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JESSUP 2014

WHITE & CASE INTERNATIONAL ROUNDS

6 - 12 APRIL 2014, WASHINGTON, DC, USA

WELCOME

Welcome to the 2014 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 your accomplishment—we are!

Best of luck to all of you.

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

Hugh Verrier

Chairman

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SCHEDULE OF EVENTS

Sunday, April 6

10:00 a.m. – 2:00 p.m.

Team Registration

(2nd Floor, Capital Terrace/Upper Lobby, 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 LL.M. programs, Study Abroad programs, and international law publications at the Orientation Fair.

10:00 a.m. – 2:00 p.m.

4:00 p.m. – 6:00 p.m.

Orientation Fair

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

The Orientation Fair will feature a number of exhibition tables providing information about different opportunities in the field of international law, including LL.M. 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.

5:00 p.m.

Orientation for Exhibition Teams, Observation Teams, and Bailiffs

(Presidential Ballroom, 2nd Floor, Capital Hilton)

Mandatory meeting for all Exhibition Teams. Exhibition Teams will receive their Exhibition match schedule, as well as memorials of their opponents for Exhibition matches. Instructions and schedules will be provided for all bailiffs, including Exhibition Teams.

6:00 p.m.

Distribution of Preliminary Round Schedule and Opponent Memorials

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

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 prior to 6:00 p.m.

8:00 p.m.

Judge Orientation

(Congressional, 2nd Floor, Capital Hilton)

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

Monday, April 7

- 7:30 a.m. – 9:00 a.m.

Coffee Break sponsored by American University Washington College of Law
(2nd floor, Upper Lobby/Capital Terrace, Capital Hilton)
American University Washington College of Law invites you for coffee before the competition begins.
- 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, Colorado, Federal A, Federal B, Michigan, New York, Ohio, Pan American, South American A, South American B, Statler A, Statler B, Ambassador Suite, Presidential Suite, Congressional Suite, Barron Hilton Suite, Conrad Suite

9:00 a.m. – 11:00 a.m.

Jessup Preliminary Round 1

11:30 a.m. – 1:30 p.m.

Jessup Preliminary Round 2

2:00 p.m. – 4:00 p.m.

Jessup Preliminary Round 3

4:30 p.m. – 6:30 p.m.

Jessup Preliminary Round 4

7:00 p.m. – 9:00 p.m.

Jessup Preliminary Round 5
- 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 2014 Jessup Competition and the advancement of international legal education. Welcome remarks will be given by White & Case partner Leslie Morioka.

SCHEDULE OF EVENTS (CONTINUED)

Tuesday, April 8

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, Colorado, Federal A, Federal B, Michigan, New York, Ohio, Pan American, South American A, South American B, Statler A, Statler B, Ambassador Suite, Presidential Suite, Congressional Suite, Barron Hilton Suite, Conrad Suite

- | | |
|------------------------|-----------------------------|
| 9:00 a.m. – 11:00 a.m. | Jessup Preliminary Round 6 |
| 11:30 a.m. – 1:30 p.m. | Jessup Preliminary Round 7 |
| 2:00 p.m. – 4:00 p.m. | Jessup Preliminary Round 8 |
| 4:30 p.m. – 6:30 p.m. | Jessup Preliminary Round 9 |
| 7:00 p.m. – 9:00 p.m. | Jessup Preliminary Round 10 |

Wednesday, April 9

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, Colorado, Federal A, Federal B, Michigan, New York, Ohio, Pan American, South American A, South American B, Statler A, Statler B, Ambassador Suite, Presidential Suite, Congressional Suite, Barron Hilton Suite, Conrad Suite

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

11:30 a.m. – 1:30 p.m. Jessup Preliminary Round 12

2:00 p.m. – 4:00 p.m. Jessup Preliminary Round 13

4:30 p.m. – 6:30 p.m. Jessup Preliminary Round 14

7:00 p.m. – 9:00 p.m. Jessup Preliminary Round 15

8:00 p.m.

Announcement Party

The Park at Fourteenth (920 14th St. NW)

All participants are invited to come see which Teams will advance past the Preliminary Rounds and eat, drink and socialize with fellow participants. For Jessup Teams, Team Advisors, Judges, Volunteers, ILSA Members and all others. Casual attire.

All advancing Teams will participate in the Memorial Exchange immediately after all advancing Teams are announced.

SCHEDULE OF EVENTS (CONTINUED)

Thursday, April 10

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, South American A/B, New York, Ohio, Federal A/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, South American A/B, New York, Ohio, Federal A/B, Pan American, Statler A, Statler B

3:00 p.m. – 4:00 p.m.

ILSA Spring Congress

(2nd Floor, Ohio Room, Capital Hilton)

All ILSA members and law students are invited to attend the ILSA Congress, the bi-annual meeting of ILSA Chapters. At the Congress, ILSA members will discuss upcoming international law events and hold elections for the 2014-15 ILSA Student Officers.

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, South American A/B, New York, Ohio, Federal A/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. White & Case will have a photo booth in the ballroom for pictures throughout the event.

Friday, April 11

9:00 a.m. – 10:30 a.m.

ILSA Spring Panel at ASIL—Emerging Trends and Challenges in International Legal Education and Scholarship

(Room Polaris A/B in the Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW)

International lawyers spring from many culturally and linguistically diverse backgrounds, which helps lend the field of international law its dynamism. Varying systems of international education endow young legal professionals with differing skills and approaches to international law, and produce equally diverse legal scholarship. This panel seeks to explore some of the methodologies and challenges not only to teaching international law in various jurisdictions, but also to explore the challenges related to producing both quality international law professionals and legal scholarship in a world that communicates in different languages and cultures. Further, the panelists will address how legal scholars can produce scholarship that will have meaningful impact with the aim of enriching the dialogue and cooperation between international law scholars.

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 A/B, Congressional Room

1:00 p.m. – 2:30 p.m.

Pathways to Careers in International Law Luncheon

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

The ABA Section of International Law and ILSA present an informative panel to offer career advice to those interested in international law. Lunch will be provided.

SCHEDULE OF EVENTS (CONTINUED)

2:30 p.m. – 4:30 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 A/B and Congressional Room
4:30 p.m. – 6:30 p.m.	White & Case Competitors Reception (2nd Floor, Presidential Ballroom, Capital Hilton) All are invited to attend. The reception will be held immediately after the semi-finals. Welcome remarks will be given by White & Case partner Ian Forrester, Q.C. The two Teams advancing to the White & Case Jessup 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 (Capitol Ballroom at the JW Marriott, 1331 Pennsylvania Avenue NW) 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.

Saturday, April 12

11:00 a.m. – 12:30 p.m. **Meet the Author of the 2014 Jessup Compromis**

(Congressional Room, 2nd Floor, Capital Hilton)

The Author of the 2014 Compromis will preside over an open panel discussion for Teams to ask questions about the inspiration for and legal issues in the 2014 Compromis. Coffee, tea and light fare will be provided.

2:00 p.m. **White & Case Jessup 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 given by Judge Stephen Schwebel, former President of the International Court of Justice and author of the first Jessup Compromis, before the White & Case Jessup Cup is 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)

Have fun one last time with a night of music and dancing plus the presentation of Competition awards, brought to you by the International Bar Association. All are invited to attend. Semi-formal dress.

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

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

The Foreign Ministers of Amalea and Ritania, aided by other key officials, will give a comedic review of this year's Compromis in a joint press conference. Your favorite International Rounds judges will play the roles of the speakers; all students are invited to submit questions to reversemoot@ilsa.org.

