



**Vivekananda Institute of Professional Studies**

Accredited Grade "A" by NAAC Recognized under Section 2(f) of UGC,  
Affiliated to Guru Gobind Singh Indraprastha University, Recognized by Bar Council of  
India

Approved by AICTE, ISO 9001:2015



# VIPS INTERNATIONAL MOOT COURT COMPETITION (ONLINE), 2022 IN THE MEMORY OF DR. DEEPTI KOHLI

**10-13 February, 2022**



The Indian Society  
of International Law (ISIL)



Latest  
Laws.com  
Maximum Cases. Minimum Time.

**VIPS  
INTERNATIONAL  
MOOT COURT  
COMPETITION  
(ONLINE), 2022  
IN THE MEMORY  
OF  
DR. DEEPTI KOHLI**

## VIPS INTERNATIONAL MOOT COURT COMPETITION (ONLINE), 2022

### IN THE MEMORY OF DR. DEEPTI KOHLI



#### **ABOUT DR. DEEPTI KOHLI**

Dr. Deepti Kohli was an Associate Professor and Convener, Moot Court Committee at VSLLS, VIPS. She was known amongst students as a passionate and dedicated mentor for mooters. Many students brought laurels to the institute by winning moot competitions under her able guidance. She inculcated moot culture into the academic atmosphere of VSLLS, VIPS. She, as the convener introduced a variety of moot activities and helped organised training sessions to imbibe the necessary skill in the students of the institution. Unfortunately, we lost this gem in the second wave of COVID 19 in May 2021.

Dr. Deepti Kohli's contribution to the institution can never be overstated and we seek to honour her memory through the success of this competition. The present edition of VIPS International Moot Competition, 2022 is a tribute offered by all alumni and students and the entire VIPS family to Dr Deepti Kohli.

May legacy of moot encouraged by Dr Deepti Kohli remain forever!

## MESSAGE FROM THE CHAIRMAN, VIPS



The World today comprises nations and states working together and progressing in solitude. With the advent of technology, boundaries have become meaningless and solidarity has become a prime agenda for all pioneers and incidents of the globe affecting all. We here at Vivekananda Institute of Professional Studies (VIPS), Delhi strive to create such pioneers of legal profession who understand these developments as well as answer the various legal dilemmas arising out of such developments, thereby meeting the demands of our great nation. We believe in developing holistic skill sets in all our students and for them to be effectively prepared to take on any practical challenge which is posed to them. VIPS, at present being one of India's leading educational institutions guaranteeing excellence in education to students from across India for more than seventeen years, was established with the objective of being the global leader of excellence in legal education through a combination of passion and compassion to mould students into lawyers capable of affecting social, economic and political development by fortifying the legal system. We strive to achieve this goal, which has continued since the advent of our fine institution, and has become extremely pertinent in today's scenario given the pace at which the law is evolving.

As the Chairman of VIPS, Delhi, I take this opportunity to invite your esteemed University/Institute/College to be part of our VIPS International Moot Court Competition (Online), 2022 – In the memory of Dr. Deepti Kohli and take away the same values and skills that transform lawyers into agents of social change.

**Dr. S.C Vats**

Chairman,

VIPS, Delhi



## MESSAGE FROM THE CHAIRPERSON



I welcome you all to the VIPS International Moot Court Competition (Online), 2022 in the memory of Dr. Deepti Kohli.

Continuing its incessant march of excellence and in keeping with the highest traditions of mooting and with its avowed objectives of focusing on “Man making, character building and Nation Building”, VIPS assures you all that it will leave ‘no stone’ & ‘no tone’ unturned to make your stay and academically rewarding.

The VIPS International Moot Court Competition (Online)2022 in the memory of Dr. Deepti Kohli is an honest and humble endeavor on our part to demolish the walls and build the bridges in order to make surroundings around us more safe and secure.

I wish you all an exciting and rewarding mooting experience.

—ADVOCATES LEGION—

**Prof. (Dr.) R. Venkata Rao**

Chairperson

VSLLS & VSES, VIPS

## MESSAGE FROM THE DEAN



Vivekananda School of Law and Legal Studies (VSLLS), VIPS follows Swami Vivekananda policy of "Man making, Character building, and Nation building". It recognises that India needs to staff its legal services with the goal of making it efficient and fully equipped to deliver in the changing scenario and increased expectations. VSLLS delves upon its expertise of the faculty members who have expertise in various areas of national and international law: trade, intellectual property, corporate, family, constitution and civil and criminal procedure to achieve this. The faculty strives to develop conceptual clarity and insist upon creation of research aptitude and critical approach amongst students to prepare them for challenges. VSLLS ensures all round development by organising activities such as moot courts, alternative dispute resolutions mechanisms, research, legal aid, debates. VSLLS also has collaborations with University of New Hampshire- Franklin Pierce Centre, Concord, United States and National Law India University Bangalore to provide exposure to students at international and national levels. Thus, VSLLS is progressing and marching towards perfection consistently.

This edition is dedicated to Dr Deepti Kohli, Convener, Moot Court Committee, VSLLS, whose contribution is unparalleled towards the law school. This is a tribute to her and a promise that the legacy which she started will always remain.

