

The Case Concerning

THE ZETIAN PROVINCES

JESSUP 2011

The Philip C. Jessup
International Law Moot Court Competition

White & Case International Rounds

Welcome



Welcome to the 2011 White & Case International Rounds of the Philip C. Jessup International Law Moot Court Competition.

As a global law firm, White & Case is proud to sponsor this annual event, which brings together the next generation of international lawyers from around the world.

By taking part in the Jessup Competition, you are not only developing skills you will use throughout your career. You are also engaging with your peers in other countries and joining the global legal community.

I would like to congratulate all of the teams that have worked so hard to reach the final rounds of the competition. Although the White & Case Jessup Cup will go to just one team, you should all be proud of this accomplishment.

Best of luck to all of you.

A handwritten signature in black ink, appearing to read 'Hugh Verrier', with a stylized, cursive script.

Hugh Verrier
Chairman
White & Case

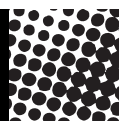
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The 2011 Philip C. Jessup Competition is globally administered
by the International Law Students Association (ILSA).

Schedule of Events



Sunday, 20 March

10:00 a.m. – 2:00 p.m.

Team Registration

(Capital Terrace/Upper Lobby, 2nd Floor, Capital Hilton)

All teams must check in at the ILSA Registration Desk during this period. If a team does not arrive and check in by 2:00 p.m., the team will not be scheduled to compete. Teams are invited to learn about LLM programs, Study Abroad programs and international law publications at the Orientation Fair.

10:00 a.m. – 2:00 p.m.

Orientation Fair

(Capital Terrace/Upper Lobby, 2nd Floor, Capital Hilton)

The Orientation Fair will feature a number of exhibition tables providing information about different opportunities in the field of international law, including LLM programs, Study Abroad programs, international law membership organizations, international law publications and more.

2:00 p.m.

Team Orientation

(Presidential Ballroom, 2nd Floor, Capital Hilton)

All team members must attend the Team Orientation. Special remarks will be delivered by Nicola Bonucci, the OECD's Director for Legal Affairs.

5:00 p.m.

Bailiff Orientation for Exhibition Team, Observation Team and All Other Bailiffs

(Presidential Ballroom, 2nd Floor, Capital Hilton)

Mandatory meeting for all bailiffs, including exhibition team and observation team bailiffs.

6:00 p.m.

Exhibition Team Meeting

(Presidential Ballroom, 2nd Floor, Capital Hilton)

Mandatory meeting for exhibition teams. This is when exhibition teams will receive their exhibition match schedule, as well as the memorials of their opponents for exhibition matches.

6:00 p.m.

Distribution of Preliminary Round Schedule and Opponent Memorials

(Outside Senate Room, 2nd Floor, Capital Hilton)

This is when competing teams will receive their schedule of matches and the memorials of their opponents for the Preliminary Rounds. Teams may line up prior to 6:00 p.m.; however, memorials will not be distributed any time prior to 6:00 p.m.

8:00 p.m.

Judge Orientation

(Congressional Room, 2nd Floor, Capital Hilton)

Judges only permitted. Expert and experienced Jessup judges will review the Jessup problem and present judging tips.



Monday, 21 March

9:00 a.m. – 9:00 p.m.

Preliminary Rounds—Day One

(2nd Floor, Capital Hilton)

Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the preliminary rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.

Courtrooms: California, Chesapeake, Colorado, Federal A,
Federal B, Illinois, Massachusetts, Michigan,
New York, Ohio, Oregon, Pan American,
South American A, South American B, Statler A,
Statler B, Texas

9:00 a.m. – 11:00 a.m. Jessup Preliminary Round I

11:30 a.m. – 1:30 p.m. Jessup Preliminary Round II

2:00 p.m. – 4:00 p.m. Jessup Preliminary Round III

4:30 p.m. – 6:30 p.m. Jessup Preliminary Round IV

7:00 p.m. – 9:00 p.m. Jessup Preliminary Round V

8:00 p.m. – 10:00 p.m.

White & Case Friends of the Jessup Reception

(Congressional Room, 2nd Floor, Capital Hilton)

Judges, National Administrators, Coaches and Team Advisors are invited to a reception thanking them for the contributions they have made to the students participating in the 2011 Jessup Competition and the advancement of international legal education. Special remarks will be delivered by White & Case Associate David Quayat.



Tuesday, 22 March

9:00 a.m. – 9:00 p.m.

Preliminary Rounds—Day Two

(2nd Floor, Capital Hilton)

Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the preliminary rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.

Courtrooms: California, Chesapeake, Colorado, Federal A, Federal B, Florida, Illinois, Massachusetts, Michigan, New York, Ohio, Oregon, Pan American, South American A, South American B, Statler A, Statler B, Texas

9:00 a.m. – 11:00 a.m. **Jessup Preliminary Round VI**

11:30 a.m. – 1:30 p.m. **Jessup Preliminary Round VII**

2:00 p.m. – 4:00 p.m. **Jessup Preliminary Round VIII**

4:30 p.m. – 6:30 p.m. **Jessup Preliminary Round IX**

7:00 p.m. – 9:00 p.m. **Jessup Preliminary Round X**



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Wednesday, 23 March

9:00 a.m. – 9:00 p.m.

Preliminary Rounds—Day Three

(2nd Floor, Capital Hilton)

Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the preliminary rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.

Courtrooms: California, Chesapeake, Colorado, Federal A, Federal B, Illinois, Massachusetts, Michigan, New York, Ohio, Oregon, Pan American, South American A, South American B, Statler A, Statler B, Texas

9:00 a.m. – 11:00 a.m.

Jessup Preliminary Round XI

11:30 a.m. – 1:30 p.m.

Jessup Preliminary Round XII

2:00 p.m. – 4:00 p.m.

Jessup Preliminary Round XIII

4:30 p.m. – 6:30 p.m.

Jessup Preliminary Round XIV

7:00 p.m. – 9:00 p.m.

Jessup Preliminary Round XV

8:00 p.m.

Announcement Party

(Lux Lounge)

Located at 649 New York Ave. NW, Washington, DC 20001, about one mile from the Capital Hilton. Come see which teams will advance past the Preliminary Rounds and socialize with fellow participants. For Jessup Teams, Team Advisors, Judges, Volunteers, ILSA Members and all others. Casual Attire.

Advanced Rounds Memorial Exchange/Coin Toss

(Capital Terrace outside Senate Room, 2nd Floor, Capital Hilton)

All advancing teams must come to the Memorial Exchange immediately after all advancing teams are announced at the Announcement Party.



Thursday, 24 March

- 9:00 a.m. – 11:00 a.m.** **Jessup Run-Off Rounds 1**
(2nd Floor, Capital Hilton)
Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the run-off rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.
- Courtrooms: California, Massachusetts, New York, Federal A,
Federal B, Pan American, Statler A, Statler B
- 11:30 a.m. – 1:30 p.m.** **Jessup Run-Off Rounds 2**
(2nd Floor, Capital Hilton)
Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the run-off rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.
- Courtrooms: California, Massachusetts, New York, Federal A,
Federal B, Pan American, Statler A, Statler B
- 2:30 p.m. – 3:45 p.m.** **ILSA Spring Congress**
(South American B, 2nd Floor, Capital Hilton)
A meeting of ILSA members to discuss the organization and its plans for the future. ILSA student officer elections will also be held. All current and prospective ILSA members are invited to attend.
- 4:00 p.m. – 6:00 p.m** **Octo-Final Rounds**
(2nd Floor, Capital Hilton)
Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the octo-final rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.
- Courtrooms: California, Massachusetts, New York, Federal A,
Federal B, Pan American, Statler A, Statler B
- 9:00 p.m.** **Go-National Dress Ball**
(Presidential Ballroom, 2nd Floor, Capital Hilton)
All are invited to attend. Everyone is encouraged to come dressed in traditional national costume or other creative attire.



Friday, 25 March

10:00 a.m. – 12:00 p.m. **Quarter-Final Rounds**

(2nd Floor, Capital Hilton)

Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the quarter-final rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.

Courtrooms: Federal A, Federal B, South American AB,
Congressional Rooms

1:00 p.m. – 2:30 p.m. **Pathways to Careers in International Law Luncheon**

(Federal A&B, 2nd Floor, Capital Hilton)

The ABA Section of International Law presents an informative panel to offer career advice to those interested in International Law.

