

MOOT PROBLEM

(PRELIMINARY ROUND I & II)

1. Oshmor, a democratic state having the second highest population of the world, has more than 63 per cent of the people working in the agrarian sector using traditional methods of irrigation. Oshmor shares its border with two states- Oshlosh and Oshor to its North-Western hemisphere and North-Eastern hemisphere respectively. The three countries together are known as Oshmor subcontinent having vast fertile land known as Jhinga-Lala-(Eastern) Back (JLB) River Basin. JLB river basin supports around 600 million people.
2. With a geographical area of 4.1 million square kilometres, Oshmor has about 42 rivers. Oshmor, a declared water-stressed country, shares its rivers with many countries and for Oshlosh and Oshor it is an upper riparian state.
3. Oshor is relatively a newer state having an area of 15,600 square kilometres supporting the population of 210 Million. Oshor has been a subject of continuous research having more than 200 rivers out of which 57 of these rivers are trans-boundary and are shared with Oshmor. The JLB River Basin is the major river system of the country covering around 80 per cent area of Oshor.
4. During the early 1990s, the Oshmor Ministry of Water Resources produced the "Water Perspective Plan" to facilitate river integration. In 2005 the Oshmor cabinet passed a policy of national water linkage and sanctioned 350 million USD budget to integrate all the rivers in the State of Oshmor. In pursuit of the project, Oshmor decided to construct the Hahulu Barrage on the Eastern Back River in 2018.
5. The purpose of the Barrage is to ensure that the rivers in Oshmor territory, would receive up to 50,000 cubic feet per second (cusec) of water diverted from the river Eastern Back. With the assumption that the availability of water in the Easter Back, in the worst lean season, would be around 60,000 to 65,000 cusec, the remaining 10,000 to 15,000 cusec would be released to Oshor.
6. The leading think tank of the Oshmor, RERI (River and Environment Research Institute) after a controversial study concluded that the Hahulu Barrage, within a time span of two decades, would irreparably damage the ecosystem of worth 200 billion USD, and will destroy the livelihood of 100 million people in Oshor.

7. In the first phase of diplomatic exchange, Oshmor refused to recognise that Oshor had any claim on the waters of the Eastern Beck. Occasionally, talks between Oshmor and Oshor over the Hahulu Barrage took place, but no serious discussion or negotiations at a high level were conducted. All through, Oshmor maintained that the Eastern Beck is not an International River.
8. According to the latest negotiations, the Republic of Oshor is getting 37.5% of the Eastern Beck River. Since the Republic of Oshmor is building a dam diverting upto 50% of the waters of the Eastern Beck River in their territory to fulfil the needs of irrigation and electricity through hydropower plants, this diversion can incur massive damage on the livelihood of the farmers and other dwellers of the Republic of Oshor and can reduce the agricultural productions by 60%.
9. The Foreign Minister of Oshor, Mohammed Aramis Khan, said,

“The Republic of Oshmor violates the International principle of water sharing under International Environmental Law, and the Republic of Oshor will not suffer these damages in silence.”

10. In reply to which Indiresk Kumar, The Foreign Minister of Oshmor said,

“The relationship with the Republic of Oshor are of great importance to Oshmor, and it will not do any such act as to harm the solidarity between these two nations.”

11. In furtherance of which the Republic of Oshor and Oshmor mutually has moved to the International Court of Justice and wherein both the countries have now filed an application under Article 40(1) of the ICJ Statute for the resolution of the above dispute. The dispute is filed mainly to contest the arguments on the premises of scientific uncertainty over the impact of Hahulu barrage and the principle of sovereignty vis a vis right of water over transboundary rivers.
12. ICJ took the cognisance of the dispute and scheduled the proceedings of the dispute on April 6, 2019, in School of Law, Ansal University where both the parties in dispute will appear before the ICJ with their pleadings and written statements.

The Municipal and International Law status of Oshmor and Oshor is ‘Pari Materia’ to ‘Union of India’ and ‘Bangladesh’ respectively.