**Prof. (Dr.) Rashmi Salpekar**  
Dean, VSLLS, VIPS

## MESSAGES FROM THE ORGANISING COMMITTEE



### FACULTY CONVENER

Earlier ‘moot court’ or ‘mooting’ was considered as the extra- curricular activity but now it has become part of the syllabus of universities, colleges and institutions. It provides a platform to the law students for developing and refining their advocacy skills. They learn how to research, analyze and argue on the relevant facts of formulated moot propositions. Thus, Moot competition exposes the holistic development of students as it helps them not only in their academic front but also in the practical training of the legal profession.

*Advocate’s Legion*, Moot court committee, VSLLS, VIPS has been organizing various competitions like mock trial, bail argument, memorial writing, judgment writing and moot competitions on various subjects like Intellectual Property Rights, International Law, Media Law, Refugee Law, Environmental law, Criminal law and Civil Law under the guidance and convenership of our respected Faculty member, Dr. Deepti Kohli.

With the same spirit, I welcome all the participants and wish them GOOD LUCK.

**Dr. Sushila Sharma**

Faculty Convener, *Advocates’ Legion*





### **FACULTY CO- CONVENER**

As Justice Oliver Wendell Holmes famously remarked that “[t]he life of law has not been logic; it has been experience.” The Importance for simulation in legal education can hardly be overemphasized. The Moot Court experience is unlike any other in Law School. Learning outcome from moot, hones all the skills necessary to become an excellent lawyer in today’s competitive world. *Advocates’ Legion*, The Moot Committee of VSLLS has been successfully organising various moot court competitions under the able and immaculate leadership of Late Dr. Deepti Kohli till last year. We were struck with a bolt from the blue when destiny snatched her untimely, earlier this year. To pay tribute, *Advocates’ Legion* and the Centre for International Law and Relations are coming together to organize this event. I am sure this will be a great learning experience for all participants. I wish them best luck!

**Dr Navjeet Sidhu Kundal**

Co-Convener, VIPS International Moot Court Competition & Convener, Centre for  
International Law and Relations,

VSLLS, VIPS







### **STUDENT CONVENER**

Moot is like an umbrella for an individual that helps in building researching, writing and oral advocacy skills. Moreover, mooting helps in enhancing the practical and application knowledge of an individual.

Moot is just a replica of a real court experience, where legal proceedings and trials take place and the practice of such competition helps groom a student as a good lawyer.

I, on behalf of *Advocates' Legion*, Moot Court Committee of VSLLS, VIPS organizing committee would like to welcome you to the VIPS International Moot Court Competition (Online) 2022, in the memory of Dr. Deepti Kohli and wishing all the team's good luck for the competition!

**Simrat Kaur Sareen**

Student Convener, *Advocates' legion*

VSLLS, VIPS



## **ORGANISING COMMITTEE**

| <b>Sr. No.</b> | <b>Faculty Members</b>    | <b>Students</b>     |
|----------------|---------------------------|---------------------|
| 1.             | Mr. Aaditya Vikram Sharma | Ms. Simrat Kaur     |
| 2.             | Mr. Prakash               | Mr. Dhruv Tandon    |
| 3.             | Ms. Ravneet Sandhu        | Mr. Pratham Sharma  |
| 4.             | Ms. Anchal Mittal         | Ms. Janhvi Nautiyal |
| 5.             | Ms. Samriti               | Mr. Aadhaar Gaur    |
| 6.             | Ms. Bhavya Gupta          | Ms. Vipranshi       |
| 7.             | Mr. Aash Mohammad         | Ms. Lavanya Chopra  |
| 8.             | Dr. Tushita Gaur          | Ms. Nikita Sethi    |
| 9.             | Ms. Sakshi Gupta          | Mr. Nehal Kharyal   |
| 10.            | Ms. Priya Bhatnagar       | Ms. Prableen        |
| 11.            | Ms. Lovleen Sharma        | Ms. Nitya Prabhakar |

Dr. Sushila Sharma  
(Faculty Convener)

Dr. Navjeet Sidhu Kundal  
(Faculty Co-Convener)

## OFFICIAL SCHEDULE

| <b><u>Event</u></b>                               | <b><u>Date</u></b>                      |
|---|---|
| Commencement of Online Registration               | 9th September, 2021                     |
| Online Registration closes                        | 30th November, 2021 by 11:59 p.m. (IST) |
| Release of Moot Problem                           | 13th September, 2021                    |
| Clarification for the Moot Problems               | 9th January, 2022 by 11:59 p.m. (IST)   |
| Last date for submission of soft copy of memorial | 31st January 2022 by 11:59 p.m. (IST)   |
| Draw of Lots                                      | 7th February, 2022                      |
| Preliminary Round                                 | 10th February, 2022                     |
| Quarter Finals Round                              | 11th February, 2022                     |
| Semi Finals                                       | 12th February, 2022                     |
| Final and Valedictory Ceremony                    | 13th February, 2022                     |

VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES

**INVITATION LETTER**

To,

The Vice Chancellor/ Dean/Registrar/ Head of the Department

**Subject- Invitation for the VIPS International Moot Court Competition (Online), 2022 in the memory of Dr. Deepti Kohli from 10<sup>th</sup> – 13<sup>th</sup> February, 2022**

Vivekananda School of Law and Legal Studies (VSLLS), Vivekananda Institute of Professional Studies, announces its paramount event, **VIPS International Moot Court Competition (Online), 2022 in the memory of Dr. Deepti Kohli from 10<sup>th</sup> to 13<sup>th</sup> February, 2022.**

The present edition of VIPS International Moot Competition, 2022 is a tribute offered by all alumni and students and the entire VIPS family to Dr Deepti Kohli.