2:00 p.m. – 4:00 p.m. **Semi-Final Rounds**

(2nd Floor, Capital Hilton)

Teams should arrive no later than 15 minutes prior to the start of their scheduled matches. All are invited to attend the semi-final rounds, but space may be limited. Observers are requested not to enter or exit once the match has begun. Teams are reminded to follow the scouting rule.

Courtrooms: South American AB and Congressional Room

4:00 p.m. – 6:00 p.m. **White & Case Competitors Reception**

(Presidential Ballroom, 2nd Floor, Capital Hilton)

All are invited to attend. The reception will be held immediately after the Semi-Finals. Special remarks will be delivered by White & Case Partner Ian Forrester. The two teams advancing to the White & Case Jessup Cup World Championship Round will be announced, followed by a ceremonial coin toss and exchange of memorials.

10:00 p.m. – 12:00 a.m. **ASIL-ILSA Dessert and Dance Party**

(Ritz-Carlton Hotel)

All are invited to attend. Join fellow competitors and attendees of the ASIL Annual Meeting for a dessert buffet and dancing with a live band. Buses are available to take students from the Capital Hilton to the Ritz Carlton and back.



Saturday, 26 March

11:30 a.m. – 2:00 p.m. **Fletcher LLM Final Round Lunch and Discussion with the Compromis Authors**

(Congressional Room A/B, 2nd Floor, Capital Hilton)

Join us for an lively lunch event in anticipation of the White & Case World Championship Round, sponsored by the Fletcher School LLM Program. The Authors of the 2011 Compromis will preside over an open panel discussion for teams to ask questions about the inspiration for and legal issues in the 2011 Compromis. The Fletcher School will facilitate a discussion about building an international law career, led by Professors Antonia Chayes, Joel Trachtman and Ian Johnstone, together with Fletcher LLM alumni, including ILSA Board member Pedro Munoz, and some of your Jessup judges!

2:00 p.m. **White & Case Jessup Cup World Championship Round**

(Presidential Ballroom, 2nd Floor, Capital Hilton)

All are invited to observe the top two teams in the world deliver their oral arguments before an esteemed panel of judges. Special remarks will be delivered by White & Case Partner Carolyn Lamm. After the oral arguments, the White & Case Jessup Cup will be presented to the winning team.

9:00 p.m. **Final Gala and Announcement of Awards Presented by the IBA**

(Presidential Ballroom, 2nd Floor, Capital Hilton)

Come to have fun one last time with a night of music and dancing and presentation of Competition awards, brought to you by the International Bar Association. In addition to the oralist and memorial awards, Robyn Cunningham and Sam Bayes from the IBA will present the Spirit of the Jessup Award. All are invited to attend. Semi-formal dress.

11:00 p.m. **Jessup Reverse Moot**

(Federal Room A/B, 2nd Floor, Capital Hilton)

The tables are turned as students preside over a match between judges.

Sunday, 27 March

8:00 a.m. – 11:00 a.m. **Distribution of Team Packets**

(Capital Terrace/Upper Lobby, 2nd Floor, Capital Hilton)

Team Packets containing the teams' oral round and memorial scoresheets and participation certificates for each team member will be distributed. Packets will only be given to registered team members and advisers. Packet contents will not be mailed or duplicated after the Competition.



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About the Jessup Competition



The Philip C. Jessup International Law Moot Court Competition was the brainchild of Professor Richard R. Baxter at Harvard Law School, who worked with Professor Stephen M. Schwebel (later President of the International Court of Justice) to create a courtroom simulation experience grounded in international law.

Originally named the “International Law Moot,” the Jessup Competition held its first round at Harvard University on 8 May 1960. The round, comprised only of Harvard Law students, involved a team of two American law students, Thomas J. Farer and William Zabel, and a team of two foreign LLM students, Ivan L. Head of Canada and Bernard H. Clark of New Zealand. The first Jessup problem was titled, “Cuban Agrarian Reform Case,” and was written by then Professor Schwebel. Since 1960, the Jessup Competition has been held annually, and student participation has increased dramatically.

From Afghanistan to Zimbabwe, this year’s Jessup Competition has engaged students from more than 600 schools around the world, representing over 80 countries, and making the Jessup Competition by far the largest Moot Court Competition in the world.

Former Jessup participants now work at foreign, finance and justice ministries in increasing numbers. They can also be found in the world’s finest law firms, corporations, universities, parliaments and international organizations. Jessup participants worldwide continue to contribute their efforts to the development of international legal education, as well as international law itself.

More than a competition, the Jessup is a community of legal professionals, young and old, who build bonds and share an invaluable cultural and academic exchange with each other. Now in its 52nd year, the Jessup has a rich history and a longstanding commitment to promote the importance of the rule of law in the peaceful resolution of disputes.

About the Honorable Philip C. Jessup



The Jessup Competition is named after the Honorable Philip C. Jessup. Born in 1897 in New York, Judge Jessup received his bachelor's degree from Hamilton College and his LLB from Yale University. He earned a Master's degree and PhD. from Columbia University and later, an LLD from Hamilton.

Judge Jessup had a long and distinguished academic, judicial and diplomatic career. From 1961 to 1970 he was a member of the International Court of Justice.

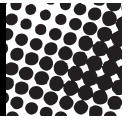
He practiced law and taught at several American universities until 1961. Jessup was an assistant to Elihu Root during the 1929 Conference of Jurists on the Permanent Court of International Justice. He attended both the Bretton Woods and San Francisco Conferences, and played a key role in the formation of the International Law Commission (ILC).

Jessup served as American Ambassador to the United Nations from 1948 to 1953. He was President of The American Society of International Law from 1954 to 1955, and a member of the Curatorium of the Hague Academy of International Law from 1957 to 1968.

Judge Jessup's publications include *The United States and the World Court* (1929); *International Security* (1935); *Elihu Root* (1938); *International Problems of Governing Mankind* (1947); *A Modern Law of Nations* (1948); and *Transnational Law* (1956).

In 1964, Judge Jessup was awarded The American Society of International Law's Manley O. Hudson Medal for preeminent scholarship and achievement in international law and for the promotion of the establishment and maintenance of international relations on the basis of law and justice. Judge Jessup continued to lecture and teach until his death in 1986.

Friends of the Jessup



The Jessup Competition is supported by a worldwide volunteer network of attorneys, judges, legal scholars, and other individuals devoted to the Competition. This network, known as the Friends of the Jessup (FOJ), offers support through monetary contributions and legal expertise, without which the success of the Competition would be impossible. ILSA is grateful to FOJs for their continuing support at all levels of the Competition.

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no more than 50 highly qualified graduates are admitted for study each year. Our international student body comprises graduates from over 25 countries each year. Students are fully enrolled members of Goethe University which confers the LL.M. Finance degree.

About the International Law Students Association (ILSA)



The idea of an organization to serve the needs of students interested in international law first arose shortly after the first Jessup Competition. In 1962, students from a number of campuses founded the Association of Student International Law Societies (ASILS). The Association evolved over the years, and in 1987, reconstituted itself as the International Law Students Association (ILSA). In May 1994, ILSA incorporated in response to its rapid expansion and development.

ILSA's mission is to promote awareness, study, and understanding of international law and related issues; to encourage communication and cooperation among law students and lawyers internationally; to promote social responsibility in the field of law; to increase opportunities to learn about other cultures and legal systems worldwide; and to publicize career opportunities in international law.

ILSA is governed by a Board of Directors. The Executive Office, which is staffed by the Executive Director, the ILSA Programs Coordinator, the Jessup Competition Coordinator and the External Relations Coordinator, is headquartered in Chicago, Illinois, USA. Each year, three ILSA student members are elected as student officers and work with the ILSA Board of Directors and Executive Office on academic programming and other initiatives.

ILSA also serves as an umbrella and support organization for student organizations devoted to the study and promotion of international law. ILSA chapters exist as independent entities and as members of the larger Association. ILSA's structure grants autonomy to its chapters to meet their unique needs locally while making available to them an international network of pooled academic and organizational resources.

Individual membership in ILSA is also available to anyone (students, attorneys, non-lawyers) with an interest in international law and international legal education.

In addition to administering the Jessup Competition, ILSA produces several publications, including the ILSA Quarterly, the ILSA Journal of International & Comparative Law, the FOJ Newsletter and the Jessup Compendium.

The ILSA Quarterly is published four times per year. It highlights ILSA's programs and features special articles from scholarly writers and student members. Each year, one issue of the ILSA Quarterly is dedicated to study-abroad programs, and one issue per year is devoted to LLM programs.



