through its diplomatic mission conveyed a stern warning to the extent that either Republic of South Eucalidus should ensure full protection and autonomy to the Bao- Bao community otherwise, the Republic of Erga reserves its right to response and action for the protection of Bao- Bao community under the Tri-Partite Agreement.
- [48.] The Prime Minister of South Eucalidus condemned the incident in the following words:-

“we cannot tolerate such outrageous, preposterous behavior. Even wild beastly animals are better than such persons. We are not going to show any



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mercy for such criminals or perpetrators of the crime which undermines the human dignity and particularly the dignity of Bao- Bao women.”

- [49.] The Prime Minister of **SE** also mentioned about the conduct of its erstwhile colonial master i.e. Republic of Erga since the inception of problem in **SE** and illegal Annexation of Island city of Indica.
- [50.] The Government of **SE** also reminded Republic of Erga of UNGA resolution which firmly opposed the acts of foreign military intervention, aggression and occupation, since all these have resulted in the suppression of the right of peoples of Self-determination and other human rights.
- [51.] The Republic of Erga referring the certain UNGA resolution, international convention stated that it has a solemn responsibility to protect and uphold the universal human dignity against all acts of state repression, discrimination, exploitation and maltreatment.
- [52.] After the incident of 7th June 2016, the tribal leaders of Bao- Bao community with the help of various international NGO and UN sponsored agencies called for referendum in exercise of basic right i.e. ‘right to self- determination’. The tribal leadership of the ‘Bao- Bao’ community requested the international NGO and UN Sponsored relief providing agencies to nominate one responsible official to be part of REFERENDUM MONITORING Committee to be held on 25 June 2016.
- [53.] The Tribal leadership of ‘Bao- Bao’ tribe, on 30th June 2016, declared its independence from the **SE**. It claimed that in background of prevailing situation for last three – four years, the people inhabiting in the territory/ area administered by Tribal Advisory Council; which mainly comprises of ‘Bao- Bao’ tribe have chosen to declare themselves as independent nation and chose to govern themselves on the ideals of modern human rights and democratic manner, through a fair and free referendum held under the supervision of Referendum Monitoring Committee.



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- [54.] The Republic of North Eucalidus and Republic of Erga recognized the Republic of Bao- Bao as independent state on 1st july 2016 and urged the other democratic and civilized nation to recognize the Will of People as reflected in the referendum process.
- [55.] The Republic of South Eucalidus, North Eucalidus and Republic of Erga are active members of the United Nations and have ratified the International Covenant on Civil and Political Rights and the Vienna Convention on the Law of Treaties. Additionally, in 2010 both states endorsed the 2007 United Nations Declaration on the Law of Indigenous Peoples.
- [56.] 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. It raised a limited dispute before ICJ against the North Eucalidus i.e. obligation under Tri- Partite Agreement, asserted its sovereign right over regulating movement of people from Yo- Yo community & Bao- Bao community across river Eulga as well as termed the act of recognition of new State as illegal.
- [57.] Republic of Erga, Republic of North Eucalidus and Republic of South Eucalidus had submitted individual declarations recognizing the jurisdiction of the International Court of Justice in accordance with Article 36(2) of its Statute.
- [58.] The Republic of State of South Eucalidus, requests the Court to adjudge and declare that:
- (a) The Tribal Administered Area of Bao- Bao tribe is part of South Eucalidus, and abolition of Bao- Bao's autonomy was legal underinternational law and necessary to ensure the return of normalcy and economic survival of the nation.
 - (b) The treatment of Bao- Bao was legal under international law or at least justified toaddress an internal emergency, disturbances and a situation like civil war.
 - (c) The Bao- Bao tribe had no right to secede; the Republic of Erga and North Eucalidus violated international law by recognizing it as astate.



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(d) The movement of people across the river Eulga is an exercise of territorial sovereignty by Republic of South Eucalidus, which is in full accord with international law.

(e) By annexing island city of Indica, the Republic of Erga has committed acts of aggression in violation of the United Nations Charter and other international laws.

[59.] The Republic of Erga and North Eucalidus requested the Court to adjudge and declare as under:-

(a) South Eucalidian's abolition of autonomy of Bao- Bao tribe in Tribal Administered Area violated the 1960 Tri- Partite Treaty as well as other standards of international law.

(b) The treatment to the Bao- Bao people (specially Women) violates essential standards of human rights and the rights of indigenous peoples.

(c) The failure to adequately investigate, prosecute and punish the perpetrators of violence against the women is inconsistent with the international obligation.

(d) The Govt. of South Eucalidus is responsible for the failure to respect the socio-economic rights of inmates of the IDPs which are in contravention of its the international obligation.

(e) Bao- Bao's declaration of independence and recognition of the same as independent state by North Eucalidus and Republic of Erga are consistent with international law.

(f) The military actions taken by Republic of Erga in context of island of Indica were justified under international law.

[60.] The ICJ, at Hague has scheduled the specific legal issues arising from the above *Moot Compromis* for hearing before its Full Court on 17 - 18 February, 2018 at Peace Palace (Netherlands).