The moot court problem covers areas like Public International Law, International Water Law, Human Rights Law, mainly covering Sovereign rights over natural resources and such other contemporary issues.

*Advocates' Legion*, Moot Court Society of Vivekananda School of Law and Legal Studies, has been organizing various events of national and international significance related to Intellectual property rights, Media Law, Space Law etc. to provide a platform to the students to imbibe the pragmatic aspects of law and this moot court is one of such attempts to create a simulated atmosphere for the law students to customize them with the intricacies and expediencies of law. Following the same league, for the **VIPS International Moot Court Competition (Online), 2022 in the memory of Dr. Deepti Kohli**, we are inviting your esteemed University/Institute/College to participate in the competition. We would be glad to receive a positive response about your participation through registration form link <https://docs.google.com/forms/d/1kXrayr48vEyG6aTmUPizKuZRQnIYOyWXtqh8xpYqZpY/ed> [it](#) so that together we can give our students a platform to hone their mooting skills. A copy of detailed rules and regulations is attached herewith. **The last date of registration is 30th November, 2021 by 11:59 p.m. (IST)**

We are also glad to announce that the Indian Society of International Law (ISIL) is our research partner We are also proud to announce EBC/SCC Online as our Knowledge Partner and Latest Laws as our Online Media Partner.

With Warm regards,

Prof. (Dr.) Rashmi Salpekar,

Dean, VSLLS,

Vivekananda Institute of Professional Studies

# INTERNATIONAL COURT OF JUSTICE

YEAR 2021

15th September

General list No. 51

## Case Concerning the Great Quidditch Dam

### Republic of Hogwarts V. State of Durmstrang

#### ORDER

The President of, the International Court of Justice (“Court”),

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45 paragraphs 1, 49, and 80 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 16th August 2021, whereby the Government of the Republic of Hogwarts (“Hogwarts” or “Applicant”) instituted proceedings against the State of Durmstrang (“Durmstrang” or “Respondent”) with regard to a dispute concerning alleged violations of international laws by Respondent,

Whereas the Application was communicated to Durmstrang on the day it was filed; Whereas Hogwarts and Durmstrang have appointed their respective Agents;

Whereas, on 25th August 2021, Hogwarts informed the Registrar and the Agent of Durmstrang of its intention to file counterclaims under Article 80 of the Rules of Court;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 30th August 2021, pursuant to Article 31 of the Rules of Court, the Agents of the Parties agreed to have all claims and counterclaims heard together in a single set of proceedings;

Whereas, after negotiations, the Agents of the Parties jointly communicated the annexed Statement of Agreed Facts on 10th September 2021; including a formulation of the claims and counterclaims to be adjudicated by the court;

Whereas the Agents of the Parties have agreed that they shall each submit one written Memorial and make oral pleadings solely on the claims presented in the Statement of Agreed Facts (together with Corrections and Clarifications to follow if any);

Whereas the Agents of the Parties have agreed that a “dispute” between the Parties exists with respect to each of the claims and counterclaims and that all the counterclaims are “directly connected with the subject matter” of at least one of the claims as according to Article 80 of the Rules of Court; and



Whereas the Parties have agreed that the designation of Hogwarts as Applicant and Durmstrang as Respondent shall be without prejudice to the allocation of the burden of proof;

Taking into account the views and agreement of the Parties, fixes the following dates for the filing of the written Memorials and for the oral pleadings as the dates set forth in the official schedule of the VIPS International Law Moot Court Competition; and Adopts the official rules of the VIPS International Law Moot Court Competition; and Reserves the subsequent procedure for further decision.

Done in English, the English text being authoritative, at the Peace Palace, The Hague, this 13th Day of September, Two Thousand and Twenty One, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Governments of State of Hogwarts and Republic of Durmstrang respectively.