ILSA Executive Staff

Will Patterson, Executive Director

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ILSA Programs Coordinator

Ashley Walker, Jessup Competition
Coordinator

Matthew Szuminski,
External Relations Coordinator

Kitsuran Sangsuvan, ILSA Research Intern

Salma Ghalyoun, ILSA Intern

Sydney Janzen, ILSA Intern

Kelcie Daniels, ILSA Intern

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Karen Milia, Chief Communications Officer

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Pedro Muñoz

Ved Nanda

Claire van Overdijk

Robert Palmer

Michael Peil

Leila Sadat

Mark Wojcik



The Hardy C. Dillard Award

This Award is named in honor of the late Judge Dillard of the International Court of Justice, who was a longtime supporter of the Jessup Competition. The Award is an extension of the US Rutgers Award, initiated at Rutgers Law School in Newark, New Jersey, in 1973.

The Award is presented to Teams for excellence in Memorial writing by comparing top Memorials across participating jurisdictions. Memorials of the Teams scoring the highest at National and Regional Rounds, and Memorials of the Teams scoring in the Top 25 at the White & Case International Rounds are considered for the Award. Awards will be presented to the top five scoring Teams.

The Alona E. Evans Award

This Award is named in honor of the late Professor Evans, the first woman to be elected President of the American Society of International Law, and a faithful supporter of the Competition.

The Award is presented to Teams for excellence in Memorial writing at the White & Case International Rounds. Awards will be presented to the top five scoring Teams based on Total Memorial Scores.

The Richard R. Baxter Awards

This Award is named in honor of the late Richard Baxter, who served as Judge of the International Court of Justice, and who was an eminent and pioneering scholar of International Law.

The Award is presented to Teams for excellence in Memorial writing by comparing individual Applicant and Respondent Memorials. The Applicant and Respondent Memorials of Teams that receive the Alona E. Evans Award and/or the Hardy C. Dillard Award are considered for the Richard R. Baxter Award. One award will be given to the Best Overall Applicant Memorial and one award will be given to the Best Overall Respondent Memorial. Both winning memorials will be published in the ILSA Journal of International & Comparative Law.

The Stephen M. Schwebel Award

This Award is named in honor of Stephen M. Schwebel, a jurist and expert on international law who served as a Judge of the International Court of Justice from 1981 to 2000 and as the Court's President from 1997 to 2000. In 1959, as a young Assistant Professor of Law at Harvard University, Judge Schwebel established an international law moot court competition, which we recognize today as the Philip C. Jessup International Law Moot Court Competition.

The Award is presented to the best oralist of the World Championship Round.



The Steven M. Schneebaum Award

This Award is named in honor of Steven M. Schneebaum, an American attorney and scholar who specializes in international dispute resolution and complex litigation. Mr. Schneebaum has filled a critical role in the organization and administration of the Jessup Competition for decades. Among other positions, he has served as a Compromis Author, Chairman of the ILSA Board of Directors, Jessup Coach and Jessup Judge.

The award is presented to a National Administrator for outstanding service and dedication to the Jessup Competition.

The Francis Deak Award

The Deak Award is a prize provided by Oxford University Press for the best international law student article in a student-edited law journal. The award honors Francis Deak, a World War II veteran who wrote extensively on international law. The award is the student equivalent of the ASIL Deak Award, which is presented by the American Society of International Law to the author of the best article of the year in the *American Journal of International Law*.

The Pamela M. Young Award

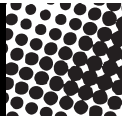
Created in 1993 in honor of Pamela Young, Assistant Jessup Administrator from 1974 to 1994, this Award recognizes the outstanding volunteer service of individuals to the Jessup Competition.

The Spirit of the Jessup Award presented by the International Bar Association

The Spirit of the Jessup Award was created in 1996 to recognize the Team that best exemplifies the Jessup spirit of camaraderie, academic excellence, competitiveness and appreciation of fellow competitors. This award is voted upon by the Jessup participants themselves, and is intended to establish the standard to which all participants should strive to govern their performance and professional demeanor.

International Law Institute (ILI) Award

This Award is given by the International Law Institute (ILI) to the top-ranked oralist from the non-native English-speaking Team with the Best Memorials in the White & Case International Rounds. The recipient receives a full tuition scholarship for ILI's course Orientation in the US Legal System.



Nicola Bonucci—Orientation Speaker

Mr. Nicola Bonucci is currently serving as the Director for Legal Affairs of the Organization for Economic Cooperation and Development (OECD). He joined the OECD in 1993 as a Legal Counselor, was promoted to Deputy Director for Legal Affairs in 2000 and to his current position in 2005. His responsibilities include negotiating international agreements, interpreting OECD texts including the Anti-Bribery Convention, and providing expert legal advice to the OECD Secretary-General and the OECD Council. Mr. Bonucci has been involved in the Jessup Competition as a Judge for many years, including serving as a Final Round Judge at the Jessup World Championship Round in 2006.

David Quayat—Friends of the Jessup Reception Speaker

David Quayat is an international attorney in the Washington, DC office of White & Case. Mr. Quayat practices in the areas of international trade and antitrust law. Prior to joining White & Case, he clerked for the Chief Justice of the Federal Court (Canada). He has also competed twice in the Jessup, winning the Canadian National Championship as a member of the University of Ottawa's team in 2008.

Ian Forrester—White & Case Competitors Reception Speaker

Ian Forrester, Q.C. is a partner in the White & Case Brussels office and head of the Firm's Global Pro Bono practice. He advises companies in a variety of sectors, as well as sovereign states and other governmental authorities, industry associations and private individuals, on European Union law, especially competition law, trade law, customs, internal market rules, intellectual property and constitutional rights. Mr. Forrester has represented clients before national courts, national competition authorities, the European Court of First Instance, the European Court of Justice and the European Commission. He has argued numerous leading cases on behalf of clients including Microsoft, Pfizer, Toshiba, the European Commission, the Liberal Democrat Party and the Government of Gibraltar.

Mr. Forrester has particular experience representing individuals and companies on questions of human rights as recognized by the European Convention on Human Rights and Fundamental Freedoms. Notable cases include defending a journalist against attempts to force him to reveal his sources and a challenge to how the European Commission conducts competition cases.

He is a member of the Firm's Partnership Committee and is a visiting Professor in European Law at Glasgow University, where he received an honorary Doctor of Laws in 2009.

Carolyn Lamm—Final Round Speaker

Carolyn Lamm is a partner in the White & Case Washington, DC office whose practice concentrates in international dispute resolution through international arbitration, litigation and international trade matters. She has substantial experience with ICSID and its additional facility, NAFTA and other commercial arbitral fora including AAA/ICDR, ICC, Vienna Centre, Stockholm Chamber, Swiss Chamber and in federal court litigation. She is involved primarily in the representation of foreign corporate clients and foreign sovereigns.

Ms. Lamm is the immediate past-President of the American Bar Association; she was appointed by President Clinton to the US Panel and later by the Government of Uzbekistan to the Uzbek Panel of Arbitrators for ICSID arbitration; she is a member of the American Arbitration Association Executive Committee and Board and has served as an arbitrator in AAA International Rules disputes. She has also rendered advice with respect to arbitration clauses and disputes under ICC rules and ad hoc arbitrations using UNCITRAL rules or agreed-upon procedures. She is a frequent lecturer on the topics of litigation, international arbitration and international trade.



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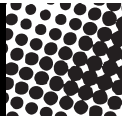
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Thomas Buergenthal

Judge Thomas Buergenthal is considered one of the world's leading international law and international human rights law experts. Judge Buergenthal served at the International Court of Justice for over a decade and returned to his position as the Lobingier Professor of Comparative Law and Jurisprudence at The George Washington University Law School last fall.

Judge Buergenthal was born in Czechoslovakia to German and Polish parents. As a child he lived in the Jewish ghetto of Kielce, Poland, and later in the concentration camps at Auschwitz and Sachsenhausen. After surviving the War, he emigrated from Germany to the United States. He studied at Bethany College in West Virginia, received his JD at New York University Law School in 1960, and his LLM and SJD degrees in international law from Harvard Law School.