Sunday, April 13

9:00 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 LL.M. 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 approximately 600 schools around the world, representing more than 90 jurisdictions, 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. Now in its 55th 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 LL.B. from Yale University. He earned a Master's degree and Ph.D. from Columbia University and later, an LL.D. 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 or FOJs, offers support through monetary contributions and legal expertise, without which the success of the Jessup would be impossible. ILSA is grateful to FOJs for their continuing support at all levels of the Competition.



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ABOUT 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 response to its rapid expansion and development, ILSA incorporated in May 1994.

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 Director, the Jessup Competition Director, 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 chapters 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 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*, 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 LL.M. programs.

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ILSA HONORARY COUNCIL

The Honorary Council is dedicated to furthering ILSA's mission of promoting the worldwide study, development, and practice of international law. Through the support and assistance of the Honorary Council, ILSA will continue to engage the world's foremost jurists, scholars, and practitioners as ILSA conference panelists, keynote speakers at ILSA events, advanced round judges of the Jessup Competition, and members of the Authorial Committee responsible for drafting the annual Jessup Compromis.

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ILSA AND JESSUP AWARDS

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 Qualifying Rounds, and Memorials of the Teams scoring in the top 20 at the White & Case International Rounds are considered for the Award. Awards will be presented to the top five scoring Teams.

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 ten scoring Teams based on total Memorial scores.

Richard R. Baxter Award

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*.

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 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 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."

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BIOGRAPHIES OF GUEST SPEAKERS

Ian Forrester, Q.C.

Ian Forrester, Q.C. is a partner in the Brussels office of White & Case and heads 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. He has argued a number of leading cases before the European Court of Justice on behalf of clients such as UEFA, Microsoft, Pfizer, Servier and the European Commission, and has taught and published on various topics, including due process in competition matters.

Leslie Morioka

Leslie Morioka is a partner in the New York office of White & Case. She is an intellectual property lawyer who has a broad practice that covers both litigation and transactions. Primarily a litigator, her cases have involved various jurisdictions worldwide. She advises clients by assessing risks in key markets related to competitor patents and products. Her transactional experience has involved cross-border transfer of technology, worldwide co-development and collaboration alliances.

Ms. Morioka has represented leading multinational companies covering various technologies, including drug biotech products and medical devices.

Stephen M. Schwebel

Stephen M. Schwebel is an American jurist and expert on international law. Presently, he is an independent arbitrator and counsel in Washington, DC and a door tenant of Essex Court Chambers in London. He specializes in disputes between states and foreign investors and has acted as arbitrator in some of the largest of such disputes.

Judge Schwebel received his B.A. from Harvard University in 1950 and his LL.B. from Yale Law School in 1954, and served at various positions in the Office of the Legal Adviser at the US Department of State from 1961 to 1981. He was a member of the United Nations International Law Commission from 1977 to 1980.

Judge Schwebel was first elected to the International Court of Justice in January 1981. He was subsequently re-elected for two consecutive terms, and served as the President of the Court from 1997 to 2000. This period marked the busiest period in the history of the ICJ, with 22 new cases added to the Court's list.

When a young assistant professor at Harvard Law School, Judge Schwebel helped to establish a competition for law students aimed at simulating a courtroom experience and promoting international law. The first round of this competition was held on 8 May 1960, and was later renamed the Philip C. Jessup International Law Moot Court Competition.

2014 FINAL ROUND BENCH

ILSA would like to thank its esteemed panel of Final Round Justices.

Judge Julia Sebutinde

Judge Sebutinde joined the International Court of Justice on 6 February 2012. Prior to joining the Court, she was a judge of the Special Court for Sierra Leone (SCSL) (2005 – 2011) and Presiding Judge of Trial Chamber II of the SCSL (2007, 2008, 2010 – 2011), including handling the *Prosecutor v. Charles Ghankay Taylor* case. She was also a Judge of the High Court of Uganda (1996 – 2011).

Judge Sebutinde has served as Chairperson of committees investigating corruption in the Ugandan Police Force, Mismanagement of the Uganda People's Defense Forces, Corruption in the Uganda Revenue Authority, and Technology Planning in Uganda. She was Legislative Consultant seconded by the Commonwealth Secretariat to the Republic of Namibia responsible for amendment and replacement of the country's apartheid laws and training of Namibian legislative drafters (1991 – 1996) and Principal State Attorney and Principal Parliamentary Counsel for the Uganda Ministry of Justice (1978 – 1990). Judge Sebutinde previously judged the Jessup Championship in 2013.

Judge Dalveer Bhandari

Judge Dalveer Bhandari joined the International Court of Justice on 27 April 2012. Prior to serving on the Court, he was a judge in the higher Indian judiciary for more than 20 years. He served as a senior judge in the Supreme Court of India. He has been an Executive Member of the International Law Association, India Chapter, since 1994. He was unanimously elected as President of the India International Law Foundation in 2007 and continues in that position. He served as a judge in the High Court of Delhi (a premier High Court in India) and then was the Chief Justice of the Bombay High Court, one of the largest and oldest High Courts in India. Dr. Bhandari had a distinguished and successful career as an attorney at law for 23 years before he became a judge in the Indian higher judiciary in 1991.

Professor M. Cherif Bassiouni

M. Cherif Bassiouni is Emeritus Professor of Law at DePaul University, where he has taught since 1964, and President Emeritus of the International Human Rights Law Institute, which he helped found in 1990. He was one of the founders in 1972 of the International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy, and served as its President from 1988. He is the Honorary President of the International Association of Penal Law after having served three terms as President from (1989 to 2004). He was a Guest Scholar at The Woodrow Wilson International Center for Scholars in Washington, DC in 1972, Visiting Professor of Law, New York University Law School in 1971, Fulbright-Hays Professor of International Criminal Law, The University of Freiburg, Germany in 1970, non-resident Professor of Criminal Law at the University of Cairo (1996 to 2006), and is a frequent lecturer at universities in the United States and abroad. Professor Bassiouni previously judged the Jessup Championship in 2004.

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****SPECIAL AGREEMENT****

THE STATE OF AMALEA V. THE REPUBLIC OF RITANIA

THE CASE CONCERNING CERTAIN ACTIVITIES WITHIN THE MALACHI GAP

1. Amalea, a developing, newly industrialized island state, and the Republic of Ritania, a developed, industrialized peninsular state, are separated by the Strait of Malachi, a channel connecting the Dorian Sea (to the North) and the Occitan Ocean (to the South).
2. The Strait of Malachi ranges from 217 nautical miles (at its narrowest) to 386 nautical miles (at its widest). At its deepest point, in an area known as the Amalean Trench, the Strait reaches a depth of over 5,000 meters. Within approximately 100 nautical miles of the coast of Ritania, the Strait also contains several oceanic ridges and plateaus, where the water depth is at places as little as 20 meters. A major international sea lane traverses some of the deeper areas of the Strait of Malachi. A map of the Malachi Gap and its neighboring land masses is attached as Appendix A hereto.
3. The Strait of Malachi itself contains abundant fish and shellfish stocks, and Amalean fishing vessels have historically plied almost every part of the Strait, regularly coming within less than 40 nautical miles of the Ritanian coast. Fish accounts for roughly 40% of the protein content of the Amalean diet. Amalea's fishing industry supplies the domestic market and is also responsible for exports generating more than 5% of the country's USD 45 billion GDP. The industry directly employs over 250,000 people.
4. Ritania, by contrast, has never developed a commercially significant fishing industry and its people do not consume significant quantities of seafood. Ritanian fishing in the Strait of Malachi is limited to sedentary fish species found within five nautical miles of the coastline.
5. In the 1940s, Ritanian geologists discovered significant reserves of petroleum and natural gas beneath the seabed in the Strait of Malachi, though at the time it was not technologically feasible to exploit these deposits.
6. In early 1946, Amalea and Ritania began discussions regarding appropriate control and regulation by each of them of the resources within and beneath the high seas beyond their respective territorial waters. These discussions continued for over a decade, but negotiations stalled over the Strait of Malachi. On 19 September 1956, the President of Ritania issued a proclamation claiming all rights to the natural resources of the subsoil and sea bed of the continental shelf contiguous to the coasts of Ritania. The proclamation also stated that where the continental shelf extends to the shores of another State, the boundary of the shelf is to be determined in accordance with equitable principles.
7. On 29 October 1957, Amalea established bounded conservation zones in those areas of the seas contiguous to its coasts (including large portions of the Strait of Malachi) where fishing activities had been developed and maintained solely by Amalea, and declared that fishing activities in those areas were subject to the regulation and control of Amalea.