(Signed)  
President

(Signed)  
Registrar



# **The Case Concerning the Great Quidditch Dam**

## **Republic of Hogwarts Vs. State of Durmstrang**

### Statement of Facts: -

1. The Republic of Hogwarts is a transcontinental country located on the cusp of two largest Continents of the world. While the larger part of the Republic of Hogwarts is located in the North-Eastern corner of the Continent of Afruika, a small part extends to the South-Western corner of the Continent of Assuwa. These two parts of the country are connected by the Isthmus of Zeus. The Isthmus connects the continents of Afruika and Assuwa and separates the Upper Sea in the North (beyond which lies the predominantly developed Continent of Eureka) and the Lower Sea in the South.
2. With over 100 million inhabitants, Hogwarts is the third-most populous country in Afruika spread over more than 1,000,000 square kilometres. The great majority of its people live near the banks of the longest river in the world, 'Iteru'. An area of about 55,000 square kilometres around the river is arable land. The other remaining area, around 945,000 square kilometres is desert land, and is sparsely inhabited.
3. The Iteru River has been the artery of life for its population from time immemorial. It has been essential for civilization in Hogwarts having one of the longest histories of any country, tracing its heritage along the Iteru Delta back to the 6th–4th millennia BCE. Considered a cradle of civilisation, Ancient Hogwarts saw some of the earliest developments of writing, agriculture, urbanisation, organised religion and central government. Without that water, there would have been no food, no people, no state, and no monuments. For millennia peoples have travelled along the banks of the Iteru and its tributaries. Moreover, any sort of development (agriculture, industrial, cultural, etc.) mainly depends on the availability of Iteru waters which fulfills about 97% fresh-water requirement of Hogwarts.
4. The downstream flow of the river ends in Hogwarts with the Iteru delta at Port Zeus. Due to the extreme aridity of Hogwarts' climate, population centres are concentrated along the narrow Iteru Valley and Delta, meaning that about 99% of the population uses about 5.5% of the total land area and 98% of Hogwartsians live on 3% of the territory. Over last 50 years, Hogwarts has built 4 major Hydro-Electric Dams over Iteru contributing 12% of its power generation capacity. Hogwarts has also been able to make 20% of the Iteru river in its domain as navigable saving 50% in transportation cost in these stretches. This is a major source of transportation of people and goods within the country.

5. Towards South of the Republic of Hogwarts is the State of Durmstrang in which the river, Iteru, originates in Lake Black in the Highlands of Durmstrang. Durmstrang has a total area of 1,100,000 square kilometres and over 110 million inhabitants and is the 2nd-most populous country in Afruika. The State of Durmstrang is a predominantly poor and backward nation. Its GDP per capita of \$880 is one of the lowest in the world, and the economy faces a number of serious structural problems. Durmstrang's options for economic development are limited. With nearly 110 million people, it is the most populous landlocked country in the world. It is also one of the world's poorest countries—174 on the list of 187 countries in the United Nations Human Development Index for 2012 (Hogwarts is 113). This index rates countries based on life expectancy, education, and income, among other criteria. Part of Durmstrang's challenge is that 85 percent of the workforce is engaged in agriculture and agricultural commodities that bring low profits.
6. Scores of ethnic groups in Hogwarts and Durmstrang share architecture and engineering, ideas and traditions of religion and political organization, languages food and agricultural practices.
7. The Iteru River-system runs from South to North and all streams and rivers of Durmstrang drain either into or toward the Iteru.
8. Both Hogwarts and Durmstrang were under Colonial Rule under two separate Colonial Powers from the Continent of Eureka. Hogwarts was under colonial domination of the United Kingdom of Godric's Hollow from 1882 to 1956 while Durmstrang was under the Union of Beauxbatons from 1895 to 1941. The power equation of Godric's Hollow and Beauxbatons at international level impacted the relationship between their colonies.
9. Before exiting from Durmstrang, on their last day i.e. on 31st July 1941, Beauxbatons entered into an Iteru-Water Sharing Treaty with Godric's Hollow. The agreement included: -

Article IV The State of Durmstrang undertakes:

*“Not to construct or allow to be constructed any work across the river Iteru which would arrest the flow of its waters except in agreement with the Government of Republic of Hogwarts.”*

10. Since it was withdrawing, the Union of Beauxbatons signed the Treaty after getting it ratified from the caretaker Government of the State of Durmstrang which approved its translation in their native language Parseltongue.

11. The allotment, as per Iteru-Water Sharing Treaty, allows for 500 cubic metres per person in Hogwarts, making the country hugely dependent for its survival on its share of the fresh-water from river Iteru. On the other hand, Durmstrang got 100 cubic metres per capita.

(The 'Falkenmark indicator' or 'water stress index' measures water scarcity in terms of the total water resources that are available to the population of a region; measuring scarcity as the amount of renewable freshwater that is available for each person each year. If the amount of renewable water in a country is below 1,700 m<sup>3</sup> per person per year, that country is said to be experiencing water stress; below 1,000 m<sup>3</sup> it is said to be experiencing water scarcity; and below 500 m<sup>3</sup>, absolute water scarcity)

12. The Government of Durmstrang, however, claims that the Treaty was signed due to mis-translation between English and their native language Parseltongue. According to Parseltongue versions of the Treaty, the word "arrest" (used in English version) is wrong and the correct word is "stop" in Parseltongue language. Clause (iv) of the Iteru-Water Sharing Treaty, in Parseltongue, reads: -

*"Article IV. The State of Durmstrang undertakes:*

*"Not to construct or allow to be constructed any work across the river Iteru which would stop the flow of its waters except in agreement with the Government of Republic of Hogwarts."*

Therefore, as long Durmstrang does not STOP the waters of Iteru, it is free to construct or allow to construct any work across the river Iteru. Hogwarts depends on the Iteru for 90% of its water needs and prevents Durmstrang from any such construction.

13. In the mid-Nineteenth Century, before the subjugation of Hogwarts under colonial rule, an artificial Canal was created between two parts of the country through the Isthmus of Zeus to connect the Upper and the Lower Seas. This Canal came to be known as the Zeus Canal. After the construction of this Canal, ships saved around 10,000 km or 10 days of travel time to reach the more developed and economically rich countries of the Eureka Continent from the less economically developed but more mineral-rich Continent of Assuwa.