Judge Buergenthal's extensive human rights law experience includes service as judge and president of the Inter-American Court of Human Rights as well as president of the Administrative Tribunal of the Inter-American Development Bank. He was a member of the UN Human Rights Committee and the UN Truth Commission for El Salvador. He is a member of the Ethics Commission of the International Olympic Committee and the honorary president of the Inter-American Institute of Human Rights in San José, Costa Rica. Judge Buergenthal joined the faculty of The George Washington University Law School in 1989. His long academic career also includes service as dean of Washington College of Law at American University and endowed professorships at the University of Texas and Emory University, where he was also the director of the Carter Center Human Rights Program. In 2000, he was elected to the International Court of Justice in The Hague, The Netherlands, where he served until late 2010.

Professor Buergenthal serves on the editorial boards of various legal journals, including the *American Journal of International Law* and the *Human Rights Law Journal*. He is the author or co-author of more than a dozen books, including *A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy*, and numerous articles in scholarly journals.



Claudio Grossman

Dean Claudio Grossman is the Chair of the United Nations Committee against Torture and Professor of Law and Dean of American University Washington College of Law and the Raymond Geraldson Scholar for International and Humanitarian Law.

Dean Grossman was born in Santiago, Chile and attended the law school at the University of Chile in Santiago. He went on to serve as a lecturer in the University of Chile's Faculty of Law in 1972. From 1974 to 1980, Dean Grossman was associate professor in international law at the University of Utrecht in the Netherlands, then completed his Doctor in de Rechtsgeleerdheid (Doctor of the Science of Law) degree at the University of Amsterdam.

From 1993 to 2001, Dean Grossman served as a member of the Inter-American Commission on Human Rights (IACHR). He was twice elected its President, first in 1996 and again in 2001. He also served twice as the IACHR's First Vice President (2000 – 2001, 1995 – 1996) and Second Vice President (1999 – 2000). He was the IACHR's first Special Rapporteur on the Rights of Women (1996 – 2000), as well as its Special Rapporteur on the Rights of Indigenous Populations (2000 – 2001) and its Observer of the AMIA Trial (2001 – 2005). Representing the IACHR, Dean Grossman participated in missions to Argentina, Brazil, Canada, Chile, Colombia, the Dominican Republic, Guatemala, Haiti, Mexico, Panama, Paraguay and Peru, among others. On behalf of international and non-governmental organizations, he has also chaired or participated in missions to observe elections in Nepal, Nicaragua, Paraguay, Romania, Surinam and the Middle East.

Dean Grossman has served as Chair of the United Nations Committee against Torture since April 2008, and has been a Committee member since 2003. In 2005, Dean Grossman became a member of the Commission for the Control of Interpol's Files. In May 2009, Dean Grossman was named to the judging panel for the Robert F. Kennedy Human Rights Award by the Robert F. Kennedy Center for Justice & Human Rights.

Dean Grossman is the author of numerous publications regarding international law and human rights. He has also received numerous awards for his work with human rights and international law.



Mark Pieth

Dr. Mark Pieth is the chairman of the OECD Working Group on Bribery in International Business Transactions and a Professor of Criminal Law and Criminology at the University of Basel, Switzerland.

After completing his undergraduate degree and his PhD in criminal law and criminal procedure at the University of Basel, Dr. Pieth spent an extensive period of time abroad, most notably at the Max Planck Institute for Criminal Law and Criminology in Germany and the Cambridge Institute of Criminology in the United Kingdom.

Before joining the faculty at the University of Basel, Dr. Pieth was Head of Section—Economic and Organised Crime at the Swiss Federal Office of Justice (Ministry of Justice and Police). In this role, he drafted legislation against money laundering, organised crime, drug abuse, corruption and the confiscation of assets. As a government official and later as an independent consultant, he acquired extensive experience in international fora, serving as Member of the Financial Action Task Force on Money Laundering (FATF), Member of the Chemical Action Task Force on Precursor Chemicals, and Chair of an intergovernmental expert group charged by the United Nations with determining the extent of the illicit traffic in drugs. Since 1990, he has chaired the OECD Working Group on Bribery in International Business Transactions. In 2004, he was appointed by the UN Secretary-General to the Independent Inquiry Committee into the Iraq Oil-for-Food Programme. In 2008, Dr. Pieth became a member of the Integrity Advisory Board of The World Bank Group (IAB), advising the President of Bank and the Audit Committee on integrity issues.

Within Switzerland, Dr. Pieth has assumed various presidencies and memberships of national commissions, including the Expert Group of the National Research Programme on Violence and Organised Crime, and the Consultative Commission to the Federal Administration of Finances on the Prevention of Money Laundering. He also consults with corporations, international organizations, and foreign governments on issues related to governance and has published extensively in the field of economic and organized crime, money laundering, corruption, sanctioning and criminal procedure.

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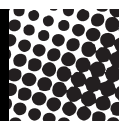


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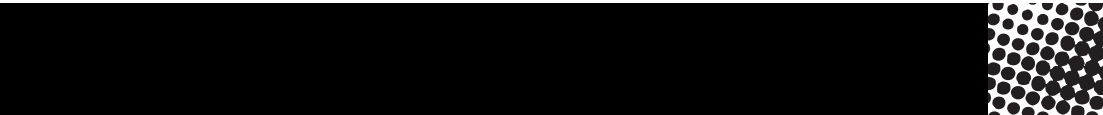
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The Case Concerning the Zetian Provinces (Ardenia/Rigalia)

1. Rigalia is a populous state comprised of 65% ethnic Rigalians and 35% ethnic Zetians that has been involved in border skirmishes with several of its neighbors for many years. It is a developing nation with several prosperous major cities. Rigalia's cities, including the capital, Rigaliaville, are largely inhabited by ethnic Rigalians.
2. The Rigalian countryside is economically underdeveloped and quite mountainous. The northern region of the country, composed of three large provinces—Moria, Tritar and Sirana (the Northern Provinces)—is largely inhabited by ethnic Zetians, who make up nearly 100% of the populace in the Northern Provinces. The Northern Provinces are also the situs of Rigalia's most important natural resource, columbite-tantalite (coltan), a mineral which, when refined, becomes metallic tantalum, a heat-resistant powder that can hold a high electrical charge. These properties make tantalum a vital element in creating capacitors, the electronic elements that control current flow inside miniature circuit boards. Tantalum capacitors are used in almost all cell phones, laptops, pagers and many other electronic products. The territory of the Northern Provinces constitutes approximately one-third of Rigalia's land mass.
3. It is difficult for Rigalia's central government to control the Northern Provinces, which are largely governed by tribal councils whose members have exclusively Zetian ethnicity, and who practice the Masinto religion. In these tribal communities, and in accordance with orthodox Masinto religious tenets, Zetian women and girls over the age of 14 are obliged by the tribal councils to wear a "Mavazi," a traditional head covering made from the hide of the Zorax, a small deer species native to the Northern Provinces that the Zetians hold to be sacred. The Mavazi covers the entire head, including the face, making identification of the wearer difficult. The Mavazi also heats up quickly in the sun, making it difficult for the wearer to work outdoors. Each Mavazi is exceptionally intricate, with ornate colors and designs unique to each tribe, and is usually, although not always, accompanied by a set of loose robes with matching designs. Women who refuse to wear the garment are forced to leave the Northern Provinces and live in non-Zetian locales within Rigalia, or, if they remain and are caught, are punished severely, either by being confined to their homes for long periods of time, or, in the most severe cases, by receiving as many as 40 lashes in a public flogging ceremony.
4. Under tribal council rules, women in the Northern Provinces are not permitted to drive or have paid employment, and they are often married off by their parents in traditional ceremonies at ages as young as 8 or 9, even though the official marriageable age is 18 for males and 16 for females under Rigalian law. The Rigalian authorities have made sporadic attempts to enforce Rigalia's marriage and anti-discrimination laws in the Northern Provinces, but have never made a concerted effort to do so, preferring to avoid direct confrontation with Zetian tribal leaders.
5. Ardenia is a small state on the northern border of Rigalia. It is a developed and prosperous nation, with the exception of the tribal areas in Ardenia's southern provinces of Teka and Bakchar (the Southern Provinces) which comprise about 20% of Ardenia's total land mass, and whose population is 90% ethnic Zetian. By contrast, the population of the capital province, Junonia, is composed of a mixture of Zetians, Junonians, and Donaxes, in approximately equal parts.



Junoniaville, the capital of Ardenia, is a sophisticated international city, and women in Junoniaville are allowed to wear clothing that permits their faces, parts of their bodies and their hair to be visible.