2014 COMPROMIS (CONTINUED)

8. In the United Nations General Assembly, both Amalea and Ritania voted in favor of UNGA Resolution No. 1105 (XI) convening the First United Nations Conference on the Law of the Sea. In 1958, both countries signed the four Geneva Conventions on the Law of the Sea, but not the Optional Protocol on the Compulsory Settlement of Disputes. Ritania ratified all four Conventions in February 1961, while Amalea ratified them in September 1962.
9. For the next 11 years, Amalea and Ritania managed their respective interests in the resources within and beneath the Strait of Malachi without further attempts at negotiating bilateral arrangements. Both participated in the Third United Nations Conference on the Law of the Sea from 1973 to 1982.
10. In April 1983, Ritania signed and ratified the 1982 Convention on the Law of the Sea (UNCLOS), and claimed a 200 nautical mile exclusive economic zone (EEZ) the same year. In relevant part, Ritania's declaration stated: "in cases where the maritime boundary with a neighboring state has not been definitively fixed, or where Ritania and another state have asserted potentially conflicting or overlapping claims to EEZs, these matters shall be determined by Ritania and the other state in accordance with international law."
11. Amalea signed UNCLOS in June 1983, but has never ratified it. However, on 13 June 1984, the President of Amalea, by proclamation, asserted his country's claim to a 200 nautical mile EEZ. Among other things, the Proclamation also claimed the right to control energy production, as well as the establishment and use of artificial islands, installations, and structures having economic purposes, within the EEZ. With respect to the Strait of Malachi, the proclamation declared that the boundary between Amalea's and Ritania's exclusive economic zones was to be determined by the two countries in accordance with equitable principles, giving due consideration to Amalea's historical dependence on fishing resources.
12. Amalea was among the first nations in the world to develop and implement sustainable fishing practices. In 1986, its legislature enacted the Coastal Fisheries Protection Act, which stated that it applied, *inter alia*, to the EEZ. The Act established a licensing scheme for all fishing activities, granting authority to the Amalean Environmental Protection Agency to regulate any activities that posed risks to fish stocks.
13. Through a Note Verbale issued four days after the promulgation of the Coastal Fisheries Protection Act, Ritania objected to any potential interpretation of the Act as applying to any part of the Strait of Malachi, on the grounds that the potentially conflicting EEZ claims of the two states had never been resolved.
14. In 1988, a Ritanian exploration vessel discovered the Erebus gas field, a massive natural gas deposit located in deep waters within the Strait of Malachi, approximately 150 nautical miles from the coast of Ritania. By then, advances in oil and gas extraction technology were such that Ritania believed the exploitation of the Erebus field could become commercially feasible within the next decade.

15. Between 1988 and 1992, Amalea and Ritania engaged in extensive negotiations about the demarcation of their EEZ claims in the Strait of Malachi, resulting in a treaty dated 30 March 1992. With respect to an area of approximately 1,200 square nautical miles, known as the Malachi Gap, the parties agreed to apportion their respective rights as set out in the extracts of the Malachi Gap Treaty at Appendix B hereto. The areas previously claimed by each state as its Exclusive Economic Zone outside of the Malachi Gap were stipulated to constitute that state's "uncontested EEZ."
16. The Malachi Gap Treaty was hailed by both sides as an historic achievement, which allowed Amalea to protect vital fisheries resources within the Strait of Malachi while allowing Ritania to develop subsea resources such as the Erebus gas field. Neither the Treaty nor any of its *travaux préparatoires* makes any specific reference to military activity in the area or prescribes or proscribes any specific commercial or environmental activities. The "whereas" clauses of the Treaty do provide, however, that "a key shared objective" of the parties to the Treaty was "to balance, and insofar as possible to promote, the interests of the States Parties in respect of exploration, exploitation, and protection of this maritime area of great importance to them both." Both parties ratified the Malachi Gap Treaty in January 1993.
17. Later in 1993, Amalea amended its Coastal Fisheries Protection Act in two relevant respects: (a) clarifying that, within the Strait of Malachi, the law applied to "waters within Amalea's uncontested exclusive economic zone and waters within the Malachi Gap area over which Amalea has jurisdiction, as set out in the Malachi Gap Treaty of 1992," and (b) requiring environmental impact assessments "for all activities undertaken within the Strait of Malachi which could adversely affect Amalea's sovereign rights under international law."
18. For most of recorded history, the people of Amalea have prized the flesh of the Dorian wrasse (*Labridae doriensis*), a brightly colored marine fish known to breed only in a small area of the Strait of Malachi. The Dorian wrasse is typically consumed on important holidays or feast days, and tradition requires that it be eaten at such major events as coming-of-age ceremonies, weddings, and funerals. While other species of the wrasse family are regularly claimed by experts to be interchangeable with the Dorian wrasse in terms of nutritional and cooking characteristics, many Amaleans insist that the tastes are different. Because of these strong traditions, numerous efforts to import and market substitutes have been unsuccessful. Over the last several decades, the Amalean fishing industry has developed an export market for the fish as well, initially aimed at Amalean expatriates. More recently, preparations of the Dorian wrasse have been featured to great acclaim in Michelin-starred restaurants in Paris, New York, Tokyo, Milan, and Doha. The Amalean Ministry of Trade has reported that domestic and foreign sales of the fish generated some USD 160 million annually by the year 2000. Exporters have regularly projected higher returns over the next decades.
19. The breeding ground of the Dorian wrasse occupies less than 50 square kilometers within the shallow waters of the Sirius Plateau, an area of the continental crust in the Malachi Gap approximately 40 nautical miles from the Ritanian coast and approximately 180 nautical miles from the coast of Amalea (see Appendix A). The Sirius Plateau is geomorphologically and geologically related to the Ritanian landmass, where the waters are on average less than 20 meters deep.

20. In late 2006, at the annual shareholders' meeting of one of her companies, Ritanian billionaire Esmeralda Kali announced her intention to finance the construction of Excelsior Island on the Sirius Plateau. The plans contemplated the creation of a large, donut-shaped artificial island made of oceanic sand and rock dredged from the Malachi Gap area. According to the detailed engineering plans for Excelsior Island, the reclaimed land area itself would be located just outside the Malachi Gap, entirely within Ritania's uncontested EEZ. Kali, through her wholly-owned project company, Excelsior Island Gas & Power Limited (EIGP), planned to use Excelsior Island as a facility for the production of seven million metric tons per annum of liquefied natural gas (LNG) from the Erebus field. The LNG facility would be powered by an 800-megawatt combined wind farm and hydroelectric plant, to be built just off the coast of Excelsior Island, wholly within Ritania's uncontested EEZ. Kali's engineers had concluded that when the wind is strong, excess energy from the wind turbines could be used to pump water from the hollowed center of the island. At times of low wind, the stored water could be released, powering the hydroelectric turbines and ensuring a constant supply of power to the LNG facility. The two billion cubic meters of sand and rock needed for the construction of the island would be dredged entirely from areas located within the Malachi Gap.
21. Upon learning of the proposal to build Excelsior Island, Amalea's Foreign Minister summoned the Ritanian Ambassador, who confirmed that the feasibility of EIGP's plan was currently "under review" by the Ritanian government. During the meeting, the Amalean Foreign Minister made clear that "such a large-scale project cannot be undertaken except with the consent of both Amalea and Ritania, in accordance with the letter and spirit of the Malachi Gap Treaty."
22. The following day, the Ritanian Ambassador responded with a note stating, in relevant part, as follows:

If it is approved by the appropriate Ritanian authorities, Excelsior Island itself (consisting of the reclaimed land, all associated structures, and the offshore wind farm) will be built entirely outside of the Malachi Gap and within Ritania's uncontested exclusive economic zone. Therefore, Amalea's consent for the project is not required. To the extent that any activities relating to the construction of Excelsior Island will take place within the Malachi Gap, Ritania will take appropriate measures to ensure that such activities are carried out in full compliance with Ritanian law, as well as with Ritania's obligations under the Malachi Gap Treaty and any applicable norms of international law.
23. As part of the Ritanian licensing process, EIGP was required to conduct an environmental impact assessment (EIA) for the Excelsior Island project. Under Ritanian law, an EIA for a proposed marine development project is reviewed by Ritania's Department of Resource Management and any other government agency claiming a specific interest. If all reviewing agencies are satisfied with the EIA and other information relating to the project, the

Department of Resource Management issues a license authorizing the developer to proceed. Under these laws, EIA requirements apply to activities “on or in Ritanian territory and any other areas over which Ritanian may exercise sovereign rights in accordance with international law.” In early 2008, EIGP submitted an EIA for the Excelsior Island project. The EIA did not address the potential impacts of the dredging program on the waters of the Malachi Gap, or on fish species living there.

24. Amalea consistently maintained that Ritanian had no right to engage in or to allow dredging within the Malachi Gap, and that even if it did have such a right, Ritanian could not permit such dredging to proceed without at least a full EIA specifically covering all of its potential impacts. Amalea expressed particular concern regarding the fate of the Dorian wrasse, given the proximity of its only known breeding ground to the proposed dredging in the Sirius Plateau. Ritanian maintained that its regulatory processes complied with international law.
25. Shortly after EIGP filed its EIA, the Amalean Environmental Protection Agency published a report prepared by the International League for Sustainable Aquaculture (ILSA), an international non-governmental organization whose members include prominent marine scientists from around the world. The report concluded that any major dredging activity in the Malachi Gap would likely interfere with ongoing research and conservation efforts, and could potentially prove catastrophic for native species and ecosystems. It also suggested that because of the presence of gas hydrates at the foot of the Sirius Plateau, an underwater landslide could threaten particularly grave damage. Amalea’s Foreign Minister forwarded the report to the Ritanian Ambassador and urged her to submit it to the appropriate authorities for consideration in the assessment of the project. The Ambassador responded that neither she nor her superiors were authorized to interfere with the independent regulatory role of the Ritanian Department of Resource Management.
26. Amalea’s Foreign Minister notified Ritanian of Amalea’s intent to seek provisional measures from the International Court of Justice if it could not be resolved through negotiations. Ritanian responded by proposing bilateral negotiations, which began in mid-2008, continued for a year, but reached a stalemate in late July 2009.
27. Having received Ritanian government approval of its EIA and its other project information, and having put in place all of the other logistical pieces needed to commence the project, EIGP was granted a permit to construct Excelsior Island on 1 August 2009. Ms. Kali announced to the international media at a press conference that dredging would begin as soon as the required equipment could be installed at the site. Upon hearing that the project was to go forward despite Amalea’s objections, Amalea sought an order from the International Court of Justice, requiring Ritanian to halt the project. The Court concluded by eight votes to seven that “the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures. The rejection of this request shall not prevent Applicant from making a fresh request based on new facts at a later date.”

28. On 10 December 2009, after three months of dredging without incident, sonar buoys detected a significant underwater landslide. By all accounts, the landslide was the direct result of the dredging, which had caused an over-steepening of the slope in a geologically weak part of the Sirius Plateau. While the landslide did not generate a tsunami, extremely high water turbidity levels persisted for several weeks. It also caused a dissociation of gas hydrates at the foot of the Sirius Plateau, resulting in a higher concentration of several dissolved gases, including carbon dioxide and methane, in shallow waters throughout the Sirius Plateau.
29. Following the landslide, Amalean authorities instituted an emergency monitoring program developed and implemented by ILSA for several species living on the Sirius Plateau within the Malachi Gap, including the Dorian wrasse. Early results of the program, released in February 2010, revealed that the landslide had an immediate and significant negative impact on the known Dorian wrasse population. Amalea's Foreign Minister contacted her counterpart in Ritania to advise him of this development, stating that Amalea would hold Ritania responsible for economic losses caused by harm to the fishing stocks once its precise impact had been determined.
30. The total catch of Dorian wrasse reported by Amalean fishing companies to the Ministry of Fisheries by the end of 2010 and 2011 had fallen to 25% and 15%, respectively, of the levels reported in 2000. By February 2012, ILSA declared the Dorian wrasse to be an endangered species, and recommended that commercial fishing be suspended indefinitely until its population was regenerated. At the same time, ILSA noted that there was doubt among experts in the field whether the number of Dorian wrasse in the Sirius Plateau would return to pre-landslide levels before the end of the century.
31. In January 2010, a Ritanian oil and gas exploration vessel conducting sonar mapping operations in the Malachi Gap to the west of the Amalean Trench discovered the wreck of the schooner *Cargast*, whose captain was Baldric Verdigris, an Amalean explorer and cartographer. The wreck was approximately 80 nautical miles from the nearest point on the Amalean coast.
32. Historians have long agreed that Verdigris died at sea on 10 March 1510, when the *Cargast* – the first of what would become a standard model of Amalean schooners – disappeared in the Strait of Malachi during a storm. At the time the *Cargast* went down, Verdigris held a letter of marque from the King of Amalea, who granted the ship to him for use “to bring glory to the Kingdom of Amalea.” Contemporaneous records indicate that the King provided and the Royal Treasury paid for a battery of 20 24-pounder cannons as well as a complement of lighter weapons, causing one commentator to observe upon the ship's maiden voyage that “she is the most formidable vessel bearing His Majesty's escutcheon yet to ply our seas. Long may she sail in His service!” The crew of the vessel appears to have been recruited, employed, and provisioned by Verdigris using funds provided by private financial backers, who hoped to recover their investment through shares of the foreign treasure they hoped he would bring back to Amalea.
33. Ritanian history books describe Baldric Verdigris as a ruthless Amalean pirate, responsible for the plunder and destruction of the Ritanian capital of Helios during the week of 4 March 1510. On their return to Amalea from what contemporary records said was a very successful

trading mission to recently discovered overseas territories, Verdigris and his crew laid siege to Helios, setting fire to the town, killing hundreds of people, and stealing most of the town's prized religious and cultural icons as well as all of the precious objects that they could carry. Among the objects stolen was the Sacred Helian Coronet, which was placed on the heads of Ritanian monarchs during their coronation ceremonies. It had been kept in the Chapel of Saint Nicolas in Helios. According to legend, the Coronet – reportedly made of gold and precious stones – was a gift from the gods to the first king of Ritania in the fourth century A.D. Over the centuries it has acquired mythical importance in Ritanian iconography, and a stylized image of the Coronet occupies the center of the flag of Ritania to the present day. Historians are unanimous in their assumption that the cargo that went down with the *Cargast*, and that lay somewhere in the depths of the Strait of Malachi, contained not only the Coronet, but a vast array of precious stones, gold and other coinage, and bejeweled artifacts obtained not only during the Sack of Helios but during the trading mission that preceded it.