14. As on date, about 12% of global trade passes through the Zeus Canal. Approximately fifty ships per day travel through the canal. It brings in revenue to the tune of \$137.30 million per day making it a major source of income for the Republic of Hogwarts whose annual GDP as on 31st March 2020 was \$300 billion.
15. For much of its length, the canal is not wide enough to allow traffic to travel in both directions at once; convoys of ships must take turns transiting these segments of the waterway.
16. The Zeus Canal is managed by the Zeus Canal Authority (ZCA) of the Republic of Hogwarts. The ZCA manages, operates, uses, maintains and improves the Zeus Canal, including managing of traffic, fortifying of embankments, de-silting, etc. It is the ZCA, alone and exclusively, that issues and keeps in force the rules of navigation in the Canal and other rules and regulations that provide for a well and orderly run canal.
17. Frequently, huge gusts of west-to-east winds blow from Iteru's delta in Hogwarts making the ships unstable. The ZCA requires ships traversing the Canal to be boarded by a 'Zeus Crew', including one or more official maritime pilots from ZCA who command the ship, taking over from the regular crew and the captain.

### **The Great Quidditch Dam**

18. In 2010, Durmstrang was approached by an MNC, namely, M/s Gringotts Wizarding Company to construct a hydroelectric power plant over Iteru. The MNC is based in the Union of Beauxbatons (of which Durmstrang was the former colony). The MNC proposed to construct the largest hydroelectric power plant in Afruika with a planned installed capacity of 6000 Megawatts increasing the electricity generation capacity by four times, expected to provide electricity to 60 percent of Durmstrang's population.
19. In 2011, the State of Durmstrang signed an agreement with M/s Gringotts Wizarding Company to build the dam at the cost of US \$5 Billion. The Dam reservoir was proposed to hold around 74 billion cubic metres of water. By building the project, Durmstrang expected to secure electricity for majority (about 60%) of its population and sustain and develop its manufacturing industry. It also hoped that if the power supply gets surplus then the same can be sold to the neighbouring states. The dam's construction was expected to create up to 500,000 jobs.
20. The Government of Durmstrang kept the design phase of the project secret until one month prior to the laying of the foundation stone for the dam project. The planning phase of the project was carried out under a name called 'Project X', which was later changed to 'The Great Quidditch Dam' upon laying of the foundation stone and its



formal announcement to the world in January 2013 when it started diverting the river water to start constructing the Dam. This act was termed by Hogwarts Water Minister as “a declaration of war by Durmstrang on Hogwarts”. There was fear that the dam could reduce their water supplies.

21. In 2014, the leaders of both States met and signed a Declaration through which an understanding was arrived at to develop the project subject to certain conditions. In the meanwhile, it was agreed that technical studies be carried out to look into the impact of the dam on the ecology, life, river water loss to Hogwarts, etc.
22. Upon escalation of the issue, in furtherance of the Declaration, in May 2015, an International NGO, namely, River-Waters International, was requested to conduct a study of experts to make a field visit to gather information regarding environmental and social impact of the proposed dam since negligible information was available in public domain. In January 2016, River-Waters International reported that "conversations with civil society groups in Durmstrang indicate that questioning the government's energy sector plans is highly risky, and there are legitimate concerns of government persecution. The Government of Durmstrang is Authoritarian and represses any voice of opposition. Because of this political climate, no groups are actively pursuing the issues surrounding the Great Quidditch Dam, nor publicly raising concerns about the risks. In this situation, extremely limited and inadequate public consultation has been organised during the implementation of the dam". However, preliminary investigation reveals that, "Approximately 10 million people would need to be resettled during the course of the project and it would take anywhere between 4 to 7 years to fill-up".
23. Responding to the report of River-Waters International, the then Prime Minister of Durmstrang called opponents of the project "hydropower extremists" and "bordering on the criminal".
24. Due to the impact of the ongoing construction of Dam, thousands of people were displaced. By March 2017, around 500,000 displaced people, unable to find any way to sustain themselves in Durmstrang, crossed the border and started settling in the neighbouring State of Hogwarts. This added to the woes of Hogwarts.
25. Subsequent to various technical studies and various round of discussions between Hogwarts and Durmstrang, the negotiations finally failed in 2018 when Hogwarts proposed an agreement ensuring non-endangerment of current levels of water supply to Hogwarts while Durmstrang Prime Minister proclaimed that "no force can stop Durmstrang from building a dam. If there is need to go to war, we could get millions readied."