6. Ardenia has a highly decentralized system of government and permits each of its 10 provinces (Ardenia's administrative regional units) to establish their own court systems and legal rules to govern family law, property law, criminal law and contract law. The Ardenian constitution reserves for the national government only matters deemed to be of national importance, such as those involving the national economy and Ardenia's external affairs. In contrast, Rigalia is a highly centralized state and, although it is divided into 12 provinces for administrative purposes, all individuals are subjected to Rigalian law, and there are no official provincial courts or provincial laws. Tribal council rules are not recognized by the State as legally binding, although they have virtually 100% practical effect in the Northern Provinces.
7. Zetians in the Southern Provinces enjoy substantial autonomy from the central government in Junonia, particularly with regard to religious and family matters which are governed by provincial law. Like the Zetians living in Rigalia, women in the Southern Provinces are obliged by custom and provincial law to wear Mavazis which do not permit any part of their face, body or hair to be visible. Women are not permitted to drive or have paid employment, and they are often married off by their parents in traditional ceremonies at ages as young as 8 or 9. There is no official marriageable age in Ardenia as each province establishes its own rules.
8. Because the Zetians are a traditionally nomadic people, moving their herds and their villages among the five provinces straddling the border between Rigalia and Ardenia, ethnic Zetians have been granted full citizenship rights by both States. This arrangement was memorialized in 1924 in an agreement between Rigalia and Ardenia entered into when the two States first came into existence. It has been adhered to ever since, even though many Zetians now live in settled communities in one State or the other.
9. For many years, the Zetian Democratic Party (ZDP), which reportedly represents more than 75% of the ethnic Zetians living in Rigalia, has sponsored several secession efforts in Rigalia. The ZDP's goal is to unite the five provinces composing the largely Zetian tribal areas in both Rigalia and Ardenia into a single state, and the ZDP has tried to encourage Zetians in Ardenia to join it. Zetians living in Ardenia have not actively participated in this secessionist movement. However, because there has been so much intermarriage between Zetian communities based primarily in Rigalia and Ardenia, Ardenian Zetians have always been sympathetic to the nationalist desires of their Rigalian brethren, even if they have not been politically active themselves.
10. Ardenia and Rigalia have had mostly positive bilateral economic relations and have enjoyed healthy cross-border trade and investment. In 1994, Leo Bikra, President and Director General of the newly created Rigalian state-owned enterprise Rigalian Refining Inc. (RRI), in charge of industrializing Rigalia's coltan reserves, issued a call for tender for a five-year exploration and development contract for a large coltan mine, the Moria Mine, located in the Northern Provinces, on behalf of RRI. Ardenian and Rigalian companies were permitted to present bids. After a lengthy bidding process of three years in which Rigalia and RRI followed the bidding procedure set out in their regulations, the contract was ultimately awarded in 1997 to Mineral Dynamics Incorporated (MDI), a major Ardenian state-owned corporation specialized in mineral extraction and transportation.



11. MDI has an active community service program and, since the launch of its website in 2000, has published information about the financial support it has provided to the Zetian Refugees Fund (ZRF), a charity incorporated in Ardenia and founded by Leo Bikra's nephew, Clyde Zangara. Although Leo Bikra is of Rigalian ethnicity, his wife, Ilona Bikra, is Zetian, and most of her family, including Clyde Zangara's parents, live in Bakchar Province in Ardenia. The ZRF's mission statement claims that it was created to provide educational opportunities and humanitarian assistance to Zetians living in both Rigalia and Ardenia, and it has offices in both countries. For some time, however, the Rigalian authorities have suspected the ZRF of promoting Zetian autonomy and separatist ideology, as many of ZRF's board members are known supporters of the ZDP.
12. When the Moria Mine contract was renewed for an additional ten years in 2002, it was reported in the media that the deal had been secured through MDI's offer of support to the ZRF and through cash payment of large sums of money and shares in MDI, amounting in total to US\$10 million, held in trust for Clyde Zangara. The Rigalian government believes that some of these monies are also being funneled through the ZRF to support political activities of the ZDP. Allegations also surfaced that transporters for MDI received solicitations from members of the provincial tribal councils in the Northern Provinces, to pay mandatory undocumented fees to ensure the protection of the extraction site and the smooth delivery of the product to RRI's plant in Rigaliaville.
13. From May 3-5, 2008, all of the tribal councils of the Northern Provinces met in the first regional Joint Tribal Council meeting in more than twenty years. The meeting was officially convened to prepare a demand for an increased share for the Northern Provinces of the revenues from the coltan mining operation. However, the meeting was dominated by council members who were also members of the ZDP, and the debates were punctuated by frequent calls for outright independence for the Northern Provinces. On May 5, 2008, the Joint Tribal Council issued a Manifesto calling for increased autonomy for Zetian tribal lands in both Rigalia and Ardenia with an ultimate goal of independence, a larger portion of the revenues from the coltan mining operations in Rigalia to be shared with Zetians in both Ardenia and Rigalia, and demanding respect for their traditional, tribal way of life.
14. In response to the May 5th Manifesto, the President of Rigalia, Teemu Khutai, responded that "the Northern Provinces are an integral part of Rigalia, and their people governed by Rigalian law." Moreover, in a long interview aired on Rigalian national television, President Khutai stated that his goal was "to modernize the Northern Provinces so that no Zetians would ever again suffer from barbaric tribal customs that oppressed women and girls." In the same interview, President Khutai also disparaged Zetian traditional medicine and tribal structures, and concluded that "if the Zetian provinces are less well-off than the rest of Rigalia, it is because of the backwards mentality and insularity of their tribal leaders."
15. Ethnic Zetians were incensed by President Khutai's remarks and sporadic fighting broke out in the Northern Provinces, with Rigalian soldiers attempting to quell the disturbance. Tens of thousands of Zetians marched on both the Rigalian and Ardenian capitals, the Ardenian Zetians to show their solidarity with their Rigalian brethren. Many of the marchers wore arm bands with the initials "ZRF," and many carried a proposed Zetian "flag," which was purple with five white stars, the traditional banner of the ZDP.




16. Rigalia responded to the violence and protests with measures including increased surveillance and arrest of protesters. This sparked increased violence, as protestors rebelled and began resisting arrest. Subsequently, President Khutai invoked the emergency powers clause of the Rigalian Constitution and imposed a ban on groups organizing and assembling in public places. This led to an expanded Zetian propaganda campaign to which Rigalian officials responded by detaining suspected ZDP members for questioning. President Khutai also introduced a bill into Parliament prohibiting all Rigalians, including Zetians, from wearing a Mavazi in public or from receiving public services while wearing a Mavazi, arguing that the subjugation of Zetian women and girls was a direct cause of poverty in the Northern Provinces and contributed to the radicalization of Zetians living in the tribal areas. In his speech introducing the bill, President Khutai vowed to “enforce the human rights of all Rigalian women and children.” In addition, President Khutai noted that Mavazis posed a threat to public safety, as the garments permitted terrorists and suicide bombers to escape detection.
17. The Ardenian government, led by President Glenda Arwen, responded to the May 5th Manifesto with an information campaign. It has dedicated substantial funds to schools and agricultural subsidies for the Zetian tribal areas to try to win “hearts and minds” and permit Zetians the kind of autonomy that it hopes will keep them content. President Arwen has suggested that women uncomfortable wearing the Mavazi can take it off while inside their homes and in special “women’s gardens” created for that purpose. She has also stated that although she is married to a Zetian and does not herself wear the Mavazi, having grown up in Junoniaville, she admires the piety of those who do and respects their choice.
18. As tensions increased between Rigalians, Zetians and Ardenians, a group of Zetian tribal leaders, all known ZDP members, began mounting a violent campaign to press for full independence by attacking infrastructure in Rigalia, kidnapping citizens of Rigalia, and demanding the release of arrested Zetian protestors in exchange for the safe release of the kidnap victims. In December 2008, a bridge was blown up in Rigaliaville, killing more than 130 Rigalians, and soon afterwards, in January and February of 2009, a series of suicide bombings took place at two government buildings—a school and a hospital—killing more than 25 civilians, and wounding 112 others. One of the suicide bombers was a man wearing a Mavazi, who had been able to approach the government-run school without being questioned because of the garment he was wearing.
19. A nonprofit humanitarian organization giving microcredit loans to Zetians in the areas around the border, the International Loan Syndicate Association (ILSA), has gathered a great deal of evidence in the context of preparing confidential reports for funders of its Zetian loan program, that Rigalian Zetians have been holding meetings in Ardenia out of fear of attack by Rigalian troops. A copy of the ILSA report was obtained by Rigalian intelligence, which claims to have corroborated its findings. The Ardenian government denies any knowledge of the meetings, but a spokesperson for the government has noted that “even if the information is true, there is nothing illegal about these meetings, as Zetians all hold Ardenian citizenship.”
20. On March 15, 2009, the *Rigalian Daily Monitor* published a story alleging that sometime in January, 2009, President Arwen met with Rigalian and Ardenian Zetian tribal leaders in Ardenia and promised that she would (1) permit them to retain their tribal customs, including requiring women to wear Mavazis and keeping the marital age for girls as low as 8 years of age; and (2) support a future Zetian State located on Rigalian territory. According to the story, this “secret



agreement” was memorialized in writing and also included promises whereby, in exchange for these concessions, Zetian separatists agreed to renounce any secessionist claims against Ardenia and promised not to use violence against Ardenian civilians or the Ardenian government. According to the *Daily Monitor*, when asked about the agreement, President Arwen’s office issued a press release confirming that the President had met with the tribal leaders and discussed how best to strengthen the friendly ties between the two peoples. In a subsequent press conference, President Arwen’s office refused to disclose the contents of the discussions and would neither confirm nor deny the existence of any agreement.

