



JESSUP  
2015

**WE WILL  
PREVAIL  
THEY CAN'T  
DENY US**

**The Case Concerning East Agnostica**

**White & Case International Rounds  
5 – 11 April 2015, Washington, DC**



# WELCOME

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Welcome to the 2015 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 'Hugh Verrier', with a stylized, cursive script.

Hugh Verrier  
Chairman  
White & Case LLP

**“The invaluable skills and network I gained  
at Fletcher serve as a lifelong toolset to  
support my career.”**

**–Mariana Benitez Tiburcio, LLM '12**  
Deputy Attorney-General for Legal and  
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**Proud Sponsor of the Jessup International Law Moot Court Competition**  
**Final Round Discussion with the Compromis Authors**  
April 11, 2015 - Teams submit your questions for the authors to: [JessupRevealed@gmail.com](mailto:JessupRevealed@gmail.com)

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# SCHEDULE OF EVENTS

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## Sunday, April 5

\* All events will take place in the Hyatt Regency unless otherwise indicated.

**10:00 a.m. to 2:00 p.m.**

### **Team Registration**

(Columbia Foyer, Ballroom Level)

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.

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**10:00 a.m. to 2:00 p.m.**

### **Orientation Fair**

(Columbia Foyer/Regency Foyer, Ballroom Level)

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.

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**2:00 p.m.**

### **Team Orientation**

(Regency Ballroom, Ballroom Level)

All Team members must attend the Team Orientation.

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**4:00 p.m.**

### **Orientation for Exhibition Teams, Observation Teams, and Bailiffs**

(Regency A, Ballroom Level)

Mandatory meeting for all Exhibition Teams. Instructions and schedules will be provided for all bailiffs, including Exhibition Teams.

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**6:00 p.m.**

### **Distribution of Preliminary Round Schedule and Opponent Memorials**

(Outside Congressional A, Lobby Level)

Competing and Exhibition 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 and schedules will not be distributed prior to 6:00 p.m.

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**7:30 p.m.**

### **Judge Orientation and Reception**

(Capitol Room, Lobby Level)

Judges only permitted. Expert and experienced Jessup judges will review the 2015 Jessup problem and present judging tips.

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## Monday, April 6

**7:30 a.m. to 9:00 a.m.**

**Coffee Break sponsored by the University of Arizona  
James E. Rogers College of Law**

(Student Lounge/Columbia A, Ballroom Level)

Arizona Law invites you to join us for a cup of coffee before starting the competition.

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**9:00 a.m. to 9:00 p.m.**

**Preliminary Rounds—Day One**

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:**

Bryce, Capitol Suite 388, Capitol Suite 488, Capitol Suite 588, Congressional C, Congressional D, Everglades, Glacier, Grand Canyon, Grand Teton, Olympic, Redwood, Sequoia, Thornton Room A, Thornton Room B, Thornton Room C, Yellowstone, Yosemite

**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

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**8:00 p.m. to 10:00 p.m.**

**White & Case Friends of the Jessup Reception**

(Capitol Room, Lobby Level)

Judges, National Administrators, Coaches, and Team Advisors are invited to a reception in recognition and appreciation of their contributions to the 2015 Jessup Competition and the advancement of international legal education.

# SCHEDULE OF EVENTS (CONTINUED)

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## Tuesday, April 7

**9:00 a.m. to 9:00 p.m.**

**Preliminary Rounds—Day Two**

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:**

Bryce, Capitol Suite 388, Capitol Suite 488, Capitol Suite 588, Congressional C, Congressional D, Everglades, Glacier, Grand Canyon, Grand Teton, Olympic, Redwood, Sequoia, Thornton Room A, Thornton Room B, Thornton Room C, Yellowstone, Yosemite

**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



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## Wednesday, April 8

**9:00 a.m. to 9:00 p.m.**

**Preliminary Rounds—Day Three**

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:**

Bryce, Capitol Suite 388, Capitol Suite 488, Capitol Suite 588, Congressional C, Congressional D, Everglades, Glacier, Grand Canyon, Grand Teton, Olympic, Redwood, Sequoia, Thornton Room A, Thornton Room B, Thornton Room C, Yellowstone, Yosemite

**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

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**8:00 p.m.**

**Announcement Party**

(UltraBar, 911 F Street NW, Washington, DC)

All participants are invited to find out which Teams will advance past the Preliminary Rounds and socialize with fellow participants, coaches, advisors, and judges. For Jessup Teams, Team advisors, judges, volunteers, ILSA Members and all others. Casual attire.

**Advanced Rounds Memorial Exchange/Coin Toss**

(Congressional C/D, Lobby Level)

All advancing Teams should return for the Memorial Exchange following the announcement of advancing teams.

# SCHEDULE OF EVENTS (CONTINUED)

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## Thursday, April 9

9:00 a.m. to 10:30 a.m.

**ILSA Spring Panel at ASIL—Shifting Sands:  
Democratic Transformations in the Middle East**

(Columbia C, Ballroom Level)

In the rapidly changing political landscape of the Middle East, unexpected and unprecedented events often challenge existing systems of democratic governance. The rise of ISIS/ISIL, political uncertainty in Egypt, and other recent developments have stimulated debate about the role of the international community in the region. This panel will consider whether international intervention is necessary in the Middle East, and if so, what options should be considered. Panelists will also offer advice to students and young professionals on how they can engage in this dynamic area of international law.

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9:00 a.m. to 11:00 a.m.

**Jessup Run-Off Rounds 1**

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:**

Bryce, Congressional CD, Everglades, Thornton Room A,  
Thornton Room B, Thornton Room C, Yellowstone, Yosemite

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11:30 a.m. to 1:30 p.m.

**Jessup Run-Off Rounds 2**

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:**

Bryce, Congressional CD, Everglades, Thornton Room A,  
Thornton Room B, Thornton Room C, Yellowstone, Yosemite

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<b>2:00 p.m.</b>	<b>Memorial Exchange/Coin Toss for Octo-Final Teams</b> (Congressional CD) Teams advancing to the Octo-Final Rounds should meet for the coin toss and Memorial Exchange.
<b>3:00 p.m. to 4:00 p.m.</b>	<b>ILSA Spring Congress</b> (Columbia A, Ballroom Level) 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 2015–16 ILSA Student Officers.
<b>4:00 p.m. to 6:00 p.m.</b>	<b>Octo-Final Rounds</b> 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.  <b>Courtrooms:</b> Bryce, Congressional CD, Everglades, Thornton Room A, Thornton Room B, Thornton Room C, Yellowstone, Yosemite
<b>9:00 p.m.</b>	<b>Go-National Dress Ball</b> (Regency Ballroom, Ballroom Level) All are invited to attend and 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.