26. Both the nations are part of the Afruika Union (a group of countries of the Continent of Afruika) and the United Nations. The Constitutions of both these multi-lateral bodies prohibit use of force or threat to use force among Member States. Consequently, in 2019, the United States of Wizengamot, a permanent member of the United Nations stepped in to break the stalemate and re-start the negotiations.
27. After few rounds of discussions, in February 2020, the Chief Warlock of Wizengamot issued a statement:
- "We appreciate the readiness of the Government of Hogwarts to sign the agreement and its initialling of the agreement to evidence its commitment consistent with the principles set out in the negotiations, and in particular the principles of not causing significant harm to downstream countries, final testing and filling should not take place without an agreement."
28. After about six years of negotiating, including one-year of Wizengamot facilitated talks, a legal framework was worked upon that Hogwarts had sought before the dam was filled, as well as measures on conflict resolution since the work of construction of Dam was nearing an end and time for filling it up was fast approaching. The Government of Durmstrang, however, continued with the construction of the Dam and declined to sign the framework and, immediately thereafter, withdrew from the negotiations stating that "it will not be pressured on Iteru River".
29. In September 2020, the United States of Wizengamot suspended part of its economic assistance to Durmstrang due to the lack of sufficient progress in negotiations with Hogwarts over the construction of the dam. On 24th October 2020, the Chief Warlock of Wizengamot stated on a public phone call to Prime Minister of Durmstrang that "it's a very dangerous situation because Hogwarts is not going to be able to live that way... And I say it and I say it loud and clear - they'll blow up that dam. And they have to do something." Durmstrang's Prime Minister responded that "Durmstrang will not cave in to aggression of any kind" and that threats were "misguided, unproductive and clear violations of international law."
30. The State of Durmstrang finished building the Great Quidditch Dam in December 2020 and, much against international pressures, started filling up its reservoir by diverting water from the river Iteru by the year end.
31. No exact information about the total number of people displaced, their lives and livelihood is available. However, it is estimated that, due to the Great Quidditch Dam, an estimated 5 (five) million people of Durmstrang were displaced. Hogwarts claims

that around one million of the dam-induced displaced have migrated to Hogwarts in search of opportunities for work. This has added to the economic burden of Hogwarts.

32. Hogwarts began to see sudden and unprecedented reduction in the flow and quantum of river water in its side of the river from January 2021. The livelihood of people began to suffer. Cultivable area suffered by 20%. The water table in the four dams on its side fell by around 30% and Hydro-electric power generation suffered by 25%. Inland river water navigation became precarious and dangerous, shutting down 15% of river transport navigation. The delta region was particularly impacted. Slush, mud and silt starting getting accumulated in the Iteru delta which gradually started getting deposited in the Zeus Canal. A preliminary estimate revealed a fall in GDP to the tune of 25% of GDP in the last quarter compared with the third quarter of Financial Year 2020-21.

### **The Zeus Blockage**

33. On March 23, 2021, a cargo ship named 'Forever Forgiven' was travelling through the Zeus Canal, when it was caught in a sandstorm. The strong winds, which exceeded 40 kn (74 km/h; 46 mph), resulted in the "loss of the ability to steer the ship", causing the hull to deviate. The rising silt level in the previous three months subsequent to reduction in flow of water in the Iteru delta further reduced the navigable width of the Canal resulting in the ship running aground and turning sideways, unable to free itself, blocking the canal on both sides.
34. The giant container ship: 'Forever Forgiven' is 400m long, 59m wide, 200,000 tonne vessel which was fifth in a northbound convoy, with fifteen vessels behind it when it ran aground. There were two Hogwarts ZCA maritime pilots on board at the time of the accident. The blockage sent oil prices climbing in the international markets.
35. The ship 'Forever Forgiven' is owned by a company, M/s Leaning Pisa Co. based in State of Durmstrang. The crew consisting entirely of Durmstrang nationals was accounted for and no injuries were reported. At the time of the incident, the ship was travelling from the People's Republic of MaoZedong in Assuwa to the Union of Beauxbatons. The vessel owners have taken a liability coverage of \$3.1 billion from the M/s Thestral Insurance Co. (based in Beauxbatons). The cargo owners have insured their goods worth \$1 billion from M/s Hippogriff Insurance Co. (based in Wizengamot).
36. The Zeus Canal was blocked for ten days. Thereafter, the ship was shifted and Canal was opened for navigation. The vessel itself, along with its crew, was, however, subsequently impounded by the Hogwarts Government on 3th April, 2021. Hogwarts refused to release the vessel or the crew till payment of compensations demanded by

the ZCA. The ZCA has demanded payment of compensations exceeding US\$2.17 billion, including 300 million for the salvage of the ship, 300 million for "loss of reputation" and 200 million was releasing goods, a demand which has been qualified by marine industry specialists, as an "outrageous" measure which is causing much unnecessary duress to both the crew of the ship and to the parties who shipped cargo on board the ship.

37. The release date of the 25-member crew, who remain effectively detained on board, has not yet been announced. The ship's operator, M/s Leaning Pisa Co. was reportedly exploring options to transfer cargo from the ship to another, as to allow it to fulfil its delivery commitments for the containers on board, bound for Beauxbatons but the Hogwarts Court denied stating that the arrest affected both the ship and its cargo. A major concern remained for the crew, as it has not been unprecedented for a crew to be stuck for years while claims and disputes are resolved, a typically time-consuming process. Local seafarer union representatives visited the crew on 18th April, 2021 in a show of solidarity, with one of the representatives noting they had discussions with the ship's captain and that the crew were eager to resume sailing. The International Labour Organization noted that this trend of "seafarer abandonment" was on the rise, and there were more than 250 known cases as of April 2021.
38. The Thestral Insurance Co. rejected the compensation claim, saying they were unjustified and excessive and followed it up by lodging an appeal against the detention of the ship, on grounds that the arrest in respect of the cargo was invalid as well as that the compensation claim was unsubstantiated. This came off after previous unsuccessful negotiations, with the ZCA instead blaming the ship's owner for being unwilling "to pay anything". This appeal was denied by a Hogwarts Judge on 4th May, 2021. Vessel owner M/s Leaning Pisa Co. has notified owners of containers on board to take some responsibility for any compensation payment.
39. The Government of Beauxbatons called the Ambassador of Hogwarts and issued a démarche claiming that the Government of Hogwarts is acting as it did since the ship belongs to Durmstrang which was building a The Great Quidditch Dam, much to the chagrin of Hogwarts. Beauxbatons feels that since the cargo ship was bound for Beauxbatons and the Dam Construction Company & Insurer (M/s Thestral Insurance Co.) are also from Beauxbatons, Hogwarts is deliberately exploiting the issue to humiliate and get even with Beauxbatons and Durmstrang. Hogwarts has rubbished these claims.
40. The Chief Warlock of Wizengamot spoke to the President of Hogwarts on 28th April, 2021 to safeguard interests of its insurance Co. M/s Hippogriff Insurance Co. which

