

Asia Cup International Law Moot Court Competition 2025

CASE CONCERNING THE TRANSBOUNDARY MOVEMENT OF USED ELECTRONICS

(The Republic of Aurélia / The Federation of Ravalancia)

1. The Republic of Aurélia (“Aurélia”), located in the southern hemisphere, is a middle-income country with a population of approximately 50 million and a per capita GDP of around USD 4,800 as of 2020. While richly endowed with natural resources including metals and minerals, the country's infrastructure development remains uneven. According to a World Bank report of 2015, more than 40% of households lack access to piped water and rely instead on shallow wells, rainwater catchment, and surface water drawn from the Lokoro River Basin and its tributaries.
2. The Ravalancia Federation (“Ravalancia”), an industrialized emerging economy located in the northern hemisphere, has a population of approximately 120 million and spans over 1.8 million square kilometers. A combination of export-oriented manufacturing, large-scale infrastructure investment, and a burgeoning middle class with rising disposable income has fueled its rapid economic expansion since the early 2000s.
3. Ravalancia’s economic transformation has fostered a culture of mass consumption, especially in consumer electronics. Among foreign brands, Sortlax Technologies based in the State of Kvaros (“Kvaros”) held a dominant position in the Ravalancian market. While competitively priced, these PCs, smartphones, and other smart devices typically featured limited after-sales support, non-replaceable batteries, and minimal water- or dust-resistance, resulting in shorter lifespans and faster product turnover. With formal repair or refurbishment channels being non-existent, many of the retired devices were either stockpiled in warehouses, improperly dismantled or ended up in unregulated dumpsites. According to the *2017 Global E-Waste Monitor* issued by UNITAR, the country generated over 1.5 million metric tons of e-waste in 2016.
4. As an urgent measure to address improper disposal practices, Ravalancia enacted the E-Waste Management Act (“EWMA”) in 2016. The Act introduced penalties for illegal dumping and introduced the principle of extended producer responsibility, urging producers, importers, and distributors to collect discarded electronics. However, specific obligations for end-of-life management were not uniformly imposed on upstream actors, and compliance mechanisms largely relied on voluntary industry initiatives. In practice, cost recovery and downstream processing were often delegated to accredited waste collectors, whose ability to implement environmentally sound management varied depending on market conditions and available resources.

5. On the other hand, export of waste from Ravalancia is regulated by the Waste Export Regulation Act (“WERA”), which subjects the export of “waste,” defined as materials intended, by the exporter, to be disposed of, or reasonably expected to be disposed of, in the importing country, to a formal prior informed consent (“PIC”) from the competent authority of the importing country. The unauthorized export of materials deemed to be “waste” constitutes a criminal offense, and individuals or entities found to “have knowingly committed” the offense may be subject to prosecution.
6. Ravalancia’s Ministry of Environment has maintained non-binding guidelines outlining “waste” indicators, including whether the device possesses basic functionality, whether any essential components were missing, or whether the unit exhibited visible signs of damage or contamination necessitating significant repairs. It recommends that determination should be made by taking into account all considerations and that exporters uncertain about the status of a particular shipment could request an informal assessment from the Ministry’s regional offices.
7. Liegner & Liner Trading (“LLT” or “L&L”) is a Ravalancian waste collection company, accredited in 2012, and originally founded in 1995. In its early years, LLT collected a wide array of discarded consumer items, such as bicycles, motorbikes, and other household goods. By around 2010, the company had shifted its focus toward the recovery and resale of used electronic devices. Now, the company aggregates large volumes of used electronic devices, especially Sortlax devices, from across Ravalancia and conducts triage and categorization for resale at its facilities.
8. Kvaros is a small island nation situated in the Pacific Ocean with a population of approximately 18 million and a per capita GDP exceeding USD 42,000 as of 2020. Over the last century, Kvaros has established itself as a regional trade hub. From the 1990s onward, Kvaros invested in science and technology and provided strong intellectual property protection. As a result, it is now home to world-leading semiconductors, consumer electronics, and advanced robotics manufacturers. Leading the industry is Sortlax Technologies, Inc., a giant tech conglomerate in consumer electronics production, software and AI designing, and materials innovation.
9. Geographical limitations have restricted Kvaros’ domestic waste management capacity, which led it to enforce strict waste import control. Under its Environmental Imports Act (“EIA”), “waste” broadly includes substances or objects that, under the Basel Convention or domestic law, are likely to be disposed of—whether by landfilling, incineration, or disassembly for parts recovery. In determining whether a shipment constitutes “waste,” customs authorities consider multiple factors: the importer’s stated purpose, the item’s condition and functionality, the presence or absence of major components, any indications