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# SCHEDULE OF EVENTS (CONTINUED)

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## Friday, April 10

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

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:**

Capitol Room A, Capitol Room B, Regency D, Thornton Rooms

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

(Columbia A/B, Ballroom Level)

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.

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

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:**

Capitol Rooms, Regency D

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**6:00 p.m. to 8:00 p.m.**

**Private Screening of *All Rise***

(The Lincoln Theater 1215 U Street, NW, Washington, DC 20009)

All are invited to attend this private preview of the feature-length documentary film *All Rise*. Filmed during the 2014 Jessup season, *All Rise* follows the journeys of seven passionate law students as they prepare for and compete in the world's largest international law moot court competition.

This is a fundraising event for ILSA. You must have a ticket to enter. Students and coaches of participating teams will be provided free tickets which must be picked up at the *All Rise* table located on the lobby level of the Hyatt Regency throughout the week. All others may purchase tickets for US\$50 at the *All Rise* table or on the donation page on the ILSA website ([www.ilsa.org/donate](http://www.ilsa.org/donate)). Tickets will not be sold at the theater.

Shuttles will depart from the Hyatt Regency starting at 4:30 p.m. Return shuttle service will also be available following the screening. Lincoln Theater is also metro-accessible (U Street-Cardozo Metro Station, Yellow/Green Lines).

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**10:00 p.m. to midnight**

**ASIL-ILSA Dessert and Dance Party**

(Regency Ballroom, Ballroom Level)

All are invited to attend. Join fellow competitors and attendees of the ASIL Annual Meeting for a fun night of dancing with a live band and professional DJ.

# SCHEDULE OF EVENTS (CONTINUED)

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## Saturday, April 11

**11:00 a.m. – 12:00 p.m. 2015 Discussion with the Compromis Authors, sponsored by the Fletcher School**

(Regency B/C/D, Ballroom Level)

The Authors of the 2015 Compromis will preside over an open panel discussion for Teams to ask questions about the inspiration for and legal issues in the 2015 Compromis. Coffee, tea and light brunch will be provided.

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**2:00 p.m.**

**White & Case Jessup World Championship Round**

(Regency Ballroom, Ballroom Level)

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 Ambassador David O'Sullivan, Ambassador of the European Union to the United States, before the White & Case Jessup Cup is presented to the winning team.

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**9:00 p.m.**

**Final Gala and Announcement of Awards Presented by the IBA**

(Regency Ballroom, Ballroom Level)

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

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**12:00 a.m.**

**Jessup Midnight Moot**

(Columbia A, Ballroom Level)

You be the judge! Come to our annual Jessup reverse moot and face your judges one last time—except this time you're the bench and the judges are your agents for Agnostica and Reverentia. Come celebrate the end of the Jessup by seeing if your judges can withstand your withering questions. Questions may be submitted in advance to [reversemoot@ilsa.org](mailto:reversemoot@ilsa.org)

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## Sunday, April 12

**9:00 a.m. – 11:00 a.m. Distribution of Team Packets**

(Congressional C/D, Lobby Level)

Team packets containing the Teams' oral round and memorial scoresheets 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.

# ABOUT THE JESSUP COMPETITION

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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.

This year’s Jessup Competition has engaged students from approximately 600 schools in more than 90 jurisdictions around the world, 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 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 56th 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

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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. Judge 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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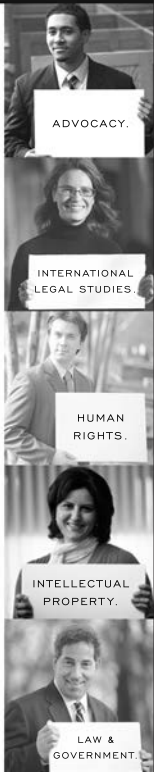


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# ABOUT ILSA

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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 Washington, DC, 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 and oversees 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, one to LL.M. programs, and one to the Jessup Competition.

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**ILSA EXECUTIVE STAFF**

Lesley A. Benn, *Executive Director*  
Tessa Walker, *ILSA Programs Director*  
Tariq Mohideen, *Jessup Competition Director*  
Jason Czerwiec, *2015 Bailiff and Exhibition  
Team Coordinator*

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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.

## CHAIRMAN

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**Rebecca Cook**, Professor, University of Toronto

**Juan Méndez**, Special Rapporteur on Torture, UN  
**Claudio Grossman**, Chair, Committee Against Torture, UN  
**Elizabeth Ferris**, Director, Brookings-LSE Project on Internal Displacement

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# ILSA AND JESSUP AWARDS

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## **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.



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**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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# BIOGRAPHY OF THE FINAL ROUND SPEAKER

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## **Ambassador David O'Sullivan**

David O'Sullivan recently assumed the position of Ambassador of the European Union to the United States in Washington, DC.

From October 2011 to October 2014, Ambassador O'Sullivan held the position of Chief Operating Officer of the European External Action Service. The EEAS supports the High Representative/Vice President of the Commission in fulfilling the mandate to ensure the consistency of the Union's external action. The EEAS also assists the President of the European Council and the President of the European Commission in the area of external relations.

Ambassador O'Sullivan was Director General for Trade from 2005 to 2010. Previously he was Secretary General of the European Commission from June 2000 to November 2005, Head of Cabinet of Commission President Romano Prodi and Director General for Education and Training. He started his career in the Irish Foreign Ministry and spent four years in the Commission Delegation in Tokyo. He also has extensive experience in EU social and employment policy. Ambassador O'Sullivan has a background in economics, graduating from Trinity College, Dublin and having completed post-graduate studies at the College of Europe, Bruges. He holds an Honorary Doctorate from the Dublin Institute of Technology. He is also a Member of the Consultative Board of the Institute for International Integration Studies at Trinity College, Dublin. He is a visiting Professor at the European College of Parma and was awarded Alumnus of the Year 2013 by the College of Europe, Bruges. In June 2014, Ambassador O'Sullivan was awarded the EU Transatlantic Business Award by the American Chamber of Commerce. He also received an Honorary Doctorate from his alma mater, Trinity College, Dublin, in December 2014.