had insured the goods aboard the 'Forever Forgiven'. The President of Hogwarts conveyed that reduction in water of Iteru river led to excessive silt in the ZCA resulting in the Container Ship getting stuck. He mentioned that this was only one of the detrimental impacts of the Great Quidditch Dam built by Durmstrang and vowed to retaliate through armed measures.

41. On 10th May, 2021, the ZCA cut its compensation claims down to \$1.37 billion but refused to release the goods till the compensation is deposited in full.
42. As on date, the 'Forever Forgiven' remains legally stuck in the canal. The ultimate fate of the ship remains in a legal grey area.
43. Since the parties are at an impasse and unable to reach a resolution to their issues, under pressure from the Afrikan Union, they agree to adjudicate the dispute before the International Court of Justice:

A. Hogwarts requests the court to adjudge and declare that:

1. It is entitled to compensation for:

- (a) Damage to the Zeus Canal because of the Zeus Blockage.
- (b) Reduction in Agricultural Output, Steep fall in Hydroelectric power generation and increase in Transportation Cost.
- (c) Economic costs incurred due to arrival of migrants from Durmstrang consequent to their displacement and loss of livelihood due to construction of Dam.

2. Its claim to historic title to the River Iteru are legitimate in the eyes of International Law and the Construction of Dam violates Durmstrang's commitments under the Iteru-Water Treaty.

3. Durmstrang stops diverting water to fill up the Great Quidditch Dam.

B. Durmstrang requests that the Court adjudge and declare that:

1. Hogwarts releases the Ship and detained crew of 'Forever Forgiven' and compensate for the violation of Human Rights of crew members for keeping them hostages.
2. The Iteru River Water Treaty be abrogated.
3. Right to Exploit its river water resources is part and parcel of Right to Development and is, therefore, Sovereign.



44. Both the states are parties to the following Conventions:

- (i) United Nations Charter, 1945
- (ii) Universal Declaration of Human Rights, 1948
- (iii) United Nations Convention on the Law of the Sea, 1982
- (iv) Convention on the Law of the Non-navigational Uses of International Watercourses, 1997.
- (v) Convention on the Protection and use of Transboundary Watercourses and International Lakes, 1992.
- (vi) Vienna Convention on the Law of Treaties, 1969.
- (vii) Vienna Convention on Succession of States in respect of Treaties, 1978.
- (viii) International Convention Against the taking of Hostages, 1979.
- (ix) International Covenant on Civil and Political Rights, 1966.
- (x) International Covenant on Economic Social and Cultural Rights, 1966.

Author :

Dr Navjeet Sidhu Kundal

Assistant Professor (Law)

VSLLS, VIPS



# **The Iteru Water Sharing Treaty**

(Excerpts)

**Between**

**The Great Kingdom of Godric's Hollow and The Union of Beauxbaton**

**31st July, 1941**

The Great Kingdom of Godric's Hollow AND The Union of Beauxbaton;

DETERMINED to promote and strengthen their relations of friendship and good neighbourliness;

INSPIRED by the common desire of promoting the well-being of their peoples;

BEING desirous of sharing by mutual agreement the waters of the international river 'Iteru' flowing through the Colonial territories of the two countries, namely, Hogwarts and Durmstrang, and of making the optimum utilisation of the water resources of their region in the fields of flood management, irrigation, river basin development and generation of hydro-power for the mutual benefit of the peoples of the two countries;

RECOGNISING in a spirit of mutual accommodation and the need for a solution to the long-term problem of augmenting the flows of the Iteru river are in the mutual interests of the peoples of the two countries;

BEING desirous of finding a fair and just solution without affecting the rights and entitlements of either country other than those covered by this Treaty, or establishing any general principles of law or precedent; HAVE AGREED AS FOLLOWS:

## **Article I**

Both States shall in their respective territories utilize the water resources of the Iteru River system as provided for in this treaty. In particular, these water resources shall be used and developed with a view to attaining optimal and sustainable utilization thereof and benefits therefrom, taking into account the interests of the Basin States concerned, consistent with adequate protection of those water resources.

The Determination of the quantity of average annual flow of water in Iteru river would be fixed at 71 billion cubic meters measured just before its basin in the Zeus Canal area of Hogwarts.