21. In response to Zetian acts of violence and furious at what he believed to be the betrayal of President Arwen, on March 22, 2009, President Khutai addressed the Rigalian Parliament and declared his government to be at “war” with the Zetian secessionist movement and its supporters. In his address, he specified that all Zetians taking up arms against the government, or supporting violent secession of the Northern Provinces, whether found in Rigalia or Ardenia, were engaged in an unlawful secessionist conflict against the Rigalian central government. Also at President Khutai’s urging, the Parliament took up the controversial “Mavazi ban” and adopted it by a vote of 275-25. All those voting against it were of Zetian ethnicity.
22. In a further attempt to pressure the Ardenian government, President Khutai asked the Rigalian Minister of Justice, Charlene Finch, to open an investigation into the allegations of bribery by MDI surrounding the renewal of the exploration contract for the Moria Mine. A former MDI employee who was involved in the renewal of the contract gave a statement on condition of anonymity to the Rigalian police authorities. His statement, incorporated in a preliminary police report, substantiated the media allegations of corruption reported in 2001, implicating Leo Bikra, Clyde Zangara and the ZRF. The employee could not directly confirm specific payment of fees to the provincial tribal councils but stated that it was common practice for MDI to ensure “cooperation” from local communities when operating in sensitive areas.
23. Based on this report, Charlene Finch suspended Leo Bikra as President and Director General of RRI. On April 30, 2009, Rigalia sent a request for mutual legal assistance (MLA) to Ardenia, inviting its government to provide information regarding MDI’s activities in support of the ZRF and possible financial transactions with Clyde Zangara and the members of the tribal councils. In particular, Rigalia asked Ardenia to cooperate with the Rigalian authorities in their investigation, by providing, *inter alia*, the bank records of MDI since 2001 as well as correspondence between Clyde Zangara or other ZRF high level officers and Leo Bikra or the President of MDI. Rigalia also requested correspondence between ZRF and members of the provincial tribal councils. Ardenia initiated an inquiry but did not respond to Rigalia’s MLA request.
24. At the March 23-24, 2010 meeting of the Working Group on Bribery in International Business Transactions (Working Group on Bribery) held during the Phase 2 examination of Ardenia’s implementation of the OECD Anti-Bribery Convention, Rigalia raised the issue of the pending MLA request. Ardenia argued that it had not rejected the MLA request but that it was trying to find a way to satisfy Rigalia’s request, given that its legislation did not allow the authorities to access certain information on bank records. Ardenia added that correspondence between ZRF officers and members of the provincial tribal councils was not within the scope of the corruption investigation and therefore could not be the subject of an MLA request.


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25. MDI engaged in strong lobbying activities with a number of influential judges, members of parliament, and officials of the Ardenian government to get the inquiry dropped, and invited them to lavish receptions and other events. On June 3, 2009, the Public Prosecutor of Ardenia, Sam Strong, dropped the investigation, stating that “it was necessary to balance the need to maintain the rule of law against the wider public interest in security.” Although Prosecutor Strong indicated that the investigation had been suspended for national security reasons, in an interview published on June 15, 2009 with *The Ardenian Times-Picayune*, Ardenia’s largest national newspaper, President Arwen hinted that this decision was founded in part on a concern over the cost of the investigation, which could have resulted in the loss of hundreds of jobs and millions of dollars for Ardenian industry.
26. On July 1, 2009, the Committee for Responsible Business Conduct (CRBC), a Rigalian non-governmental organization that receives up to 30% of its total operating budget in subsidies from the Rigalian Government, filed a complaint against MDI and RRI for violation of chapter VI of the MNE Guidelines to the National Contact Point (NCP) established by Ardenia in accordance with the Decision of the OECD Council on the OECD Guidelines for Multinational Enterprises [C(2000)96] (OECD Decision on MNE Guidelines). On July 3, 2009, the CRBC received a letter from the Ardenian NCP stating that it refused to examine the complaint on the grounds, *inter alia*, that: 1) the complaint should be dealt with by the NCP of Rigalia where the alleged misconduct occurred, 2) the MNE Guidelines do not apply to RRI and 3) in any event, it could not deal with the complaint since investigations had been launched in Ardenia and Rigalia concerning these allegations. In response, the CRBC sent a letter to Ardenia’s NCP requesting that it organize a meeting with all the parties involved to discuss ways to resolve these issues, including the possibility for the NCP to cooperate with Rigalia’s NCP in addressing the complaint. Ardenia’s NCP never answered this request.
27. Still frustrated with his inability to address the Zetian situation and annoyed by the lack of cooperation Ardenia was providing in investigating the alleged corruption of MDI, President Khutai sought assistance on behalf of Rigalia from his long-time friend and ally, President Sophia Ratko of Morgania. For many years, Morgania, a highly developed, industrialized nation, has been giving financial and military assistance to Rigalia in exchange for favorable treatment vis-à-vis Rigalia’s important coltan reserves, which Morgania uses extensively in military manufacturing. Recently, Zetian attacks have started to target locales where Morganian expatriates generally congregate, and credible threats have been made against Morganian interests around the world.
28. The mountainous terrain and close tribal loyalties of the inhabitants of the five provinces straddling the two countries have made it very difficult to pursue the individuals responsible for the increasingly deadly attacks taking place in Rigalia. Still infuriated by the alleged secret Ardenian-Zetian peace agreement, President Khutai asked Morgania to deploy Predator Drones, unmanned aerial vehicles, to attack suspected Zetian separatists in the mountainous region along the border between Rigalia and Ardenia. Upset by Zetian threats to Morganian citizens and interests, President Ratko agreed to cooperate with the Rigalian Defense Force in combating Zetian terrorism. She instructed the Morganian Air Force to deploy drones to Fort Raucus, a Morganian Air Force Base located within Rigalia. Fort Raucus was leased to the Morganian government in October of 2005 and is home to soldiers and civilians from both Morgania and Rigalia.



