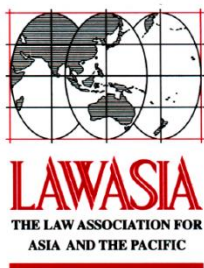




19th LAWASIA International Moot
CORRECTION AND CLARIFICATIONS TO THE MOOT
PROBLEM



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CORRECTION

1. In paragraph 18, at the second last line, it should be read as: “...So, if she trusted him enough to appoint him, she should trust him now as he continues to advise me”, said Prime Minister **Akbar** who then received a standing ovation from his cabinet members in Parliament.”
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CLARIFICATIONS

1. Whether there is an established mediation procedure or framework in Palmenna or Kenweed?

There are established mediation frameworks in Palmenna and Kenweed. Such mediation frameworks, invoked primarily between domestic parties, yielded a successful mediation rate of 70% over the past 5 years.

2. Did the Government of Palmenna adduce the PK-BIT as evidence in the proceeding initiated by the activists?

No. The Government of Palmenna only made verbal assertions that the responsibility to ensure that the environment was kept protected at all times fell on Canstone.

3. What stage of the proceedings is the appeal at the Court of Appeal?

The Court of Appeal has not given any directions regarding the appeal.

4. Is Palmenna a party to the Vienna Convention on the Law of Treaties (1969)?

Palmenna and Kenweed are both parties to the Vienna Convention on the Law of Treaties (1969).

5. Which parties had access to the terms of the PK-BIT?

Upon the establishment of Canstone, Prime Minister Gan directed that the terms of the PK-BIT be disclosed and communicated to the shareholders and board of directors of Canstone.

6. Did the Government of Palmenna cite the Karheis incident as constituting a breach of the PK-BIT?

Yes. Prime Minister Akbar alleged that the incidents showed a pattern of breaches, proving that Canstone had failed to abide by the PK-BIT.

7. What is Canstone's position on its obligation under Article 4 of the PK-BIT?

After the commencement of arbitration by Palmenna against Canstone, Luke Nathan could not help but tweet his thoughts on his Birdie saying "I am very sure this frivolous claim will fail. My guys have been complying with the PK-BIT and have been taking all the necessary steps to ensure compliance. If anything, their own Prime Minister gave us the assurance that we could take our time to submit the reports. The timing was just bad." The tweet received 3872 likes and 1345 reposts. Tara Sharma also reposted the tweet with a thumbs-up emoji.

8. Were the Reports that Alan submitted equivalent to the environmental impact assessment reports required in Art 4?

For parties to argue.

9. Under Article 4 of the PK-BIT, which ministry is the "relevant ministry" that the reports were supposed to be submitted to?

The relevant ministry would depend on the party submitting the report under Article 4 of the PK-BIT. For submission of reports for activities conducted in Palmenna, it will be directed to the Ministry of Natural Resources and Environmental Sustainability whereas the

relevant ministry for activities undertaken in Kenweed would be the Ministry of Trade & Investment.

10. Whether any other neighbouring factories complained of any damage to their facilities due to the heavy flooding?

Two of the neighbouring factories were temporarily shut down following the heavy flood. The entrances of these two factories were plastered with “Under Maintenance” signages. No reports were lodged of any damage to their facilities, although heavy tanks and machinery were seen entering and leaving such facilities after the flood.

11. Were the relief valves broken during or before the floods?

Refer to paragraph 39 of the Moot Problem.

12. Were there any nearby factories/facilities in Appam that could also be potential sources of the toxic chemicals mentioned by Dr Ragu?

For parties to argue.

13. Have there been any tests conducted on a sample of Appam floodwaters which reveal whether there is a presence of palm oil biodiesel present in the floodwaters?

Refer to paragraphs 36 and 40 of the Moot Problem. Based on Dr Ragu’s medical report, the sample concluded that various toxic chemicals were present including traces of biodiesel.