34. Amalean Prime Minister Beesley responded to the discovery, claiming the *Cargast* and all of the cargo that might be on board as "the property of Amalea, to be held in trust for all humankind." He noted that the wreck "should be protected from those who have no right to it." The President of Ritania immediately responded with "gratitude for our shared understanding that the unique property on board the *Cargast*, sacred to the people of Ritania, must be treated with dignity and respect," but also noting "our feeling of deep offense that Amalea, or any other country, would claim ownership or control of our nation's birthright. As and when appropriate, the contents of the ship should be brought to the surface for careful restoration and preservation, and thereafter treated in a manner consistent with international law."
35. In an interview with Svenska Dagbladet timed to commemorate the 500th anniversary of what has become known as "the Sack of Helios" on 4 March 2010, Ritanian Minister of Cultural Affairs Gloria de Sousa declared that if later investigations revealed the presence of the Sacred Helian Coronet on board the ship, "this would be the realization of a dream of generations of our ancestors, in whose honor the entire population of Ritania will, as one, welcome home this revered symbol of our nation." She noted that the media had in recent days reported the arrival at Amalea's main airport of a number of internationally known divers experienced in recovering treasure lost at sea, and stated that "Ritania will not tolerate the presence of looters – of any nationality – anywhere near the *Cargast*, and we reserve the right to send naval patrol vessels to the area to prevent the desecration of our national heritage." However, no Ritanian ships were sent to the wreck site after that statement was published.
36. In January 2011, the Amalean Cultural Affairs Ministry announced that it had acquired five objects recovered in an exploratory dive to the wreck by Milo Bellezza, a well-known deep sea treasure hunter of Swiss nationality. These included an item that appeared to be the Sacred Helian Coronet. Detailed information provided by Bellezza following his exploratory dive had persuaded Amalea that the hull structure of the *Cargast* was at risk of catastrophic collapse. Amalea, therefore, contracted with Bellezza to explore the wreck and recover items therefrom.

37. The Ritanian government, through its embassy in Amalea, strongly objected to what it called “the systematic looting of the wreck of the *Cargast*,” and announced that it was again considering the deployment of naval vessels to patrol the area. No such ships were in fact observed in the vicinity of the wreck during 2011. Ritanian also demanded that Amalea immediately hand over the items “plundered by the modern-day pirate Milo Bellezza, who proposes to consummate the theft of our national identity begun by his comrade and role-model Baldric Verdegris half a millennium ago.”
38. Amalea’s Cultural Affairs Ministry responded that the wreck and all other items, including the Coronet, were recovered in good faith, and in any event Amalea remains in fact and at law the owner of the wreck of the *Cargast* and its cargo. In June 2011, the Ministry granted Milo Bellezza, “acting as agent for and on behalf of the Republic of Amalea,” the status of “salvor of the wreck of the *Cargast*.”
39. Ritanian President Lipman immediately issued a public statement, denouncing Amalea’s granting of a license to Bellezza as “a violation of the letter and spirit of the Malachi Gap Treaty as well as customary international law.” The license, the President stated, “should be declared null and void, and of no legal effect. On behalf of all Ritanians, we intend to seek the return of the items already in Amalea’s possession, including the Coronet, which are the sacred property of our people.”
40. Shortly after the Ritanian President’s public statement, Ritanian’s Navy began to patrol the area of the wreck (which patrols continue to the date of this Special Agreement). Although there have been no reports of violent confrontations, Amalea has vehemently objected through diplomatic channels to what its Prime Minister called “this unlawful incursion...Ritania has gone beyond the lamentable creeping jurisdiction exercised by some states under the guise of protecting underwater cultural heritage, to full blown unlawful assertion of power beyond its own territory.”
41. On 13 February 2011, at approximately 1500 hours local time, the *Rosehill*, an Amalean-registered cruise ship carrying 556 passengers, 70% of whom were Amaleans, and 215 crew members of various nationalities, departed from Amalea and headed towards Ritanian. Helios was to be the *Rosehill*’s first port of call on its regular 20-day voyage around the region. Because construction of Excelsior Island’s hydroelectric plant was complete and final steps were being taken to develop the wind farm, in response to customers’ requests the *Rosehill*’s owners had obtained permission for the vessel to navigate close to the Island.
42. As the *Rosehill* approached Excelsior Island, the *Daedalus*, a stolen Ritanian-flagged yacht under the control of Oscar de Luz, a Ritanian citizen, carrying a crew of 10 and with an undetermined number of others on board, was speeding towards the Island. The captain of the *Rosehill* saw that his ship was on a collision course with the fast-approaching *Daedalus* and tried to maneuver the *Rosehill* away. He was forced to veer toward the Island and to accelerate in order to avoid what seemed an imminent collision. Despite what later investigations described as the heroic efforts of the captain and crew of the *Rosehill*, the ship struck the Island with significant force. The *Rosehill*’s captain immediately radioed the Amalean authorities about the incident.

43. The impact caused ruptures to three oxy-fuel storage tanks on the island, in turn leading to a series of explosions that killed five of the Ritanian nationals working on Excelsior Island. The explosions also tore large holes in the hull of the *Rosehill* and caused fires that spread through parts of the ship, which began to sink. Before nightfall, 127 passengers and crew of the *Rosehill* had died from the explosions, burns, smoke inhalation, or drowning, and 150 others were injured. 89 of the dead were Amalean nationals.
44. Luz steered the *Daedalus* away from the Island to the northwest. Within minutes of the *Rosehill*'s distress call, the Amalean Coastal Protection Service (ACPS) issued an alert describing the *Rosehill* collision as apparently caused by a yacht that had hurriedly left the scene. The alert noted that the yacht had been seen speeding away bearing west northwest, creating a danger for other vessels.
45. As the *Daedalus* drew within about 23 nautical miles of Amalea's coastline, it was picked up on radar by the *Icarus*, an Amalean Navy Fast Response Cutter, under the command of Captain Walter Haddock. Captain Haddock, who had followed the ACPS alerts, set out at full speed to intercept the *Daedalus*. When the *Icarus* was within visual range, Captain Haddock issued an order over several different radio frequencies commonly used by vessels in the Strait of Malachi, ordering the *Daedalus* to stop.
46. Instead, Luz turned the *Daedalus* and sped due east, towards Ritania. Haddock pursued the *Daedalus*, crossing into Ritania's uncontested EEZ north of the Erebus Gas Field. In an attempt to get the *Icarus* to veer away, Luz suddenly steered the *Daedalus* straight towards the *Icarus*. Captain Haddock kept his vessel on course, expecting that the *Daedalus* would turn at the last moment, but it did not. The ships collided at high speed. The *Icarus* suffered some minor damage, but the *Daedalus* began to sink rapidly. Luz leapt overboard into a dinghy. Captain Haddock's crew captured Luz in the dinghy, where they declared him under arrest, then brought him on board the *Icarus*. The crew and passengers of the *Daedalus* were also taken on board, but it was quickly determined that they had committed no criminal acts, and they were released when the *Icarus* reached port.
47. Since 1995, Amalea's Penal Code has specifically included offenses committed in Amalea's uncontested EEZ and the Malachi Gap. Amalea's Attorney General concluded that under that Code her country's courts had jurisdiction to try Luz for violations of Amalean criminal laws, and he was charged with 127 counts of murder, as well as reckless endangerment, negligent operation of a seagoing vessel, and various property crimes.
48. Ritania immediately filed a formal protest with the Amalean Embassy, claiming that the arrest and prosecution of Luz, a Ritanian citizen, were illegal under international law. Ritania argued that it had exclusive jurisdiction over the alleged offenses, and demanded that Luz immediately be returned to Ritania for investigation into whether there was a basis to prosecute him for the *Rosehill* accident. Ritania also noted that it expected the full cooperation of Amalea, as a signatory to UNCLOS, in resolving the situation regarding Oscar de Luz.