of damage or contamination, and documentation from the exporter. An importer's intent to discard or dismantle the goods is not, by itself, conclusive, but it raises a presumption that the shipment requires scrutiny. Kvaros' general policy was not to issue import permits for e-waste unless the shipment was demonstrably functional or economically refurbishable.

10. Beginning in the early 2010s, Kvaros' industry experts and policy analysts had begun to voice concerns over the fragility of global supply chains for key electronic components, which had already been affected by natural disasters as well as geopolitical developments. The need for domestic recycling of used electronics increased, and industry stakeholders, led by Sortlax, requested the government to simplify import procedures. Accordingly, in 2012, Kvaros relaxed certain documentation requirements – most notably, by no longer requiring exporters to perform and certify pre-shipment functionality testing, as long as items were externally intact and labeled as “repairable.” Under this regime, importers were permitted to retain and process shipment found to be non-functional after entry, subject to the payment of an additional handling fee. These changes contributed to a steady increase in imported used devices, including those of unconfirmed operability.
11. In 2013, Sortlax Technologies established a wholly-owned subsidiary Sortlax Circulation as its own recycling arm. Officially, the company imported used electronics for diagnostic testing, repair, and resale, including minor upgrades such as memory expansion, firmware updates, or parts replacements to improve market value. Its cutting-edge machine-learning system, introduced in 2016, to evaluate external condition and potential repairability of units, coupled with automated robotic arms, achieved highly efficient processing. The company's 2020 report claimed that only 2-5% of imported devices were ultimately deemed unrepairable, for which post-import authorization was sought under EIA.
12. Sortlax Circulation' primary supplier in Ravalancia was LLT, which exported around 120,000 metric tons of used electronics between 2016 and 2023, labelled either as “reusable” or “repairable.” The cargoes often included bulk-packaged devices not protected by standard packaging materials. The attached labels indicated that the devices were “not subject to pre-shipment functionality tests.”
13. In 2015, Aurélia, seeking to attract foreign investment and foreign currencies, decided to establish a modern waste disposal facility and accept, store, and finally dispose of waste exported from abroad. In 2016, the government selected Diagloss Waste Solutions Ltd. (“Diagloss”), a local joint venture between Sortlax Materials and Glücksanlange AG (“Glücksanlange”) from Federal Republic of Weisen, as a developer for the project. The concluded contract stipulated that the disposal site should start operation in five years,

while Aurélia would start accepting electronic residues from Sortlax once a temporary storage site was completed. The temporary site opened in April 2017, featuring concrete flooring, impermeable lining, and a covered structure, and from May 2017 onward started storing imported e-waste from Kvaros.