# 2015 FINAL ROUND BENCH

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## **Judge Joan Donoghue**

Joan Donoghue has served as a judge on the International Court of Justice since 2010. Prior to her election to the ICJ, Judge Donoghue had a long and distinguished career in the US Government, serving from 2007 to 2010 as the Principal Deputy Legal Adviser of the US Department of State (the senior career attorney). In addition to her government service, Judge Donoghue has taught courses at the University of California, Berkeley, Georgetown University and George Washington University. She also has lectured on investment law in the United Nations regional training course in Addis Ababa, Ethiopia. Judge Donoghue is a member of the Executive Council of the American Society of International Law and is Counselor for the American Law Institute's Fourth Restatement of the Foreign Relations Law of the United States.

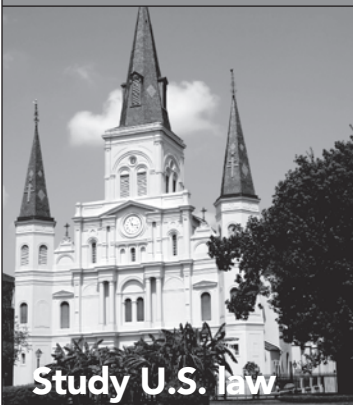
## **Sir Kenneth Keith**

Sir Kenneth Keith was a Judge at the International Court of Justice from 2006 – 2015. A barrister and solicitor of the High Court of New Zealand, he was a law faculty member, Victoria University of Wellington (1962-1964, 1966-1991); Dean (1977-1981), now Professor Emeritus; also Visiting Professor at Osgoode Hall Law School, Toronto (1981-1982), a member of the Legal Division, New Zealand Department of External Affairs (1960-1962); member of the Office of Legal Affairs (Codification Division) of the United Nations (1968-1970) primarily undertaking research for the International Law Commission and working with the Sixth Committee of the General Assembly, including the Committee on Friendly Relations and was a member of the New Zealand Law Commission (1986-1996, President 1991-1996). Sir Kenneth was a judge of the New Zealand Court of Appeal (1996-2003), and of the Supreme Court of New Zealand (2004-2006); at various times Judge of Appeal in Samoa, the Cook Islands, Niue and Fiji; member of the Judicial Committee of the Privy Council, London. He has published extensively on international law.

## **Harold Hongju Koh**

Harold Hongju Koh is Sterling Professor of International Law at Yale Law School, where he has taught since 1985. He served as Legal Adviser of the US State Department from 2009 – 13; Dean of Yale Law School from 2004 – 09, and U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, from 1998 – 2001. A graduate of Harvard, Oxford (Marshall Scholar, M.A. PPE Magdalen College), and Harvard Law School (Developments Editor, Harvard Law School), and the recipient of fifteen honorary degrees, he served as law clerk to Judge Malcolm Wilkey of the DC Circuit and Justice Harry Blackmun of the U.S. Supreme Court, and worked in private practice in Washington, DC and the US Department of Justice.

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**THE FEDERAL REPUBLIC OF AGNOSTICA v. THE STATE OF REVERENTIA  
THE CASE CONCERNING THE SECESSION AND ANNEXATION OF EAST AGNOSTICA**

1. Located in the Southern Hemisphere, the Thanatosian Plains is a landlocked region which has since time immemorial been home to two ethnic groups, the Reverentians and the Agnosticans. In the eighteenth century, the Kingdom of Credera, a European power, conquered the Thanatosian Plains and incorporated the region into its global empire as two separately-administered colonies, Reverentia and Agnostica. The Crederan authorities demarcated the two territories based upon their observations of linguistic, cultural, and religious differences between their respective inhabitants.
2. The colony of Reverentia was located in the eastern half of the Thanatosian Plains. Reverentia functioned as a manufacturing and urban trading centre owing to its proximity to several other Crederan colonies.
3. The colony of Agnostica was located in the western half of the Thanatosian Plains, bordered on the east by Reverentia and on all other sides by the Tuklu Range, which includes over 25 mountains exceeding 7,000 meters in elevation. Because Agnostica enjoyed fertile land and abundant mineral resources, Credera administered it as a source of raw materials, usually exporting these products into Reverentia for refining, processing, and onward sale.
4. While Reverentia remained ethnically homogeneous throughout the colonial era, a large number of ethnic Reverentians migrated to Agnostica to take advantage of economic opportunities presented by commerce across the shared border. Nearly all of them settled in eastern Agnostica. According to a 1919 Crederan census, approximately 70 percent of the permanent population of Agnostica was ethnic Agnostican, while 30 percent was ethnic Reverentian.
5. In 1925, Credera granted independence to all of its colonies worldwide. The Federal Republic of Agnostica (Applicant) and the State of Reverentia (Respondent) were established on 1 August 1925 according to the colonial boundaries established by Credera. In the years following independence, Reverentia pursued a policy of rapid industrialization, while Agnostica focused its economic development on the harvest, extraction, and exportation of its abundant natural resources.
6. At the time of independence and for approximately 30 years thereafter, the Reverentian government made attempts to encourage ethnic Reverentians in Agnostica (popularly known in both countries as "Agnorevs") to return. According to contemporary reports, however, over 85% of Agnorevs resident in Agnostica elected to remain there, participating actively in the politics and economy of the federal Agnostican state.
7. A 1955 Agnostican Economic Ministry study showed that the average Agnorev household in Agnostica earned 157% of the income of the average ethnic Agnostican family in the same area. The per capita GNP of eastern Agnostica was nearly identical to that of Reverentia.