2014 COMPROMIS (CONTINUED)

49. Amalea declined to repatriate Luz, noting that Ritania criminal law did not expressly provide for prosecution of offenses committed outside the country's territorial waters, and therefore Luz might never be required to answer for his crimes. Instead, Amalea put him on trial. Luz was ultimately convicted of nearly all of the charges against him, and his convictions were affirmed by the Court of Criminal Appeals in June 2012, and by Amalea's Supreme Court in January 2013. Luz is currently serving a life sentence in a medium-security prison in Amalea, and will not be eligible for parole until 2032.
50. In February 2013, Amalea's Ministry of Fisheries published a report concluding that projected commercial exploitation of the Dorian wrasse would have amounted to no less than USD 250 million annually over the next five years. Being unable to fish the Dorian wrasse for the foreseeable future, Amalea demanded reparations from Ritania for the loss of this revenue.
51. After several months of unsuccessful negotiations, the parties decided to refer the matter involving the loss of the Dorian wrasse, along with the unresolved disputes involving the *Cargast* and the *Rosehill*, to the International Court of Justice, and for this purpose have agreed to the terms of this Special Agreement. In addition, Amalea has agreed to place all objects removed from the *Cargast*, and any others that might be brought to the surface during the pendency of this case by Milo Bellezza, in escrow held by the Ministry of Culture of the Government of Canada, which takes no position on any of the issues in dispute.
52. Amalea and Ritania are both members of the United Nations since 1945, and each has signed and ratified the Vienna Convention on the Law of Treaties. Both have been members of the International Maritime Organization since 1968, and have ratified the 1989 International Convention on Salvage. Amalea is a party to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage, which Ritania has signed but not ratified. Ritania is also a party to the 1910 Brussels Convention for the Unification of Certain Rules with Respect to Assistance and Salvage at Sea; Amalea is not a party to that Convention. There is no extradition or mutual legal assistance treaty between the two states.
53. Amalea requests the Court to adjudge and declare that:
 - (a) Ritania's acts and omissions with respect to the development of Excelsior Island violated international law, and Amalea is therefore entitled to seek compensation from Ritania for economic losses caused by the landslide.
 - (b) Amalea has exclusive ownership of the wreck of the *Cargast* and all artifacts recovered from it, and Ritania's deployment of patrol vessels to the site of the *Cargast* violated international law.
 - (c) The Amalean Navy's pursuit of Oscar de Luz into Ritania's EEZ, and his subsequent arrest, were in compliance with international law.
 - (d) Amalea had jurisdiction to try and convict Luz for criminal actions related to the *Rosehill* incident, and has no obligation to return him to Ritania.

54. Ritania requests the Court to adjudge and declare that:

- (a) Ritania's conduct with respect to the Excelsior Island project complied in all respects with its obligations under international law and the terms of the Malachi Gap Treaty, and Ritania has no obligation to compensate Amalea for any loss or damage allegedly caused by the 2009 landslide.
- (b) Milo Bellezza's salvage of the *Cargast* is unlawful, and the cargo and artifacts recovered from the wreck properly belong to Ritania, which has the right to protect them.
- (c) The Amalean Navy's pursuit of Oscar de Luz into Ritania's EEZ, and his subsequent arrest, were illegal.
- (d) Amalea was without jurisdiction to try Luz in connection with the *Rosehill* collision, and must return him to Ritania immediately.

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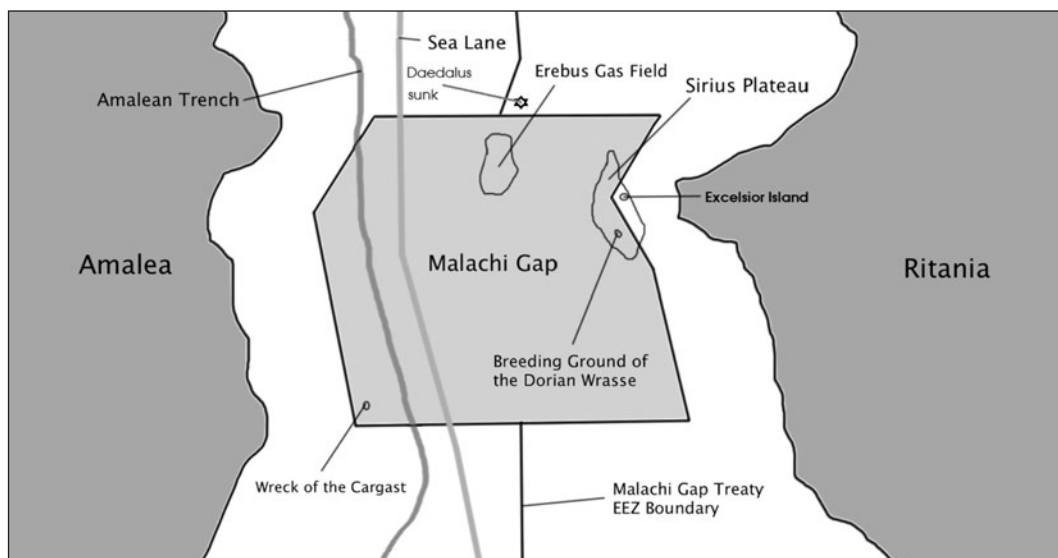
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ANNEX A: MAP



APPENDIX B EXCERPTS FROM THE 30 MARCH 1992 MALACHI GAP TREATY BETWEEN AMALEA AND RITANIA

Article 12

Delineation of jurisdiction. In the area defined by the list of geographic coordinate points set out in the Exhibit to this Treaty (hereafter referred to as “the Malachi Gap”):

- (a) the First Party [Amalea] may explore, exploit, and protect the natural resources of the waters superjacent to the seabed;
- (b) the Second Party [Ritania] may explore, exploit, and protect the natural resources of the seabed and subsoil;
- (c) neither Party shall exercise its rights hereunder in a manner which unduly inhibits the exercise of the rights of the other Party and nothing in this Treaty shall be interpreted to render the Malachi Gap or any portion thereof the sovereign territory of either Party; and
- (d) the Parties shall cooperate with each other in relation to the exercise of their respective rights giving due regard to each Party’s unique interests in the Malachi Gap, including, but not limited to, in the case of Amalea the protection of fisheries, and in the case of Ritania its desire to develop resources lying beneath the water.

CORRECTIONS AND CLARIFICATIONS

The following corrections and clarifications to the Compromis 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 negotiated 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. The first sentence of paragraph 15 inadvertently omitted the fact that the treaty dated 30 March 1992 was duly registered with the Secretary General of the United Nations.
- 2. Paragraph 27 should have noted the date of the cited decision of the International Court of Justice, which was 10 September 2009.
- 3. The second sentence of paragraph 37 is corrected to read, “No such ships were in fact observed in the vicinity of the wreck during early 2011.”
- 4. The correct spelling of the name of the captain of the *Cargast* is Baldric Verdigris.
- 5. Paragraph 54(b) is corrected to read “Amalea’s salvage of the *Cargast* is unlawful, and the cargo and artifacts of Ritanian origin recovered from the wreck properly belong to Ritania, which has the right to protect them.

CLARIFICATIONS

- 1. The Amalean Trench divides Amalea’s continental shelf to the west from Ritania’s continental shelf to the east.
- 2. The Dorian wrasse is a nonmigratory reef fish that lives in shallow waters in and around the area of the Sirius Plateau.

