

MOOT PROPOSITION

1. The Republic of Zarnovia, a megadiverse country with one of the world's highest concentrations of endemic plant species, spans over 3 million sq. km and lies within the equatorial belt. Zarnovia ratified the Convention on Biological Diversity (CBD) in 1994 and enacted the Zarnovian Biodiversity Protection Act (ZBPA), 2003 to give effect to its obligations. It also ratified the Nagoya Protocol in 2011 and is a signatory to the United Nations Convention Against Corruption (UNCAC).
2. The Republic of Nordovia is a highly industrialized and technologically advanced country, globally recognized for its robust research ecosystem. It is home to several multinational corporations across biotechnology, pharmaceuticals, artificial intelligence, and green energy sectors. Nordovian corporations have an expansive presence in developing countries, including Zarnovia, particularly in biodiversity research, agro-technologies, and health innovations.
3. Zarnovia's eastern province, Verdania, is a biodiversity hotspot containing the Vila Rainforest Reserve, which houses over 45% of the country's biodiversity. It is home to the Kawanzi tribe, an indigenous community renowned for its traditional knowledge, especially about the Azula plant, a species endemic to the region and known for its cognitive-enhancing properties. Lake Azul, the only freshwater lake in Verdania, is a designated wetland under the Ramsar Convention.
4. In 2020, the Zarnovian Ministry of Innovation and Research entered into a public private partnership with GeneFlux Biogenics Inc., a Nordovian multinational pharmaceutical corporation, to explore plant-based compounds for treating neurodegenerative diseases. This collaboration was formalized under the NeuroHerb Discovery Accord, 2020, granting GeneFlux access to genetic materials and traditional knowledge related to the Azula plant.
5. The project was initially hailed as a model of international scientific cooperation. However, relations between Nordovia and Zarnovia soured due to alleged political interference and economic coercion by Nordovia, including accusations of backing dissident groups and exerting undue influence through corporate actors like GeneFlux.
6. Seeking to attract global research investment and comply with its Nagoya Protocol obligations, the Zarnovian Parliament passed the Zarnovian Biodiversity Protection (Amendment) Act, 2023, which streamlined research permissions and commercial access. Critics argued it weakened regulatory oversight and marginalized indigenous communities.
7. In March 2025, Mr. Keziah Ture, a chartered accountant and former financial officer of the Zarnovian Biodiversity Authority (ZBA), leaked documents exposing corruption and regulatory violations in the GeneFlux project. Ture became a whistleblower and allied with Advocate Ms. Zara Enjal, who represented the Kawanzi tribe.
8. The leaked documents revealed that the Kawanzi community had not been consulted during the approval process and were excluded from any Access and Benefit Sharing (ABS) agreement.

Over 250 families were displaced due to the project, triggering nationwide protests. Police crackdowns on demonstrators led to national and international outcry.

9. The Zarnovian Anti-Corruption Bureau (ZACB) registered FIR No. 14/2025 under the Zarnovian Prevention of Corruption Act, 2005, against several officials and GeneFlux, alleging bribery, abuse of office, and criminal misconduct. While GeneFlux denied wrongdoing, the case is now under trial before a Special Anti-Corruption Court.

10. Environmental assessments reported drastic depletion of Azula plant populations due to over-harvesting and chemical exposure. Lake Azul tested positive for chemical contaminants, and migratory bird populations declined. Tribal healers reported the Azula plant had become unusable for traditional medicine.

11. In 2025, GeneFlux applied for patents in the European Patent Office and the Nordovian Intellectual Property Registry for a neuropharmaceutical derived from Azula, without disclosing the biological origin or associated traditional knowledge. The Zarnovian Government objected, citing breach of the NeuroHerb Discovery Accord and misappropriation of genetic resources.

12. Advocate Zara, representing the Kawanzi community, filed a petition before the Biodiversity Tribunal alleging that GeneFlux Biogenics Inc. had unlawfully accessed and excessively exploited the tribe's traditional knowledge and genetic resources, in violation of both domestic and international biodiversity frameworks. The petition also impleaded the Zarnovian Ministry of Innovation and Research and the Zarnovian Biodiversity Authority (ZBA) for their roles in facilitating the project without adequate tribal consultation or safeguards.

13. The Ministry along with ZBA contended that the approval granted to GeneFlux was a legitimate step toward national scientific advancement and aligned with policy goals. GeneFlux defended its actions by asserting that it had obtained the genetic resources and associated traditional knowledge through legally sanctioned channels and had fulfilled all contractual and regulatory obligations under the Access and Benefit Sharing (ABS) framework.

14. The Tribunal held GeneFlux Biogenics Inc. liable for bio-piracy and significant environmental harm. As a consequence, the Tribunal issued a comprehensive set of directions, including the immediate and permanent revocation of GeneFlux's access to the Vila Reserve, seizure of all biological samples collected in violation of the law, and implementation of a restoration package. This included ecological rehabilitation of the Azula habitat and decontamination of Lake Azul. Furthermore, GeneFlux was directed to pay compensation to the Kawanzi community for cultural and ecological losses suffered due to the project's implementation.

15. Aggrieved by the Tribunal's ruling, GeneFlux Biogenics Inc. filed an appeal before the Supreme Court of Zarnovia. In its memorandum of appeal, the company submitted that the Tribunal had violated principles of natural justice by failing to hold the Zarnovian Government accountable for its role in facilitating the project. It also contended that the Tribunal lacked jurisdiction to impose sanctions related to intellectual property, such as directing patent-related

relief, and that the damages awarded were punitive in nature, unsupported by a recognized scientific valuation method. Additionally, GeneFlux claimed that the Kawanzi community had been indirectly represented during consultations and that the extent of harm reported had been exaggerated for political purposes. Considering the broad legal and constitutional implications, the Supreme Court clubbed all related proceedings for a final hearing.

Issues for consideration –

1. Whether the present Appeal is maintainable before the Hon'ble Supreme Court of Zarnovia.
2. Whether the fundamental rights of the Kawanzi community were violated.
3. Whether GeneFlux Biogenics Inc., acted in violation of domestic or international Biodiversity frameworks.

Note:

1. The laws of Republic of Zarnovia are in *pari materia* with that of the Republic of India.
2. All international conventions and treaties mentioned herein have been duly ratified by Zarnovia and Nordovia.
3. All names, events, and entities in this proposition are fictitious and any resemblance to real persons or incidents is purely coincidental. Ambiguities in the proposition are intentional and may be addressed through logical reasoning and legal interpretation during the course of argumentation.