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8. Reverentia was established as a unitary state. Agnostica's federal constitution created two provinces: East Agnostica, home to nearly all of the Agnorevs, and West Agnostica, populated almost entirely by ethnic Agnosticans. Under Agnostica's constitution, control over cultural affairs and education was devolved to the provinces, while all other matters were left to the federal government. The constitution, which remains in effect and unamended in any relevant respect to this day, empowers the federal parliament, by a three-quarters vote, to dissolve the union and create two independent states.
  9. Within the territory of East Agnostica are the only areas in the world that contain deposits of Marthite, a naturally-occurring mineral salt which was known to possess mildly restorative properties. Marthite has always been a core ingredient in Reverentian traditional medicine but is virtually unknown outside the Thanatosian Plains.
  10. On 14 April 1938, Agnostica and Reverentia concluded a bilateral treaty, "the Marthite Convention," which was subsequently ratified by both parties. Excerpted provisions of the Marthite Convention are annexed to this Special Agreement.
  11. Until 2011, the Marthite Convention arrangement continued without controversy. The facilities in East Agnostica produced between 200 and 250 tonnes of Marthite per year, and the Reverentian Marthite Trust (RMT) sold the entire output to traditional medicine practitioners in Reverentia and East Agnostica. As the traditions that included the use of Marthite were limited to the region, there was virtually no demand for the mineral outside of Reverentia and East Agnostica, apart from souvenir collectors and small diaspora communities of ethnic Reverentians in Europe and North America.
  12. In late 2011, a team of scientists from the Institut Luxembourgeois des Sciences Appliquées (ILSA), in a peer-reviewed article published in the journal *Nature*, reported that high doses of Marthite were over 90% effective in treating a broad range of previously untreatable infant and early-childhood autoimmune disorders, some of which afflicted tens of thousands of children worldwide.
  13. Major international pharmaceutical companies immediately began contacting RMT seeking access to Marthite. Within weeks of the publication of the article, RMT shifted its focus to the international market, selling some 75% of the total quantity of mined Marthite to pharmaceutical companies for as much as ten times its maximum permitted sale price under the Marthite Convention. The Reverentian press noted that this new arrangement was causing serious concerns among traditional users that shortages and price increases were inevitable.
  14. On 1 February 2012, Agnostican Prime Minister Maxine Moritz contacted the President of Reverentia, Antonis Nuallus, proposing to terminate the Marthite Convention by mutual consent. She pointed to what she called the "fundamental change in the science underlying the treaty," and offered to reimburse Reverentia the costs of constructing and staffing the mining facilities, plus an additional sum derived from a formula "designed to compensate Reverentia for any loss of its supply of Marthite during the remaining term of the Convention." She added, "We entered this treaty out of respect for traditional Reverentian medicine and its users. We certainly did not intend for the Reverentian Government to make windfall profits by marketing Agnostica's natural resources to the highest bidder."
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# 2015 COMPROMIS (CONTINUED)

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15. President Nuvallus replied on 21 February 2012. He wrote, "RMT assures me that the supply of Marthite is more than adequate to satisfy local demand." Noting that the Treaty imposed no restrictions on what RMT was permitted to do with excess Marthite, he concluded, "The Convention is still in effect, and Agnostica has given us no reason to believe otherwise. We see no reason to end a Convention that has served our people so well. Moreover, we reject the premise of Agnostica's proposal: it is Agnostica's economic interests that have changed, not the properties of Marthite."
  16. On 2 April 2012, Prime Minister Moritz announced, "In light of the newly discovered medical uses of Marthite, and in light of Reverentia's refusal to accept a mutually-beneficial settlement, Agnostica today declares the 1938 Marthite Convention to be terminated and without further effect." The Prime Minister also disclosed that Agnostica had agreed, once it was no longer subject to the Convention, to lease all rights to the existing East Agnostican Marthite facilities to Baxter Enterprises, Ltd. ("Baxter"), a multinational trading company incorporated in the Cayman Islands, for an undisclosed sum. On the following day, Agnostica announced that the lease with Baxter had entered into force.
  17. President Nuvallus categorically rejected Agnostica's position, and ordered the Reverentian engineers engaged at the East Agnostican facilities to return to Reverentia. The President directed the employees, "... also to remove any software installed by RMT at the Marthite mining facilities, until such time as Agnostica agrees to respect its treaty obligations."
  18. According to Baxter engineers who arrived at the sites in late April 2012, the withdrawal of personnel and software had crippled the Marthite operations. They reported, "While we can easily replace the experts that Reverentia has withdrawn, the sabotage to the operating systems and other software upon which the mining systems depend means that it will be weeks if not months before we can even think about beginning extraction activities on any meaningful scale." In a 2 May 2012 front-page article in *The Reverentian Times*, a national print newspaper, the Reverentian Vice-President wrote:

There can be no doubt and no debate over what has happened: Agnostica has shamelessly breached the Convention between our countries. In response, Reverentia has taken proper and measured steps to ensure that Agnostica will not be able to profit from that breach . . . . Now, if Agnostica were willing to invite our engineers to return, and reaffirmed its commitment to the terms of the Convention, our engineers, once on-site, would be able to reverse the so-called 'sabotage' within hours.
  19. In an interview published in *The Sydney Morning Herald* on 4 May 2012, Prime Minister Moritz rejected the Vice-President's comments, stating, "The facilities will resume operation immediately, albeit without the benefit of the Reverentian technology to which we were entitled under Treaty. We are not a backward people: we are capable of managing the bounteous resources Nature has given us. Whether we recreate the disabled software or work around the need for it, we will prevail."
  20. By the end of May, all of the facilities had resumed mining operations, albeit relying heavily on manual labour provided by local Agnorev workers.
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21. As of 31 August 2012, Baxter had not yet been able to restore the computer systems at the facilities, but was extracting roughly 100 kilograms of Marthite per day. Nearly all of the Marthite extracted was sold by Baxter to multinational pharmaceutical companies; on average two to three kilograms daily were sold to traditional users, at prices far higher than those that prevailed before 1 April 2012. On 1 September 2012, a spokesperson for Baxter reported, "The removal of operations software by Reverentia has had a greater impact than was predicted by our engineers, and so restoring full capacity will take substantially longer than we originally anticipated."
  22. On 1 October 2012, the Agnostican Parliament passed the Marthite Control Act (MCA), a law banning the sale or transfer of Marthite into Reverentia, as well as the unauthorized purchase, sale, or possession of Marthite within Agnostica. During the formal ceremony marking the enactment of the legislation, Prime Minister Moritz announced, "Reverentia's sabotage cannot prevent us from providing this life-saving product to suffering children of the world. It is therefore our moral obligation to ensure that no part of the trickle of Marthite we are at present able to supply is diverted from that worthy goal."
  23. The MCA provided, in relevant part, that an Agnostican citizen possessing Marthite without a Government license would be subject to a mandatory prison term of from 18 months to four years, depending on certain factors listed in the statute. The new measure was denounced in editorials in the Reverentian and East Agnostican media. A typical example described it as "thinly-veiled discrimination against ethnic Reverentians, who will be deprived of one of the remaining links to our ancestral culture. While Reverentians may well have been willing to accept reduced supply or increased prices to promote the greater good, denying us access to Marthite has no similar justification. It is perverse to march people off to rot in jail when their only 'crime' is respecting our ancient traditions."
  24. In mid-November, supervisors at the largest of the Marthite facilities, suspecting that a member of the mining crew had been stealing petty cash, instituted routine searches of workers departing the facility at the end of their shifts. On 23 November 2012, Gohandas Sugdy, a 19-year-old Agnorev miner, was found to be in possession of two pocketfuls of Marthite, and was arrested and charged under the MCA.
  25. During his arraignment the following day, Mr. Sugdy explained that his grandfather was extremely ill, and a local folk-medicine practitioner had warned him that if the grandfather did not receive daily doses of the traditional remedy, he would die. Sugdy begged the judge for mercy, saying, "If I cannot bring my grandfather the medicine he needs, at least let me go home to be with him for his final days." The magistrate remanded Sugdy to jail to await trial, noting in the remand order his regret that the MCA deprived him of any discretion in the matter. He concluded, "If my view that this result is unnecessarily harsh is widely shared, the proper forum for redress is the legislature, not this court."
  26. On the evening of 24 November 2012, prison guards found Sugdy dead in his jail cell, hanging by the neck in an apparent suicide. Next to him was a note that read, "Forgive me, Grandfather." Local newspapers reported that Sugdy's grandfather was informed of his grandson's death, and died four days later of apparent heart failure.
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# 2015 COMPROMIS (CONTINUED)