CORRECTIONS AND CLARIFICATIONS (CONTINUED)

3. In 1958 Amalea claimed a 12-mile contiguous zone, as part of a “policy to deter infringement of our customs, fiscal, immigration, and sanitary laws and regulations, and to punish infringements of those rules within our territory and territorial sea.” On 13 June 1984, Amalea’s Prime Minister issued a proclamation extending the contiguous zone to 24 nautical miles.
4. Amalea halted commercial fishing of the Dorian wrasse in March 2012.
5. In paragraph 46 of the Compromis, the *Icarus* returned to port in Amalea.
6. Both EIGP’s permit to dredge in the Malachi Gap (paragraph 27) and Milo Bellezza’s contract to salvage the artifacts from the *Cargast* (paragraph 38) were granted in full compliance with the respective Ritanian and Amalean laws, after consultation with all competent government authorities.
7. Before 10 December 2009, no landslides had ever occurred in the Malachi Gap area.
8. Between June and September 2011 (when the Ritanian Navy’s patrols of the area of the wreck commenced), Milo Bellezza conducted numerous salvage dives at the site of the *Cargast* wreck. Amalean authorities report that he recovered ten cannon of Amalean origin, as well as several crowns or headdresses and a number of smaller jewelry pieces which appeared to have been booty from the sack of Helios, as well as items obtained from Verdigris’s other travels.
9. Of the 127 individuals whose bodies were recovered from the site of the *Rosehill*, according to forensic examinations that both parties to this case accept as reliable, 117 had died on board the ship. The other 10 (all of whom were Amalean) were found drowned and floating in the water a short distance from the vessel.
10. Amalea’s Penal Code defines murder as encompassing both intentional and reckless conduct. In his trial reported in paragraph 49 of the Compromis, Luz was charged with and convicted of: (a) murder, for causing all 127 deaths; (b) property crimes and negligent operation of a seagoing vessel, in relation to the damage to the *Rosehill* and the *Icarus*; and (c) reckless endangerment of the *Rosehill*, the *Icarus*, and the persons on board both those vessels, as well as the various Amalean fishing vessels operating within the Malachi Gap and Amalean waters. All charges were within the scope of Amalea’s Penal Code.
11. In paragraph 42 of the Compromis, the *Rosehill* was within 500 meters of Excelsior Island when her captain first spotted the *Daedalus*.
12. The ACPS alert Captain Haddock received (paragraphs 44 and 45) said, “Ritanian flagged yacht *Daedalus* last seen fleeing Excelsior Island towards Amalea. Yacht is stolen and persons on board are suspected of human trafficking.”

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Sciences Po, Campus Europe – Asie au Havre

Université Catholique de Lille

2014 JESSUP TEAMS (CONTINUED)

Université d'Aix-Marseille

Université de Strasbourg

Universite Pantheon-Assas Paris 2

Université Panthéon-Sorbonne Paris 1

Université Paris 10 Nanterre

GEORGIA

Free University of Tbilisi

Tbilisi State University

GERMANY

Albert-Ludwigs-Universität Freiburg

Bucerius Law School

Christian-Albrechts-Universität zu Kiel

Eberhard Karls Universität Tübingen

Freie Universität Berlin

Friedrich Schiller-Universität Jena

Friedrich-Alexander-Universität Erlangen-Nürnberg

Georg-August-Universität Göttinger

Heinrich-Heine Universität Düsseldorf

Humboldt-Universität zu Berlin

Johannes Gutenberg-Universität Mainz

Ludwig-Maximilians-Universität München

Ruhr-Universität Bochum

Ruprecht-Karl-Universität Heidelberg-

Trier Universität

Universität Bonn

Universität Hamburg

Universität Passau

Westfälische Wilhelms-Universität Münster

GREECE

Aristotle University of Thessaloniki

National and Kapodistrian University of Athens

Panteion University

GUATEMALA

Universidad Francisco Marroquín*

Universidad Rafael Landívar

HONG KONG CHINA

Chinese University of Hong Kong

City University of Hong Kong

University of Hong Kong

HUNGARY

Eötvös Loránd University

ICELAND

University of Iceland

INDIA

Amity Law School

Christ University

CMR Law School

Dr. Ambedkar Government Law College, Chennai

Dr. Ram Manohar Lohiya National Law University

Government Law College, Ernakulam

Government Law College, Mumbai

Gujarat National Law University

Hidayatullah National Law University

ILS Law College

Institute of Law – Nirma University

Jaipur National University – Seedling School of Law and Governance

Jamia Millia Islamia

Jindal Global Law School

Kalinga Insitute of Industrial Technology (KIIT)

Kerala Law Academy

NALSAR University of Law, Hyderabad

National Law Institute University, Bhopal

National Law School of India University

National Law University, Orissa

National Law University, Delhi

National Law University, Jodhpur

National University of Advanced Legal Studies

Rajiv Gandhi National University of Law

SVKM's Pravin Gandhi College of Law

Symbiosis Law School, Noida

Symbiosis Law School, Pune

The West Bengal National University of Juridical Sciences

University Institute of Law & Management Studies – Gurgaon

University of Petroleum and Energy Studies

INDONESIA

Airlangga University

Atma Jaya Catholic University

Brawijaya University

Gadjah Mada University

Hasanuddin University

Tarumanagara University

Trisakti University

Universitas Indonesia

Universitas Islam Indonesia

Universitas Katolik Parahyangan

Universitas Kristen Maranatha

Universitas Pelita Harapan

Universitas Sam Ratulangi

Universitas Sumatera Utara

Universitas Udayana*

University of Padjadjaran

University of Surabaya

IRAN

Allameh Tabatabaei University*

Shahid Beheshti University

University of Tehran

IRAQ

Al-Anbar Law School

Iraqia University

Islamic University College

Koya University

Salahaddin University

University of Baghdad

University of Duhok College of Law and Politics

University of Karbala

University of Kufa

University of Sulaimani

University of Thi Qar

University of Wasit

IRELAND

Honorable Society of King's Inns

Law Society of Ireland

University College Dublin

ISRAEL

College of Management

Hebrew University of Jerusalem

ITALY

Seconda Università degli Studi di Napoli

Università degli Studi Roma Tre

Università di Torino

Università L.U.I.S.S.

JAMAICA

Norman Manley Law School

University of Technology, Jamaica

2014 JESSUP TEAMS (CONTINUED)

JAPAN

Kyoto University

Nagoya University

Osaka University

Seinan Gakuin University

Sophia University

Toyo University

Waseda University

KAZAKHSTAN

Kazakh Humanitarian Law University

KENYA

Kenya School of Law

Kenyatta University School of Law (KUSOL)

KOSOVO

University of Prishtina

KUWAIT

Kuwait International Law School

LATVIA

Riga Graduate School of Law

LESOTHO

National University of Lesotho

LITHUANIA

Mykolas Romeris University

Vytautas Magnus University

LUXEMBOURG

Université de Luxembourg

MACAU

University of Macau

MALAYSIA

Advance Tertiary College (ATC)

Ahmad Ibrahim Kuliyah of Laws, International Islamic University

College of Law, Government and International Studies, Universiti Utara Malaysia

Universiti Kebangsaan Malaysia

Universiti Sains Islam Malaysia

Universiti Teknologi MARA

University of Malaya

University of Sultan Zainal Abidin

MEXICO

Centro de Investigación y Docencia Económicas, A.C.