## **Article II**

Both the States shall, in utilizing the Iteru River System water resources in their territories, take all appropriate measures to prevent the causing of significant harm to other. Where significant harm, nevertheless, is caused to another, the State, which causes such harm shall, in the absence of agreement to such use, take all appropriate measures, having due regard to the provisions of Articles in this Treaty, in consultation with the affected State, to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

The entire average annual flow of the Iteru would be shared among the Hogwarts and Durmstrang at 50 and 11 billion cubic meters, respectively.

## **Article III**

Annual water loss due to evaporation and other factors are agreed to be about 10 billion cubic meters. This quantity would be deducted from the Iteru yield before share is assigned to Hogwarts and Durmstrang.

## **Article IV**

The State of Durmstrang undertakes:

“Not to construct or allow to be constructed any work across the river Iteru which would arrest the flow of its waters except in agreement with the Government of Republic of Hogwarts.”

## **Article V**

In case the volume of water in subsequent years varies from the assessed annual flow, the water shall be shared in proportion as decided in Article II above.

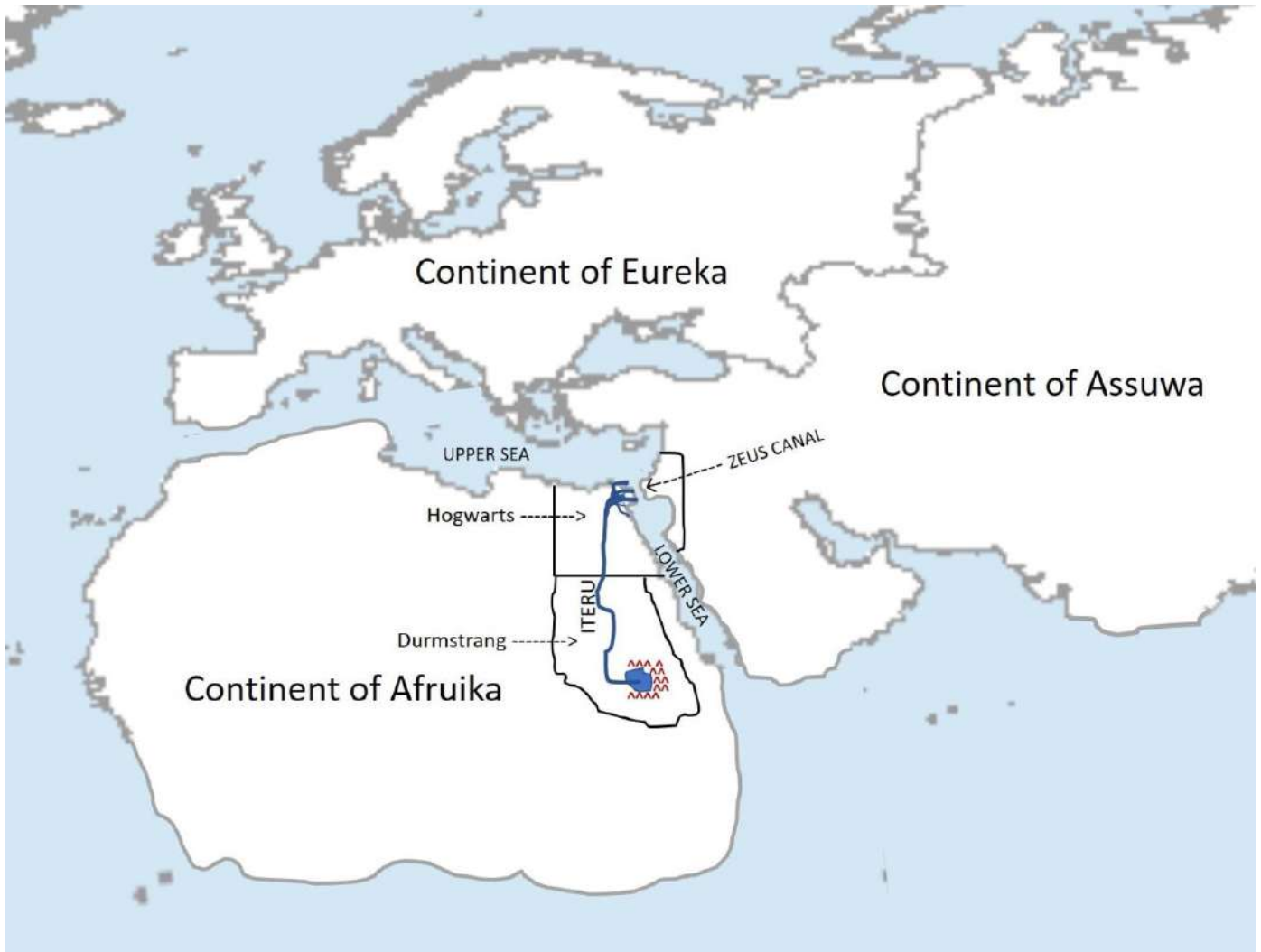
IN WITNESS WHEREOF the undersigned, being duly authorised thereto by the respective Governments, have signed this Treaty.

DONE at Port Zeus 31st July, 1941 in English and Parseltongue languages.

(Signed)  
H.E. Sir Godric Gryffindor  
The Governor of Hogwarts

(Signed)  
H.E. Signore Salazar Slytherin  
The Count of Durmstrang

Map



ADVOCATES LEGION