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27. Within hours of the reports of Sugdy's suicide, Agnorevs gathered outside the jail in which Sugdy had been held in Thanatos, the capital of East Agnostica. The gathering was peaceful, but as a routine precautionary measure, city police were deployed to maintain order. Hailing Mr. Sugdy as a martyr to the Reverentian cause, the leading East Agnostican newspaper denounced the Marthite ban as "denying Reverentians in Agnostica the fruits of our own labour, the product of our own lands, and the lifeblood of our ancient traditions."
  28. Over the ensuing days and weeks, the crowd outside the jail did not disperse, and in fact increased in size. Foreign media observers noted that, over time, the tone and focus of the speakers' rhetoric shifted dramatically, from eulogizing Mr. Sugdy to airing various perceived Agnorev grievances, most notably the unavailability of Marthite to local distributors, but also including such long-standing concerns as the "domination" of federal judicial posts in East Agnostica by ethnic Agnostican lawyers, the "complete absence" of Agnorevs among senior officers of the Agnostican armed services, and the "disproportionate" allocation of government scholarships to ethnic Agnostican university students. Speakers also criticized the "unrelentingly negative" characterization of Agnorevs in West Agnostican primary-school textbooks and the national media, and the "frequent characterization" of Agnorevs as wealthy villains in popular Agnostican cinema. Other speakers criticized Agnostica's progressive tax structure, which they characterized as "subsidizing shiftless Agnosticans at the expense of hard-working Agnorevs."
  29. Through the remainder of 2012, demonstrations across East Agnostica increased in number, frequency, and intensity. Participants protested in particular the unavailability of Marthite for traditional medicines, as well as the perceived mistreatment of Gohandas Sugdy. Prime Minister Moritz mobilized military troops stationed in the province "to maintain order." On 26 December 2012, police clashed with protesters in the streets of Thanatos. Sixty demonstrators were killed and several protesters and lightly-armed military personnel were seriously injured. The East Agnostican media termed the fracas "the Boxing Day Massacre."
  30. In the wake of the 26 December clashes, President Nuvallus expressed "deep concern for the safety of our Reverentian brethren abroad," and offered "any assistance that Reverentia might provide to protect their lives and safety." In particular, he contacted Tomás Bien, the Agnorev head of the East Agnostican provincial legislature and a member of the Agnostican federal Parliament, asking how Reverentia might be of assistance. Mr. Bien thanked President Nuvallus for his concern, but did not otherwise reply.
  31. On 2 January 2013, with clashes between the authorities and protesters continuing, Mr. Bien proposed a resolution before the Agnostican Parliament, calling upon the Prime Minister "to de-escalate" the police and military presence in East Agnostica. The resolution failed by a vote of 46-54, with all 33 East Agnostican members voting in favour.
  32. On 4 January 2013, Mr. Bien addressed the crowd at a rally in Thanatos, saying: "It is becoming clear that the aims of the federal government have diverged from those of its Agnorev citizens." He concluded: "As is our constitutional right, we must now be permitted to decide whether to continue this federal state."
  33. On 5 January 2013, Mr. Bien presented a resolution to the Agnostican Parliament proposing the dissolution of the nation. This resolution was defeated, with all 67 delegates from
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West Agnostica voting against it and 29 of the 33 delegates from East Agnostica voting in favour.

34. On 9 January 2013, President Nuwallus delivered a speech in the Reverentian capital:

I commit myself today to the cause of our Reverentian brothers and sisters who live on the Agnostic side of our shared border. The Agnostic Parliament's wrongful refusal to allow you to take possession of your future cannot defeat the inevitable progress of history. If you wish to be free, our dear compatriots, know that we will do everything in our power to ensure that you are, indeed, free.

35. On 10 January 2013, the Reverentian Parliament adopted a resolution titled "On the Crisis in East Agnostica." It read, in relevant part:

In the event that a popular referendum reflecting the will of our Reverentian brothers and sisters living in East Agnostica clearly demonstrates their desire to secede from Agnostica, the President is authorized, on behalf of the Government and people of Reverentia:

- (1) to recognize such referendum as lawful and valid;
  - (2) to promote the recognition and efficacy of such popular decision by any means at his disposal;
  - (3) to extend diplomatic recognition to an independent state in the territory of East Agnostica;
  - (4) to enter into negotiations with the responsible parties to ensure that, notwithstanding any other commitment, practitioners of traditional medicine in the state of East Agnostica have adequate supplies of Marthite available at reasonable prices; and
  - (5) to take all measures necessary to ensure the security and integrity of that state.
36. The resolution was promptly denounced by Prime Minister Moritz as "unlawful interference in Agnostica's internal affairs and an act of aggression against our territorial integrity."
37. The East Agnostic provincial parliament voted on 16 January 2013 to schedule a plebiscite "open to all Agnostic citizens resident in East Agnostica" on the question of secession. Prime Minister Moritz warned the parliamentarians that "the federal government will not stand idly by in the face of this threat to our national identity," and ordered the National Police to prepare to block the referendum.
38. On 18 January 2013, President Nuwallus ordered several hundred soldiers to the border with East Agnostica, with specific orders not to leave Reverentian territory. He simultaneously issued a diplomatic note to Prime Minister Moritz, stating, "I want to clarify that our troops have been moved to the border to offer aid to any Agnorevs fleeing the violence in East Agnostica. We have no territorial ambitions. Reverentia is deeply concerned about the state of affairs in East Agnostica, and we are worried that violence will spill over into Reverentia." On 29 January 2013, the plebiscite was held, and 73 percent of voters cast their ballots in favour of secession. There were no reports of violence or of apparent interference
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with the conduct of the voting. Observers from several international NGOs noted that over 80 percent of eligible citizens had voted, and declared the referendum largely free of irregularities and the result fair and accurate. Prime Minister Moritz declared that “Agnostica does not recognize the outcome of the so-called referendum illegally conducted on the territory of our nation, and invites the world community to see it as the sham and fraud that it is.”