14. On the other hand, construction of the main facility, the first advanced waste disposal system in the country, was repeatedly delayed due to the lack of clear environmental regulations and streamlined permit procedures, necessitating frequent consultations to resolve uncertainties. Moreover, the COVID-19 pandemic forced Aurélia to adopt a stringent lockdown, triggering a nearly two-year work suspension. Subsequent inflation and disruptions to materials and labor aggravated the situation. By early 2022, it was evident that the five-year operational target could not be met. In the meantime, over 15,000 metric tons of e-waste imported from Kvaros had already been stored temporarily.
15. Diagloss grew increasingly concerned about cost overruns and reputational risks. In mid-2022, the developer requested an extension of the operational deadline. While Aurélian authorities were sympathetic, they could not provide clear guarantees, as new environmental legislation remained stalled in Parliament. Although Aurélia urged them to pursue the project, by September 2022, Sortlax and Glücksanlange independently concluded that its profitability was no longer viable and formally notified their decision to withdraw from the project in October, invoking *force majeure*. They claimed that the project's failure was partially attributed to the State's own conduct and hinted at the possibility of launching an arbitration, effectively deterring Aurélia's further claims.
16. Following Diagloss' withdrawal, new imports of e-waste were stopped, and by November 2022, provisional control of the temporary storage site was transferred to the Ministry of Environmental Infrastructure, with no domestic company able to handle the matter. However, the government's technical expertise and budgetary capacity fell below the standard to maintain the facility. Security staffing was cut back, and by early 2023, periodic inspections became irregular, and minor structural damage, such as cracks in the flooring and water leakage around joint seals, went unrepaired. Local scavengers began to enter the premises to extract copper wire or recover small devices for resale, occasionally damaging containment barriers.
17. These vulnerabilities were critically exposed in August 2023, when Aurélia experienced what the national meteorological agency described as a "once-in-a-century" rainfall event, which scientists believe was attributed to increasingly erratic weather patterns driven by climate change. The resulting floods overwhelmed the site's integrity, causing untreated electronic residues to leach into the surrounding soil and the Lokoro River Basin.

18. In the months following the flood, hospitals and clinics across eastern Aurélia began reporting a marked increase in unexplained neurological conditions among newborns, including severe developmental delays, seizures, and abnormalities consistent with heavy metal toxicity. Most of the affected infants had been carried by mothers living near the Lokoro River Basin during their second and third trimesters. Domestic media widely reported that the contamination likely originated from the abandoned Diagloss storage.
19. A report was published in March 2024 by the Aurélian National Public Health Institute and Joint Scientific Investigators for Livelihood (“JSIL”), a multinational, independent consortium of environmental and public health experts. It found that the source of water contamination was the Diagloss site. It further determined that the residues at the site bore chemical signatures consistent with printed circuit boards and casings originating from Kvaros-based manufacturers, mostly Sortlax. The report linked over 80% of the tested samples to devices commonly produced in Kvaros during the 2010s. The report concluded with the following sentences:

The consistency of the material profile and the scale of accumulation led us to conclude that Kvaros-origin e-waste, primarily exported through commercial arrangements involving Sortlax Technologies, contributed substantially to the hazardous residue found at the Diagloss site. Both corporate and State actors failed to ensure environmental soundness in the movement and disposal of these materials.

20. The Lokoro health crisis and the revelation attracted global media coverage, prompting public debate and scrutiny in Kvaros. Pressure mounted rapidly after an anonymous whistleblower, claiming to be a former engineer at Sortlax Technologies, testified to the BBC that Sortlax Circulation had routinely extracted valuable components not only from domestic products but also from imported devices formally declared as “reusable” or “repairable” from Ravalancia’s LLT. The whistleblower emphasized that, in practice, the vast majority of imported units were “never tested, repaired, or resold,” but were immediately routed to parts harvesting lanes. She stated:

It's... difficult to talk. That AI system... we knew it wasn't designed to fix things. The goal was speed, pulling out valuable parts. Once it had those, the toxic remains were just sent away, to Aurélia. We knew L&L weren't really sending repairable units – it was mostly junk. They must have known. People looked the other way for the margins. I helped build it... we made it for profit, not safety, not for the babies it harmed. That's the truth.

