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PHILIP C. JESSUP
INTERNATIONAL LAW
MOOT COURT COMPETITION
CONFERENCE OF
INTERNATIONAL LAW JOURNALS

REQUESTS FOR CLARIFICATION 1995 JESSUP PROBLEM

1. On page 12, lines 333-334, the Compromis states "Agistanus has surmised that the IRADB would refuse to waive the review requirement." To what does this review requirement refer?

Answer: The review requirement in lines 333-334 refers to Agistanus' suggestion that the IRADB "open the valves of the dam" (lines 317-319). Lines 333-337 may be more easily understood if read as follows:

"Agistanus has surmised that the IRADB would refuse to consider opening the valves of the dam, as the situation indicates that grounds reasonably exist to suggest that Agistanus' own needs for its crops, and water costs or other economic problems, stemming from the environmental crisis, might increase demand on regional economic resources."

2. Lines 62-63 refer to a "survey commissioned by the Ministry of Commerce." Line 63 refers to "the study." Line 67 also refers to "the study." Is it to be assumed that these all refer to the same study, i.e. the survey commissioned by the Agistanus Ministry of Commerce?

Answer: Yes.

3. Lines 69-71 refer to the IRADB (i) pre-appraisal missions, and (ii) project appraisal. Line 71 then refers to "the study" as part of which a "team of experts [is] engaged in an extensive exploratory drilling program." Is this "drilling program" a part of the "survey" commissioned by the Ministry of Commerce, or, in the alternative, a part of the IRADB pre-appraisal missions or project appraisal?

Answer: The "drilling program" is a part of the study commissioned by the Ministry of Commerce of Agistanus. The IRADB undertook a series of pre-appraisal missions and a project appraisal.

4. Is the "technical team" with IRADB and the "team of experts" one and the same, or are they two distinct entities?

Answer: A close reading of lines 67-79 reflects that the technical team and the team of experts are not the same.

5. Behestoon has an extensive waste recycling and recovery program (line 50). So why is it dumping into the Ozoonio River (line 56)?

Answer: Behestoon has an extensive waste recycling and recovery program, but it is insufficient to process all of the waste generated in Behestoon.

6. Is the mining industry in Agistanus owned or operated by the Agistanus Government?

Answer: The mining industry in Agistanus is a semi-autonomous, governmental entity.

7. Line 44 of the problem indicates that Behestoon is a member of SOTO. Line 58 indicates that Behestoon is "non-aligned." Line 346 implies that both Behestoon and Agistanus are members of SOTO. Please clarify whether or not Behestoon is, in fact, a member of SOTO.

Answer: Yes, Behestoon is a member of SOTO, and regards herself as "non-aligned."

8. Given that the mining accident occurred on August 13, 1993 (over 1 year ago), are we still to assume that "the perils posed by the toxic broth remain severe and urgent" (line 357), and that the plume still continues downstream?

Answer: At any point of oral argument in the 1995 Competition, the continuing perils posed by the toxic broth remain severe and urgent. The foul mixture continues its course downstream toward Solonia Bay. Although the mixture is near Solonia Bay, it has not yet entered the Bay.

9. Is the word "toxic" in the problem used in a colloquial sense or is it used as a term of art?

Answer: The word "toxic" is used as a term of art.

10. Is Solonia Bay considered a "High Sea" in terms of the Law of the Sea definition?

Answer: Solonia Bay may be considered a part of the High Sea, with berthing and containerization for ocean-going vessels.

11. Are Agistanus and Behestoon parties to the United Nations Convention on the Law of the Sea?

Answer: Behestoon is a party to the United Nations Convention on the Law of the Sea; Agistanus is not.

12. Are Agistanus and Behestoon parties to the Vienna Convention on the Law of Treaties?

Answer: Yes, Agistanus and Behestoon are both parties to the Vienna Convention on the Law of Treaties.

13. Are there reservations filed by either Agistanus or Behestoon to the Conventions on the Law of the Sea or Law of Treaties, or to any other treaty to which they may be parties?

Answer: No, neither nation has entered reservations to these or any other treaty to which either may be a party.

INSTRUCTIONS ON DIVIDING THE THREE ISSUES AMONG THE ADVOCATE-AGENTS:

Inasmuch as the prayers for relief are composed of three parts, the advocate-agents shall not be penalized by any judge for how the two principal advocate-agents for each side divide the parts of the argument to meet the respective prayers of relief. Each advocate-agent is encouraged to be prepared to address Point Three of the Prayer of Relief to the extent it is deemed to apply to the particular argument the advocate-agent will be advancing for Point One or Point Two, respectively.

CLARIFICATIONS 1995 JESSUP OFFICIAL RULES ¹

Official Rule 8.2.3

The maximum number of printed lines permitted per page of the body of the memorial is 27 lines. Footnotes and headings *are* included in this 27 line maximum. In counting such single-spaced sections (footnotes and headings), every two single-spaced lines shall count as one of the 27 lines for purposes of this rule.

Official Rules 10.4.1.3 and 10.4.1.4

Official Rules 10.4.1.3 and 10.4.1.4 shall be reversed with respect to the order of importance of Round Points and Raw Scores when determining rankings after the Preliminary Rounds of the Competition. Following Preliminary Rounds, overall rankings will be determined by first comparing win-loss records, then comparing total Raw Scores, and finally comparing total Round Points.

This clarification is consistent with the Jessup Competition Tradition prior to 1993.

¹ All 1995 Philip C. Jessup Competition Official Rule changes or clarifications have been approved by the Jessup Rules Committee, consisting of past and present Executive Directors of ILSA and Jessup Competition Regional Administrators.