39. The next day, the members of the former provincial parliament of East Agnostica, now sitting as a self-styled “Agnorev People’s Parliament” (APP), ratified the secession of East Agnostica and voted unanimously to send a delegation headed by Mr. Bien to enter into talks with Reverentia “aimed at the swiftest possible integration of the territory of the Agnorev people into the State of Reverentia.” On Prime Minister Moritz’s orders, the Agnostican representatives at the United Nations and several regional organizations pleaded for “help from the international community, in accordance with the U.N. Charter, to prevent the disintegration of Agnostica and the unlawful occupation of our territory by Reverentia.”
40. On 6 February 2013, the President of the Security Council expressed concern over what he termed the “question of the continued territorial integrity of Agnostica,” and the possibility that recent events might constitute “an unjustifiable and illegal interference in Agnostican domestic affairs.” The European Union, ASEAN, and several other regional bodies with interests in the region all issued communiques describing the possible annexation of East Agnostica by Reverentia as “a threat to international peace and stability.” On 18 February 2013, five of the largest international pharmaceutical manufacturers jointly announced that they were suspending purchases of Marthite until “the legal status of East Agnostica – and of the Marthite itself – is conclusively resolved.”
41. President Nuvallus announced on 22 February 2013 that he and Mr. Bien had signed an Integration Agreement that would make East Agnostica a semi-autonomous province of Reverentia, with the APP as its provincial legislature. Reverentian Army units were promptly moved into the region. The Agreement was accepted and ratified by the Reverentian Parliament on 24 February and by the APP on the following day. The resolutions adopted by the two bodies provided that RMT would immediately enter into negotiations to guarantee a sufficient supply of Marthite to traditional users in East Agnostica and in the rest of Reverentia.
42. Prime Minister Moritz denounced the annexation, which the Integration Agreement declared to be effective on 1 March 2013, but did not send troops into East Agnostica.
43. At the request of the Secretary-General of the United Nations, Agnostica and Reverentia sent their Foreign Ministers to New York on 10 May 2013. Reverentia expressed willingness to submit the dispute over East Agnostica to the jurisdiction of the International Court of Justice, but Agnostica’s Foreign Minister insisted that it would agree only if the Court were seized also of the “inextricably related” disputes over the Marthite Convention. The parties subsequently negotiated and concluded this Special Agreement.

- 
44. Agnostica and Reverentia have both been members of the United Nations since 1959, and both ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the 1969 Vienna Convention on the Law of Treaties in 1983. Both States also ratified the 1933 Montevideo Convention on the Rights and Duties of States in 1961 and the International Convention on the Elimination of All Forms of Racial Discrimination in 1990.
45. The Federal Republic of Agnostica respectfully requests the Court to adjudge and declare that:
- (a) Reverentia's encouragement of the East Agnostican referendum violated Agnostica's territorial integrity, the principle of non-intervention, and the United Nations Charter generally;
  - (b) The purported secession and subsequent annexation of East Agnostica are illegal and without effect, and therefore East Agnostica remains part of the territory of the Federal Republic of Agnostica;
  - (c) The Marthite Convention ceased to be in effect as of 2 April 2012 and, in any event, Agnostica did not breach the Convention; and
  - (d) Reverentia's removal of the software at the Marthite extraction facilities violated international law.
46. The State of Reverentia respectfully requests the Court to adjudge and declare that:
- (a) Reverentia's support for the referendum in East Agnostica is consistent with international law;
  - (b) East Agnostica's secession from Agnostica and integration into Reverentia are consistent with international law, and in any event, this Court should not order the retrocession of East Agnostica to Agnostica against the expressed will of its population;
  - (c) The Marthite Convention was in effect until 1 March 2013, and Agnostica breached that Convention; and
  - (d) Reverentia's removal of the software in the Marthite extraction facilities was consistent with international law.
-

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## ANNEX

### THE MARTHITE CONVENTION SIGNED AT THANATOS, AGNOSTICA 14 APRIL 1938

#### [excerpts]

The Federal Republic of Agnostica ("Agnostica") and the State of Reverentia ("Reverentia"), (a) desiring to fortify the friendship between the two nations; (b) recognizing the significance of the mineral Marthite to the traditions of medical practice of Reverentians on both sides of the border between the two states; (c) respecting and honoring those ancient traditions; (d) wishing to ensure reliable supply of Marthite to those for whom it holds cultural significance; and (e) at the same time recognizing that Marthite is without significant commercial value outside its traditional uses, have agreed upon the following articles:.

#### Article 1

Reverentia undertakes at its own expense to construct the following Marthite mining and mining-support facilities within the territory of East Agnostica, and to provide technology and government engineers to maintain, equip, and operate such facilities:

[four facilities are described in detail]

#### Article 2

Upon payment by Agnostica to Reverentia of the sum of 100 Swiss francs, receipt of which is hereby acknowledged, the facilities described in Article 1 shall be owned by the Government of Agnostica.

#### Article 3

The Reverentian Marthite Trust (RMT), a state-owned Reverentian corporation established on 1 March 1938 by Government charter, shall pay to Agnostica an annual royalty equal to 10% of the maximum resale price permitted under Article 4 hereof on all Marthite mined from the facilities described in Article 1. RMT shall thereupon become the exclusive owner of said Marthite.

#### Article 4

- (a) Except as permitted under Article 4(d), Reverentia undertakes that RMT will distribute Marthite only to traditional medicine practitioners in Reverentia and East Agnostica.
- (b) The prices at which RMT may resell Marthite shall be between 10,000 and 12,000 Reverentian Thalers per tonne [except in certain circumstances not relevant here], subject to adjustments in accordance with Article 4(c).

- 
- (c) [Paragraph (c) sets forth a series of inflation, market-based, and other parameters upon which the permitted price band may be adjusted.]
  - (d) RMT will not permit Marthite mined pursuant to this Agreement to be sold outside Reverentia and Agnostica in any given calendar year unless the supply of Marthite in such year exceeds demand from traditional practitioners by 25% or more.