21. Within days of the whistleblowing, Kvaros' Ministry of Environment conducted an on-site audit of Sortlax Circulation's facilities, finding evidence of persistent violations of the EIA, *i.e.* systematically misrepresenting shipments intended for component harvesting and eventual disposal as "reusable" or "repairable" electronics. The Ministry imposed administrative penalties, including a record fine and the temporary suspension of import licenses. The CEO of Sortlax Technologies admitted the infringements and publicly apologized before resigning.
22. Records gathered from Sortlax Circulation also indicate that, between 2016 and 2022, most residues sent to Aurélia originated from used devices supplied by LLT of Ravalancia. Shipment logs and internal batch coding show that over 85% of the processed units in the relevant timeframe were Ravalancia-origin electronics, bearing serial identifiers consistent with LLT's export.
23. In parallel, Kvaros entered into high-level consultations with Aurélia, involving representatives of Sortlax. After intensive meetings, the foreign ministers of the two countries held a joint press conference on 19 May 2024 in Port Lokoro, attended by Sortlax' new CEO, and signed a memorandum of understanding, reading in part:

The Government of Kvaros expresses its sincere regret for failing to meet its obligations under the Basel Convention, including ensuring the environmentally sound management of e-waste imported and re-exported by Kvaros-based firms. To address the immediate crisis, the Governments of Aurélia and Kvaros have agreed to establish a Joint Emergency Containment Fund, which the Kvaros Government and Sortlax Technologies will fund. This Fund shall be used exclusively for urgent site reinforcement, environmental monitoring, and temporary containment operations.

At the same time, the two Governments recognize that this waste originated from e-waste exported illegally from Ravalancia to Kvaros, which was misrepresented at the point of export and did not receive Kvaros' consent. Therefore, they consider that long-term disposal liabilities and compensation claims fall primarily upon the State of export, provided that Kvaros remains open to continued dialogue and technical assistance.

24. While media reports generally praised the swift action on Kvaros' part, they highlighted the omission of Ravalancia from the Fund. A prominent international NGO alleged that Ravalancia was "complicit in the transboundary movement of hazardous waste under the guise of refurbishment." Hashtags such as #LiegnerBabyKiller, #ToxicTrade, and #RavalanPolluter began trending globally.

25. Amid the media trend, the Ravalancian government launched an investigation into LLT in late May 2024, dispatching customs and environmental enforcement officers to the company's headquarters, only to find the premises already shuttered. They confirmed that key executives, including the CEO and Head of Compliance, had departed the country weeks earlier, shortly after media reports began on Sortlax' scandal, with substantial corporate assets liquidated and transferred to offshore accounts in the Cayman Islands.
26. The authorities recovered a large number of documents from LLT offices. They indicated that, as early as late 2019, many so-called "repairable" units were known to LLT to be likely dismantled for parts in Kvaros. In October 2019, LLT's compliance office cautioned internally that "most of these shipments do not meet even the basic functionality guidelines, and importers appear to be buying them purely for scrap." However, a board meeting in November 2019 dismissed the issue, with one executive remarking that:
- Our margins are paper-thin already. If we had to check every damn unit or sort them by hand, we'd be out of business by Friday. The only way this works is volume in, volume out – fast and cheap. No one upstream is paying their share, and there is no floor price to cover the costs. So, keep shipping, simple as that. And I'll tell you this – if outfits like us shut down, Ravalans will drown in dead electronics before anyone blinks. Kaput!
27. While the Ravalancian prosecutor tried to pursue the company's and executives' responsibility, in the absence of a functioning corporate entity or available assets, the enforcement of cleanup responsibilities against LLT had become a "practical impossibility," said a senior official from the Attorney General's Office. The Ravalancian legislation contained no provisions assigning secondary liability to producers or distributors in such a case, nor did it authorize substitute performance by the State.
28. Meanwhile, the Ministry of Environment also revealed that a regional customs office in Ravalancia had raised concerns with the Ministry. The regional office expressed doubts about compliance because LLT, despite its history of exporting tons of electronics, had never consulted the office for an informal assessment. One retired customs official told a newspaper that this omission was "unusual for a high-volume exporter dealing with borderline cases and quite suspicious."
29. In early 2021, three local customs officials from the regional office conducted an informal visit to one of LLT's main warehouses. According to the visit report, the electronics observed appeared largely intact and free from visible damage, and all associated paperwork – including shipping contracts and documentation accompanying shipments – described the items as "repairable." When questioned, LLT representatives explained

that the low pricing was due to bulk discounts and long-term volume agreements. They also maintained that functional testing was to be conducted by the importers, and that, if any units turned out to be non-repairable, the importing party would obtain post-import disposal permits in accordance with local law. Based on these explanations, the customs official did not escalate the matter.