29. The drones are unmanned, and are quite large, with a wingspan of more than 48 feet and a length of 27 feet. They are equipped with Hellfire missiles that can be directed at targets on the ground, and can circle overhead for up to 24 hours at a time. The drones, launched from Fort Raucus under the supervision of Morganian soldiers, are operated by members of the Morganian army in Morganville, who receive targeting information from informants on the ground, and then decide whether or not to fire the missiles from the drones. The informants are paid by the Rigalian government, which recruits them from Rigalian prisons by offering them large sums of money and relocation for them and their families to homes in Rigalia outside of the Northern Provinces. The drones are equipped with video cameras that project an image onto a screen in Morganville. From September 14, 2009 until the end of March 2010, at the urging of the Rigalian Defense Force under the command of President Khutai, Predator Drones carried out more than 50 strikes against suspected Zetian separatists. Experts estimate that the strikes have resulted in the deaths of 15 important Zetian separatist leaders; but they have also killed an estimated 230 Zetian civilians in Rigalia.
30. On March 15, 2010, a Predator Drone strike took place in Ardenia, about 15 miles north of its border with Rigalia. The strike killed a top commander, Adar Bermal, who was a prominent leader of the ZDP and committed to the Zetian separatist movement. The strike, which was conducted at night and without warning, also killed his entire family, including his wife, four children and elderly parents. The Bakchar Valley hospital, a 300-bed public hospital, was next to commander Bermal's home and was also struck that night. According to the Incident Report filed with her commanding officer in Morgania, although the drone operator saw a red cross on top of the hospital, she was distracted at the time she was firing the missiles at Bermal and fired at the hospital as well. The Incident Report notes that the drone operator was distracted by a frantic call from one of the informants about another strike, even though informants were not authorized to contact the drone operators directly. Although she realized her mistake, it was too late as the missile launching sequence had already been engaged and could not be aborted. The missile was fired and hit the hospital, killing 150 persons, and wounding 200 more.
31. Ardenia immediately lodged a protest with Rigalia, which has denied targeting innocent civilians. Rigalia's defense minister issued a statement to the press claiming that his instructions to Morgania were to "avoid unnecessary and disproportionate" military actions and that the incident was "a regrettable consequence of Rigalia's fight to defend itself and its people."
32. On March 20, 2010, President Arwen held a major international press conference in which she condemned Rigalia's entire drone program as illegal under international law. In her interview, which was published in major papers around the world, she contended that there was no armed conflict permitting the use of military force against civilians—even alleged terrorists—because neither Rigalia nor Ardenia was "at war" but are nations at peace addressing disturbances to public safety and public order. In her remarks she also stated that "Rigalia's illegal and unwarranted use of Predator Drones is terrifying the Zetian people on both sides of the border, violating Ardenia's sovereignty, and undermining Ardenia's efforts to live peacefully in a multi-ethnic state by polarizing the Zetians in Ardenia." Moreover, she condemned the Bakchar Hospital attack as an "act of aggression" against the people of Ardenia. President Arwen also notified the Security Council of the United Nations that she was "deeply concerned" about the possible escalation of Rigalia's drone program and the worsening relations between the two countries. In a meeting on March 22, 2010, the Security Council discussed the "Zetian situation" and urged Ardenia and Rigalia to resolve their differences by peaceful means.



33. On March 28, 2010, President Arwen sent a formal diplomatic note to President Khutai:
(1) protesting the use of Predator Drones against Zetians as a violation of their rights under international human rights law and international humanitarian law; (2) requesting the immediate cessation of the drone attacks, as well as a full inquiry into and compensation for the victims of the Bakchar Hospital incident and their families; and (3) asserting that the Rigalian Mavazi ban violates the rights of Zetian women and girls who wear the Mavazi in accordance with their religious beliefs and traditions.
34. On April 15, 2010, President Khutai responded that (1) the use of Predator Drones against terrorists in an armed conflict is consistent with international humanitarian law, particularly in light of the fact that Ardenian territory was being used to attack targets in Rigalia, and that international human rights law was inapplicable during the armed conflict involving the Zetians; (2) that Rigalia is not responsible for the Bakchar Hospital attack; (3) that the Mavazi ban is a legitimate public safety measure imposed to protect the rights of Zetian women and girls and protect Rigalian citizens from terrorism; and (4) that Ardenia's failure to respond to Rigalia's MLA request and to investigate the bribery allegations against MDI, in particular due to considerations of national economic interest, as well as its NCP's failure to respond to the CRBC's complaints, constitute a violation of Ardenia's international obligations.
35. On April 25, 2010, diplomats from Ardenia and Rigalia met to try to negotiate a settlement of the Zetian situation and the claims related to corruption. Following three days of fruitless negotiations, however, they could not reach an agreement. Ardenia decided to bring the matter to the International Court of Justice and filed an Application on May 5, 2010, invoking Article 36(2) of the Court's Statute as both Rigalia and Ardenia had unconditional declarations recognizing the compulsory jurisdiction of the Court on file with the Registrar.
36. Rigalia filed preliminary objections pursuant to Article 79 of the Rules of Court arguing that Ardenia's Application was inadmissible since, in deciding the case, the Court would have to determine the rights and obligations of Morgania. By a vote of 8 to 7, the Court rejected Rigalia's preliminary objections. The majority determined that Morgania was not a necessary third party because the questions presented to the Court by Rigalia and Ardenia did not require the Court to determine the rights and obligations of Morgania. The Court also determined, by a vote of 9-6, to defer consideration of Ardenia's request for provisional measures until the merits phase of the proceedings.
37. Rigalia and Ardenia are both members of the United Nations, and are parties to the United Nations Charter, the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, the four Geneva Conventions of 1949 and additional Protocols I and II thereto, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of all Forms of Discrimination Against Women. Neither State has made any reservations, declarations or understandings with regard to any of these treaties.
38. Ardenia is a Member of the OECD and is a party to all the instruments adopted by the OECD. Rigalia is not an OECD Member, but is a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention) and as such, it accepts all related OECD anti-bribery instruments and participates in the work



of the Working Group on Bribery. Both Rigalia and Ardenia have incorporated the offense of bribing a foreign public official (including liability for natural and legal persons) into their domestic legislation. Ardenia's legislation includes an exception to the bribery offense for small facilitation payments. Rigalia has also adhered to the Declaration on International Investment and Multinational Enterprises and the OECD Decision on MNE Guidelines. Neither Ardenia nor Rigalia are members of the World Trade Organization.

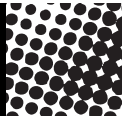
39. Applicant, Ardenia, asks the Court to adjudge and declare that:

- (1) Rigalia's Predator Drone strikes in Rigalia and in Ardenia violate international law and the Court should order their immediate cessation;
- (2) The attack on the Bakchar Valley hospital is attributable to Rigalia, Rigalia has an obligation to investigate the attack and to compensate Ardenia therefore and, moreover, the attack was a disproportionate and unlawful act of aggression against the people of Ardenia;
- (3) Rigalia's ban of the Mavazi for Zetian women and girls violates their rights under international law; and
- (4) Ardenia did not violate the OECD Anti-Bribery Convention or the OECD Decision on MNE Guidelines.

40. Respondent, Rigalia, asks the Court to adjudge and declare that:

- (1) Rigalia's Predator Drone strikes against Zetian terrorists in Rigalia and Ardenia are consistent with Rigalia's rights under international law, and thus the Court has no authority to order cessation of the drone attacks;
- (2) The attack on the Bakchar Valley hospital was not attributable to Rigalia and Rigalia has no obligation to investigate the attack or to compensate Ardenia therefore; moreover, the act was not an act of aggression but part of a legitimate and proportionate operation to defend against Zetian terrorists;
- (3) Rigalia's limited ban of the Mavazi for Zetian women and girls is consistent with international law; and
- (4) Ardenia's failure to investigate and prosecute the alleged corruption and to provide legal assistance to Rigalia constitute breaches of the OECD Anti-Bribery Convention, and the failure of the Ardenian NCP to respond to the complaint by the CRBC constitutes a breach of the OECD Decision on MNE Guidelines.

Corrections and Clarifications To The Compromis



The following corrections and clarifications have been agreed to by the parties, and the Compromis should be considered amended accordingly. The Registrar of the Court reminds all parties and participants of the following:

- a. The Compromis is, in essence, a stipulation of facts. Its words have been carefully chosen, and are the result of extensive negotiation. The parties decline to “clarify” matters about which they are unlikely to agree. The parties will not stipulate as to which legal principles are relevant, or which arguments are acceptable or unacceptable.
- b. Any request for clarification not addressed in the following paragraphs has been considered by the parties to be redundant, inappropriate, or immaterial, or the parties were unable to reach agreement on a mutually acceptable answer.
- c. Except to the extent that corrections and clarifications are set out below, participants are to assume that the Compromis is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents and of the signatures on all documents referenced in the Compromis.
- d. With respect to pronunciations of the various proper names used in the Compromis, all parties and the Court have agreed that they will not take formal or informal offense at any reasonable effort to pronounce proper names correctly.

CORRECTIONS

1. All references to “17 September, 2010” and “seventeenth day of September in the year two thousand and ten” are corrected to read “5 May, 2010” and “fifth day of May in the year two thousand and ten” respectively.
2. The last sentence of paragraph 12 is corrected to read as follows:

“Allegations also surfaced that transporters for MDI responded to solicitations from members of the provincial tribal councils in the Northern Provinces, to pay mandatory undocumented fees to ensure the protection of the extraction site and the smooth delivery of the product to RRI’s plant in Rigaliaville.”
3. The third sentence of Paragraph 22 is corrected to read as follows:

“His statement, incorporated in a preliminary police report, substantiated the media allegations of corruption reported in 2002, implicating Leo Bikra, Clyde Zangara and the ZRF.”



