



Association of Student International Law Societies

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1987 PHILIP C. JESSUP INTERNATIONAL LAW
MOOT COURT COMPETITION

CLARIFICATIONS TO THE PROBLEM

HARMONIA

v.

MERCADIA

1. Q. Is the map drawn to relative scale?
A. Yes. With the exception of the Canal, which was drawn oversized for emphasis, the map is a correct description of the relevant features.
2. Q. Is it correct to assume that the word "west" - twice mentioned at page 4 - line 16 and line 23 and once mentioned at page 5, line 7 - should be replaced by the word "east"?
A. Yes.
3. Q. Does the Galala Aquifer "underlie the entire area west[sic] of the Morningstar Mountains" as stated in the text of the Compromis (p. 5) (emphasis added)? If so, what is the significance of the faint dotted areas on either side of the words "Galala Aquifer" south of Lake Lydia and north of the Green River?
A. Although a complete geological study of the Galala Aquifer has not been done, the faint dotted areas indicate the approximate boundaries of the aquifer.
4. Q. What is the population of Harmonia?
A. 4,000,000.
5. Q. What is the population of Mercadia?
A. 7,000,000.
6. Q. What is the revenue derived from the bauxite industry?
A. It is estimated the the industry should earn at least as much foreign exchange as the tourist industry.
7. Q. What other tourist attractions are available to Harmonia for increasing their tourist trade?
A. Trantor is the area identified for major tourist development.
8. Q. Did Harmonia have other sources of electricity?
A. The Lakota High Dam is the most economically feasible means of supplying the electricity needed for development of the bauxite industry.
9. Q. Precisely where is the bauxite smelter located?
A. The bauxite industry is located far to the north, outside the region of dispute.

10. Q. Is the term "internationally responsible and liable," as used in questions 1(b), meant to include a discussion of remedies, such as damages?
- A. No.
11. Q. Does Mercadia have any foreign debt?
- A. Yes.
12. Q. In which form was the announcement given in March, 1979 and to whom was it addressed?
- A. The announcement was communicated by Harmonia to Mercadia through appropriate diplomatic channels.
13. Q. Did the talks between Harmonia and Mercadia end before Harmonia began constructing the High Dam?
- A. Yes.
14. Q. During the talks between Harmonia and Mercadia, did Mercadia demand that the plans be changed to: a) allow the same character and time of the flow of the Lakota (i.e., spring flood), or b) allow the same annual average amount of water as had been historically received by Mercadia?
- A. Alternative a).
15. Q. Did the finding of the objective study include the projected effect of water consumption by the new Harmonia agricultural project in reaching its conclusion that the flow the the Lakota would no longer be sufficient to support the subsistence agriculture of the Old Ones?
- A. Yes.
16. Q. Was the conclusion of the objective study based on the assumption that the Old Ones would continue to use the traditional ditch, or inundation, method of irrigation?
- A. Yes.
17. Q. Were Mercadia and Harmonia aware of the existence of the Galala aquifer during the talks?
- A. Yes.
18. Q. Did Mercadia and Harmonia have knowledge of the location of the recharge area of the Galala aquifer during the talks, and if not, when did they obtain such knowledge?
- A. No, the knowledge of its location only came to light after the pollution effects were apparent.

19. Q. What is the source of the objective study? (i.e., was it a third party or one of the contestant nations?)
- A. The study was carried out by a fully-qualified third party consultant.
20. Q. Was the specific relocation site for the Old Ones discussed during the meeting(s) between the Foreign Ministers?
- A. Yes.
21. Q. Can we assume that there are not relevant international agreements to which Harmonia and Mercadia are both parties (other than the United Nations Charter and the Statute of the International Court of Justice)?
- A. Yes.
22. Q. Define normal use of pesticides.
- A. The types and amounts of pesticides used are typical of those used by farmers in developing countries like Harmonia and Mercadia.
23. Q. Did the Mercadian government know that the Old Ones used pesticides?
- A. Yes.
24. Q. Did the Old Ones use pesticides at their original home?
- A. No.
25. Q. Do the Old Ones use the inundation method of irrigation in the Green River Valley?
- A. No. . .
26. Q. On page 5 of the Compromis, the second full paragraph, second sentence, are we to assume that "concentrations of these pesticides, together with phosphates from farming and human habitation" are all produced by the Old Ones in Mercadia?
- A. Yes.
27. Q. Are we to assume a proven causal link between the Old Ones' use of pesticides and the pollution of Lake Lydia?
- A. Yes.

28. Q. When did the effects of the pollution first become apparent to either Government?
- A. The effect became apparent just prior to the December, 1985 letter of protest.
29. Q. Does the Galala Aquifer feed into the Green River at all?
- A. No.
30. Q. Does the Green River flow out of Mercadia into another State?
- A. No.
31. Q. Are either the Lakota River or the Green River navigable?
- A. No.
32. Q. Is there excess energy produced by the Harmonian dam? Is the energy used exclusively for bauxite smelting?
- A. The energy is not used exclusively for bauxite smelting.
33. Q. Is the Green River a source of the Galala Aquifer charge?
- A. Yes.
34. Q. Has Harmonia used the Lakota River for agriculture or for any other reasons prior to their agricultural development plan?
- A. No.
35. Q. What is the structure extending northwest from the reservoir to the agricultural area in Harmonia?
- A. A system of irrigation canals.
36. Q. Is the Galala Aquifer percolating water or does it flow in a distinct, permanent, and well-defined channel?
- A. The Galala Aquifer is not an underground stream.
37. Q. How was construction of the Lakota Dam financed? (i.e., was the project financed entirely by Harmonia or were other financial institutions involved, e.g. World Bank, private banks, etc?)
- A. The project was financed entirely by Harmonia.

38. Q. Was the Lakota Dam state-owned, controlled or managed?
A. The Lakota Dam is state-owned and managed.
39. Q. What is the population of Trantor?
A. Approximately 150,000 people.