**Article 6**

Agnostica and Reverentia hereby agree to repeal and/or revoke all customs duties and other barriers to the free movement of Marthite from Agnostica into Reverentia, and commit not to impose any new duties or barriers for the duration of this Agreement.

**Article 7**

Agnostica hereby agrees to repeal and/or revoke any and all customs duties and other barriers to the free movement of mining equipment and related supplies to be imported from Reverentia into Agnostica to accomplish the purposes of Article 1 of this Agreement, and agrees not to impose any new duties or barriers for the period specified in Article 12.

**Article 12**

The term of this Agreement shall be ninety-nine years.

(Signed)  
  
Marc Booth  
Prime Minister  
Federal Republic of Agnostica

(Signed)  
  
Valérie Simonis  
President  
State of Reverentia

# CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

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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. Because of an editing error, the last sentence of Paragraph 44 was inadvertently omitted.
- 2. The following sentence was inadvertently omitted from the excerpt from Article 4(d) of the Marthite Convention: “In such instance, Marthite mined in excess of 125% of demand from traditional practitioners may be offered for sale by RMT without restriction on price, identity of purchaser, or intended use.”

## **CLARIFICATIONS**

- 1. Between 24 February and 1 March 2013, the military units stationed in East Agnostica returned to their bases in West Agnostica. Local and national police units in East Agnostica were also disbanded during that time. Both the Chairman of the Joint Chiefs of Staff and the superintendents of the police forces noted in their orders that these actions were undertaken out of concern for the safety of their personnel and were without prejudice to the legal status of East Agnostica which, according to the Agnostican government remained (and remains to this day) a part of Agnostica.
- 2. A 2009 Rand McNally survey found the population of East Agnostica to be 75% ethnic Reverentian, 20% ethnic Agnostican, and 5% other.
- 3. The “long-standing concerns” referred to in paragraph 28 have been occasionally raised over the past several decades in various journals and public meetings by academics and a small group of Agnorev nationalists.



- 
4. Both Agnostica and Reverentia have well-developed systems of civil rights law that prohibit discrimination in employment, education, and public accommodation on many grounds, including ethnic origin.
  5. The descriptions of the “facilities” omitted from Article 1 of the Marthite Convention in the Annex merely denoted the specific geographic location of each building along with the proximity of the corresponding Marthite reserves. To the present day, these are the only locations in which Marthite is known to be found.
  6. The demonstrations in East Agnostica, described in paragraphs 27-31, gradually abated, and there were no reports of violence after 27 January 2013.
  7. Thirty states, including two Permanent Members of the United Nations Security Council, have recognized the new Reverentian borders including the territory of East Agnostica. Credera has made no official statement on the matter.
  8. As of September 2014, 18 individuals (including Gohandas Sugdy) have been prosecuted under the Marthite Control Act. Twelve of the prosecutions resulted in guilty verdicts and prison sentences.
  9. Pursuant to Articles 4(b) and 4(c) of the Marthite Convention, representatives of the two parties met annually to review the parameters set out in Article 4(c). These factors were limited to foreign exchange rates, the cost of labour and materials, and domestic inflation rates. At the conclusion of these meetings, the parties agreed upon yearly adjustments to the price band permitted under Article 4(b). Between 1938 and 2011, this adjusted rate was applied by RMT to all sales of Marthite worldwide.
  10. Between 1938 and 2011, RMT accountants annually certified that Marthite production varied within 5% of demand from traditional practitioners.
  11. The Baxter lease contains no price band provisions or guarantees of access for traditional practitioners. According to Baxter’s audited public filings, in 2012, approximately 10% of mined Marthite was sold to RMT at prices which were more than double the January 2011 price.
  12. RMT continued to tender annual royalties under the Marthite Convention until 1 March 2013. These payments reflected 10% of the maximum permitted resale price under Articles 4(b) and 4(c) of the Marthite Convention. The Agnostican Commerce Ministry declined to accept the proffered payments in both 2012 and 2013.
  13. In March 2013, Baxter and Agnostica suspended the lease of the Marthite sites pending resolution of the East Agnostican issue, and Baxter removed its personnel and equipment. In the summer of 2013, Reverentian engineers resumed operations at the sites and reinstalled the software. By November of that year, Marthite extraction had returned to 2011 levels and traditional practitioners were again receiving adequate supplies. On 15 November 2013, the five largest pharmaceutical companies reaffirmed their moratorium on Marthite purchases mentioned in Paragraph 40. Reverentia’s Minister of Mines announced that his country would temporarily limit Marthite extraction to levels adequate to meet local demand “until the pharmaceutical companies are again willing to purchase Marthite.” The moratorium and Reverentia’s voluntary limit on Marthite extraction remain in effect to the present day.
-



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Chung Yuan Christian University

National Cheng Kung University

National Chengchi University – College of Law

National Chung Cheng University

National Taipei University

National Taiwan University

National Taiwan University – Department of Political Science (International Relations)