4. The last sentence of paragraph 24 is corrected to read as follows:

“Ardenia added that correspondence between ZRF officers and members of the provincial tribal councils was not relevant to Rigalia’s corruption investigation and therefore could not be the subject of an MLA request.”

5. The second sentence of Paragraph 26 is corrected to read as follows:

“On July 3, 2009, the CRBC received a letter from the Ardenian NCP stating that it refused to examine the complaint on the grounds, inter alia, that: 1) the complaint should be dealt with by the NCP of Rigalia where the alleged misconduct of RRI and MDI occurred 2) the MNE Guidelines do not apply to RRI and 3) in any event, it could not deal with the complaint since investigations had been launched in Ardenia and Rigalia concerning these allegations.”

6. The second sentence of paragraph 30 is corrected to read as follows:

“The strike killed a top separatist commander, Adar Bermal, who was a prominent leader of the ZDP and major decision-maker in the planning and initiation of all military activities within Rigalia.”

CLARIFICATIONS

1. The CRBC has not contacted Rigalia’s NCP.
2. Ardenia has been a Member of the OECD since 1995.
3. Rigalia signed the OECD Anti-Bribery Convention on the date of its adoption by the OECD Council and deposited its instrument of ratification with the OECD Secretary-General 90 days later.
4. Ardenia and Rigalia are both parties to the 1907 Hague Convention.
5. Claims brought by Zetians within Rigalia contesting the legality of the predator drone program and the Mavazi ban under domestic and international law were dismissed by Rigalia’s lower court as non-justiciable as they either raised political questions outside the competence of Riganian courts, or unenforceable international legal norms. These dismissals are not subject to appeal.
6. Morganville is the capital of Morgania.

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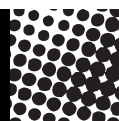
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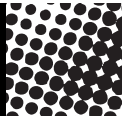
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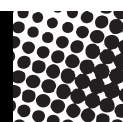
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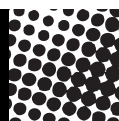


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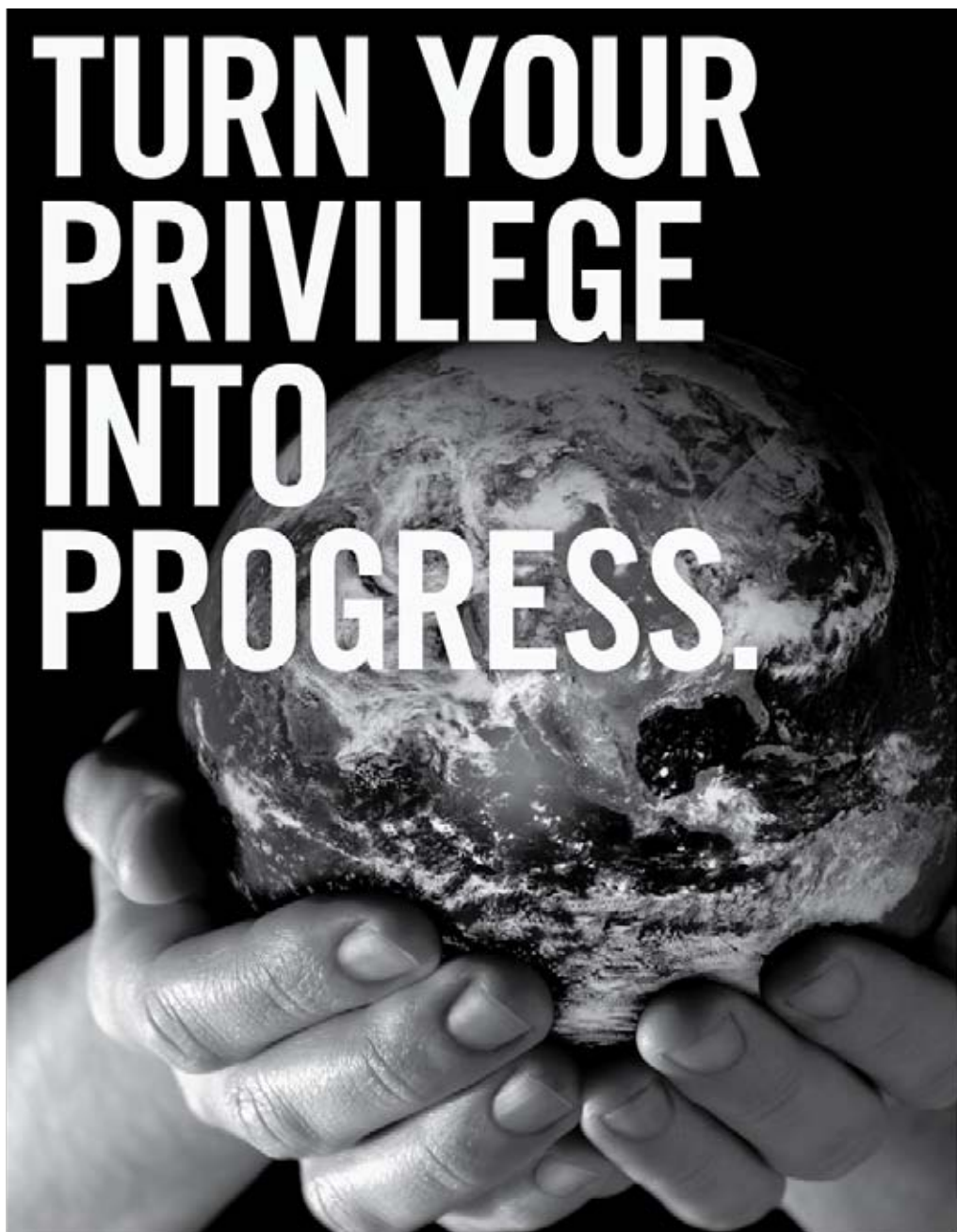
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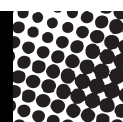
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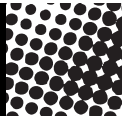
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We would also like to thank the International Bar Association, the world's leading organization of international legal practitioners and bar associations, for its support of ILSA and the Jessup Competition. Our gratitude is also owed to IBA Members who have supported the competition through their donations of time as team coaches, advisors and judges.

ILSA also thanks our partner and host DePaul University College of Law, and Professor Brian Havel in particular. DePaul's support this year has been tremendous; DePaul provided ILSA with a new office suite at its downtown Chicago campus.

ILSA is particularly grateful for the support of Hein OnLine, LexisNexis and Westlaw for providing our student competitors with invaluable access to their legal research databases. We would also like to acknowledge Thomson Carswell for providing all teams with access to their McGill Citation Guide.

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ILSA would further like to thank the American Society of International Law, the International Law Section of the American Bar Association, and the International Law Association for their continued support of the Competition.

A final word of thanks goes to our regional and national administrators for their tireless work and dedication on behalf of the Jessup Competition.

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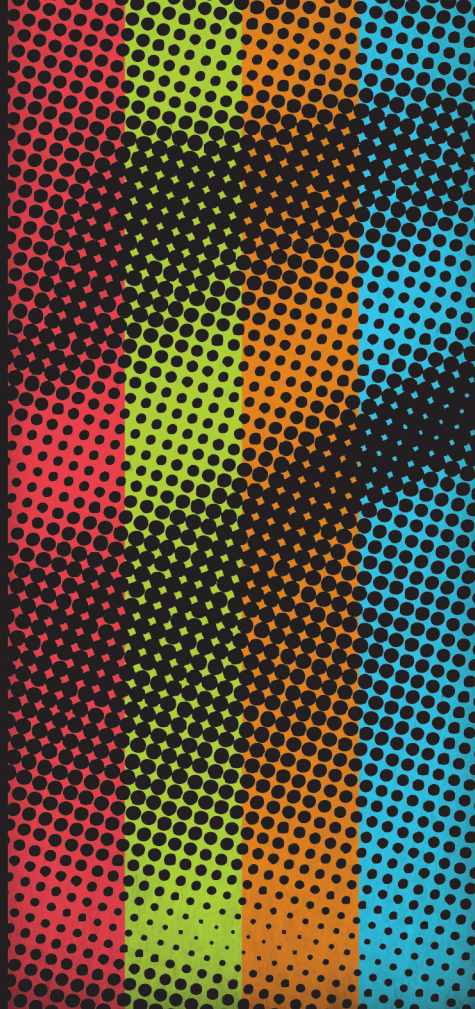
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