Instituto Tecnológico de Monterrey
Campus Chihuahua

Universidad Nacional Autónoma de México (UNAM)

Universidad Panamericana

Universidad Panamericana Campus Bonaterra

NEPAL

Kathmandu School of Law

Tribhuvan University*

NETHERLANDS

Maastricht University

Universiteit Leiden

Universiteit Utrecht

Universiteit van Amsterdam

NEW ZEALAND

Auckland University

NIGERIA

University of Benin

PALESTINE

Al-Quds University

An-Najah National University*

Arab American University Jenin

Birzeit University

Hebron University

Palestine Ahliya University College

PANAMA

Universidad Católica Santa María La Antigua

PERU

Pontificia Universidad Católica del Perú

PHILIPPINES

Ateneo de Manila University

Lyceum of the Philippines University- College of Law

Saint Louis University

San Beda College of Law

University of Cebu – Banilad

University of San Carlos

University of San Jose – Recoletos

University of the Philippines

POLAND

Jagiellonian University – Cracow

John Paul II Catholic University of Lublin

University of Łódź

University of Silesia

University of Warsaw

University of Wrocław (Uniwersytet Wrocławski)

PORTUGAL

Universidade de Lisboa*

Universidade Nova de Lisboa

PUERTO RICO

Universidad de Puerto Rico, San Juan

ROMANIA

University of Bucharest

RUSSIA

All-Russian Academy for Foreign Trade

Astrakhan State University

Bashkir State University

Immanuel Kant State University of Russia

Interregional Open Social Institute

Kazan Federal University

Kursk State University

Mari State University

Mordovian State University

Moscow State Law Academy

Moscow State Law Academy in Kirov

Moscow State Linguistic University

Moscow State Technical University named after N.E. Bauman

Moscow State University named after M.V. Lomonosov

Moscow State University of Economics Statistics and Informatics

Moscow State University of International Relations

Nizhniy Novgorod State University

North Ossetian State University named after K.L. Khetagurov

Northwest (Saint-Petersburg) Branch of Russian Law Academy of Ministry of Justice of Russian Federation

Novosibirsk State University

Omsk State University named after F.M. Dostoevsky

Orenburg Institute of the Moscow State Academy of Law

Peoples' Friendship University of Russia

Perm State University

Pyatigorsk State Linguistic University

Russian Academy of Justice

Russian Academy of Justice – Kazan Branch

Russian Academy of Law Under the Ministry of Justice

2014 JESSUP TEAMS (CONTINUED)

Saint-Petersburg State University

Saratov State Academy of Law

Severo-Kavkazsky Social Institute

Siberian Federal University

South Ural State University

State University Higher School of Economics

State University Higher School of Economics –
Saint Petersburg Branch

Tomsk State University

Udmurt State University

Urals State Law Academy

Vologda Institute of the Moscow State
Academy of Law

Yaroslav-the-Wise Novgorod State University

SERBIA

University of Novi Sad

SINGAPORE

National University of Singapore

**Singapore Management University
School of Law**

SLOVAKIA

Comenius University*

Pan-European University in Bratislava

SLOVENIA

University of Ljubljana

SOUTH AFRICA

Nelson Mandela Metropolitan University

UNISA

University of Cape Town

University of Pretoria

University of the Western Cape

SOUTH KOREA

Ewha Womans University

Seoul National University

Yonsei University

SPAIN

ESADE – Universidad Ramon Llull

Universidad Autonoma de Madrid

Universidad Carlos III de Madrid

Universidad de Navarra

Universidad Rey Juan Carlos

Universitat Autònoma de Barcelona

SRI LANKA

Sri Lanka Law College

University of Colombo

TANZANIA

St. Augustine University of Tanzania

University of Dar es Salaam

THAILAND

Chulalongkorn University

Kasetsart University

Thammasat University – Rangsit campus

TRINIDAD AND TOBAGO

University of the West Indies, St. Augustine

TURKEY

Bahçeşehir Üniversitesi

Galatasaray University

Kadir Has University

Koc University

T.C. Maltepe Üniversitesi

TOBB University

Yeditepe University

UGANDA

Law Development Centre

Uganda Christian University

UKRAINE

Donetsk National University

Ivan Franko National University of Lviv,
School of Law

Kiev University of Law

Taras Shevchenko National University of Kyiv (International Relations)

Taras Shevchenko National University of Kyiv*

National University Law Academy of Ukraine
named after Yaroslav the Wise

National University of Kyiv-Mohyla Academy

National University of Ostroh Academy

National University of Odesa Law Academy

UN CHARTER SCHOOLS

University for Peace

UNITED ARAB EMIRATES

American University of Sharjah

University of Sharjah

UNITED KINGDOM

BPP Law School

Honourable Society of the Inner Temple

Honourable Society of the Middle Temple

King's College, London

London School of Economics

University College London

University of Aberdeen

University of Cambridge

University of Durham

University of Exeter

University of Leeds

University of Notre Dame – London Program

University of Oxford

University of Stirling

University of Surrey

University of Warwick

UNITED STATES

Albany Law School

American University

Arizona State University

Arizona Summit Law School

Boston College

Boston University

Brigham Young University

Brooklyn Law School

California Western School of Law

Case Western Reserve University

Chicago-Kent College of Law

Columbia Law School

Cornell University

Creighton University

DePaul University

Drexel University

Emory University

Florida A&M University

Florida Coastal School of Law

Florida State University

Fordham University

George Mason University School of Law

George Washington University

Georgetown University

Georgia State University

Gonzaga University

2014 JESSUP TEAMS (CONTINUED)

Harvard University

Howard University

Indiana University – Bloomington

Indiana University – Indianapolis

John Marshall Law School, Chicago

Johns Hopkins School of Advanced
International Studies

Lewis & Clark Law School

Louisiana State University

Loyola University – Chicago

Loyola University – Los Angeles

Loyola University – New Orleans

Marquette University

Mercer University

Michigan State University College of Law

New England School of Law

New York University School of Law

Northeastern University

Northern Illinois University

Northwestern University

Nova Southeastern University

Ohio Northern University

Oklahoma City University

Pace University

Pennsylvania State University

Rutgers University – Camden

Rutgers University – Newark

Santa Clara University

Seton Hall University School of Law

South Texas College of Law

Southern Methodist University

St. John's University

St. Louis University

St. Mary's University

Stanford University

Stetson University

Suffolk University

Syracuse University

Temple University

Texas Tech University

Thomas Jefferson School of Law

Thomas M. Cooley Law School

Touro College

Tulane University

University at Buffalo

University of Alabama

University of Arizona

University of Arkansas – Fayetteville

University of Baltimore

University of California – Berkeley

University of California – Davis

University of California – Hastings

University of California – Irvine

University of California – Los Angeles

University of Chicago

University of Colorado

University of Connecticut

University of Denver

University of Florida

University of Georgia

University of Hawaii

University of Houston

University of Illinois
University of Iowa
University of Kansas
University of Maryland
University of Massachusetts School
of Law – Dartmouth
University of Miami
University of Michigan
University of Minnesota
University of Missouri – Kansas City
University of Montana
University of North Carolina
University of Pennsylvania
University of Pittsburgh
University of San Diego
University of San Francisco
University of Southern California
University of St. Thomas
University of Tennessee
University of the Pacific, McGeorge
School of Law
University of Toledo
University of Utah

University of Virginia

University of Washington
University of Wisconsin
University of Wyoming
Valparaiso University
Vanderbilt University
Wake Forest University
Washburn University
Washington & Lee University

Washington University in St. Louis

Wayne State University

West Virginia University

Western New England University

Whittier College

Widener University – Harrisburg

Widener University – Wilmington

William Mitchell College of Law

ZIMBABWE

University of Zimbabwe



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VERY SPECIAL THANKS

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We would also like to thank ILSA's Global Partner, 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 thanks to IBA Members who have supported the competition through their donations of time as Team coaches, advisors, and judges.

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