30. In the wake of the revelations of this incident, the Ravalancian Ministry of Environment held a press conference in June 2024. When asked whether the authorities had suspected the shipments to be illegal, a spokesperson responded:

Let me be clear. Yes, internal discussions and field reports did flag potential issues regarding certain Liegner & Liner shipments. Concerns were noted. However, the legal threshold under WERA is high. For enforcement, we require objective proof that a shipment constitutes “waste” – evidence of disposal intent or actual improper handling, often confirmed by the importing country. Frankly, at the time, that level of evidence was unavailable to us. The Ministry operates within its legal mandate, and based on the best available information, we maintain appropriate diligence was exercised.

31. On 14 May 2024, formal negotiations commenced between Aurélia and Ravalancia at the former’s request. Aurélia asserted that Ravalancia had violated its obligations under the Basel Convention by authorizing the transboundary movement of materials that, in Aurélia’s view, constituted “waste” destined for disposal. Citing Article 4 and Article 9 of the Convention, Aurélia argued that Ravalancia, as the State of export, bore the primary responsibility for ensuring that the materials would be taken back or, at least, managed in an environmentally sound manner. Aurélia’s chief negotiator asserted that “the polluter should pay the price.”
32. Ravalancia maintained that the exported goods were not classified as “waste” at the time of shipment. Rather, they were “repairable electronics” intended for legitimate reuse, and there was no dispute concerning the Basel Convention between the two States. It further contended that, even if the materials were later deemed waste, any responsibilities arising under the Convention lay between Ravalancia and the importing State, Kvaros. Ravalancia asserted that Aurélia, not involved in the original transaction, was not in a proper position to assert legal claims against Ravalancia. In any event, it continued, it had exercised enough due diligence and was not responsible under the Convention without any fault.
33. Failing to settle their dispute through several rounds of negotiations, Aurélia and Ravalancia concluded a Special Agreement on 31 March 2025, which entered into force the same day, and jointly submitted their differences to the International Court of Justice

on 1 April 2025. The Parties agreed upon the facts and circumstances described in this document, which constitute the Annex to this Agreement. The Agreement, in the relevant part, provides as follows:

Article 1: Pursuant to Article 36, paragraph 1 of the Statute of the International Court of Justice (“Court”), the High Contracting Parties agree to submit any dispute which may have arisen between them at the time of the date of the present Agreement concerning the interpretation or application of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (“Basel Convention”) in relation to the facts and circumstances agreed upon in Annex to this Agreement to the Court.

Article 2: The High Contracting Parties respectfully request the Court to decide on the following questions:

- a. Whether the Court has jurisdiction *ratione materiae* over claims set out in subparagraphs (c) and (d) below.
- b. Whether the Republic of Aurélia has standing to submit claims set out in subparagraphs (c) and (d) below against the Federation of Ravalancia.
- c. If the Court answers in the affirmative to both subparagraphs (a) and (b), whether, under Article 4, paragraph 4, of the Basel Convention, the Federation of Ravalancia took appropriate legal, administrative or other measures to prevent and punish the illegal traffic of hazardous waste from its territory to the State of Kvaros.
- d. If the Court answers in the affirmative to both subparagraphs (a) and (b), whether, under Article 4, paragraph 8, and/or Article 9, paragraph 2, of the Basel Convention, the Federation of Ravalancia is under an obligation to ensure that the waste concerned is taken back or otherwise disposed of in an environmentally sound manner.

34. Aurélia and Ravalancia are States Parties to the Basel Convention and its amendments to Annexes II, VIII, and IX adopted in the Fifteenth Meeting of the Conference of the Parties (“E-Waste Amendments”) of 2022. Aurélia and Ravalancia are members of the United Nations respectively since 1966 and 1962 and ratified the Vienna Convention on the Law of Treaties in 1970.