## **Soochow University**

Tunghai University

## **COLOMBIA**

Pontificia Universidad Javeriana\*

Universidad de La Sabana

## **Universidad de los Andes**

## **COSTA RICA**

## **Universidad De La Salle (ULaSalle)**

## **CYPRUS**

## **University of Cyprus**

## **CZECH REPUBLIC**

Charles University

## **Palacký University, Olomouc**

## **DOMINICAN REPUBLIC**

Pontificia Universidad Católica Madre y Maestra, Campus Santo Domingo

## **Universidad Iberoamericana (UNIBE), Facultad de Derecho**

## **ETHIOPIA**

Addis Ababa University

## **Haramaya University**

## **FINLAND**

## **University of Helsinki**

## **FRANCE**

Sciences Po – Paris

Sciences Po, Campus Europe – Asie au Havre

The American University of Paris

Université Catholique de Lille

## **Université de Strasbourg**

Universite Pantheon-Assas Paris 2

Université Panthéon-Sorbonne Paris 1

Université Panthéon-Sorbonne Paris 1 Undergraduate

## **GAMBIA**

## **University of the Gambia**

## **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

Friedrich-Alexander-Universität Erlangen-Nürnberg

Georg-August-Universität Göttingen

Heinrich-Heine-Universität Düsseldorf

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Hertie School of Governance

**Humboldt-Universität zu Berlin**

Johannes Gutenberg-Universität Mainz

**Ludwig-Maximilians-Universität München**

Ruhr Universität Bochum

Universität Trier

Universität Augsburg

Universität Bonn

**Universität Hamburg**

Universität Heidelberg

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

Chanakya National Law University

Christ University

Cochin University of Science and Technology

Dr. Ram Manohar Lohiya National Law University

Government Law College, Mumbai

Gujarat National Law University

Hidayatullah National Law University

ILS Law College

Jamia Millia Islamia

**Jindal Global Law School**

Kerala Law Academy

**National Academy for Legal Studies  
and Research, Hyderabad (NALSAR)**

National Law Institute University, Bhopal

**National Law School of India University**

National Law University and Judicial  
Academy, Assam

National Law University, Orissa

National Law University, Delhi

**National Law University, Jodhpur**

National University of Advanced Legal Studies

Nirma University of Science and Technology

Panjab University – Chandigarh

Rajiv Gandhi National University of Law

Rizvi Law College

SASTRA University School of Law

Symbiosis Law School, Pune

The Tamil Nadu Dr. Ambedkar Law University –  
School of Excellence in Law

The WB National University of Juridical Sciences

**INDONESIA**

Airlangga University

Gadjah Mada University

Hasanuddin University

Trisakti University

**Universitas Indonesia**

**Universitas Islam Indonesia**

Universitas Kristen Maranatha

Universitas Mataram

**Universitas Pelita Harapan**

Universitas Sumatera Utara

# 2015 JESSUP TEAMS (CONTINUED)

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Utara Universitas Udayana

Universitas Padjadjaran

University of Surabaya

## IRAN

Allameh Tabataba'i University\*

**Shahid Beheshti University**

## IRELAND

The Honorable Society of King's Inns

Law Society of Ireland

**University College Cork**

University College Dublin

## ISRAEL

**Hebrew University of Jerusalem**

## ITALY

Seconda Università degli Studi di Napoli

Università degli Studi Roma Tre

Università degli Studi di Milano

Università degli Studi Teramo

**Università di Torino**

Università L.U.I.S.S.

University of Verona

## JAMAICA

**Norman Manley Law School**

University of Technology, Jamaica

## JAPAN

Kyoto University

Nagoya University

Osaka University

Sophia University

Tohoku University

Toyo University

**Waseda University**

## KAZAKHSTAN

**Kazakh Humanitarian Law University**

## KENYA

Kabarak University

Kenya School of Law

Strathmore University

**University of Nairobi**

## KOSOVO

**University of Prishtina**

## KUWAIT

Kuwait International Law School\*

**Kuwait University**

## LATVIA

**University of Latvia (Latvijas Universitate)**

## LITHUANIA

**Mykolas Romeris University**

Vytautas Magnus University

## LUXEMBOURG

Université de Luxembourg

## MACAU

**University of Macau**

## MALAYSIA

Ahmad Ibrahim Kulliyah of Laws, International Islamic University

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

INTI International University & Colleges

Universiti Kebangsaan Malaysia

Universiti Sains Islam Malaysia

Universiti Teknologi MARA

**University of Malaya**

University of Sultan Zainal Abidin

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## **MEXICO**

Centro de Investigación y Docencia  
Económicas, A.C.

### **Universidad Nacional Autónoma de México (UNAM)**

Universidad Panamericana Campus Bonaterra\*

## **NEPAL**

### **Kathmandu School of Law**

Nepal Law Campus

## **NETHERLANDS**

Erasmus University Rotterdam

### **Maastricht University**

Universiteit Leiden

Universiteit Utrecht

Universiteit van Amsterdam

## **NEW ZEALAND**

### **Auckland University**

## **NIGERIA**

### **Obafemi Awolowo University**

University of Benin\*

University of Lagos

## **PAKISTAN**

### **Lahore University of Management Sciences**

## **PALESTINE**

### **Birzeit University**

## **PANAMA**

### **Universidad Católica Santa María La Antigua**

## **PERU**

### **Pontificia Universidad Católica del Perú**

## **PHILIPPINES**

Ateneo de Manila University\*

De La Salle University

### **Far Eastern University – Institute of Law**

Lyceum of the Philippines University –  
College of Law

Saint Louis University

San Beda College of Law

Silliman University

### **University of San Carlos**

University of San Jose – Recoletos

University of St. La Salle

University of the Philippines

## **POLAND**

Jagiellonian University – Cracow

John Paul II Catholic University of Lublin

### **University of Łódź**

University of Warsaw

University of Wrocław

## **PORTUGAL**

### **Universidade de Lisboa**

## **PUERTO RICO**

### **Universidad de Puerto Rico, Rio Piedras**

## **ROMANIA**

### **University of Bucharest**

## **RUSSIA**

### **All-Russian Academy for Foreign Trade**

Bashkir State University

Belgorod State University

Diplomatic Academy of the Ministry of  
Foreign Affairs of the Russian Federation

Financial University under the Government  
of Russian Federation

Immanuel Kant State University of Russia

# 2015 JESSUP TEAMS (CONTINUED)

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Interregional Open Social Institute

Mari State University

**MGIMO 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

National Research University  
Higher School of Economics

National Research University Higher School  
of Economics – Saint-Petersburg

North Ossetian State University  
named after K.L. Khetagurov

Northern Arctic Federal University

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

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 Law under the  
Ministry of Justice

**Russian State University of Justice**

Russian State University of Justice – Kazan Branch

**Saint-Petersburg State University**

Severo Kavkazsky Federal Institute

Severo-Kavkazsky Social Institute

Sochi State University

Southern Federal University

State University – Higher School of Economics,  
Nizhny Novgorod Branch

Tomsk State University

Udmurt State University

Urals State Institute of Management and Law

**Urals State Law Academy**

Yaroslav the Wise Novgorod State University

**SERBIA**

**Union University Law School**

**SINGAPORE**

National University of Singapore

**Singapore Management University  
School of Law**

**SLOVAKIA**

**Comenius University**

University of Pavol Jozef Šafárik in Košice

**SLOVENIA**

**University of Ljubljana**

**SOUTH AFRICA**

Nelson Mandela Metropolitan University

University of Cape Town

University of Pretoria

University of the Witwatersrand

**University of the Western Cape**

**SOUTH KOREA**

Korea University

**Seoul National University**

**SPAIN**

**ESADE – Universidad Ramon Llull**

Universidad Autónoma de Madrid

Universidad Carlos III de Madrid

Universidad de Navarra

Universitat Autònoma de Barcelona

Universidad de Barcelona



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## **SRI LANKA**

Sri Lanka Law College

**University of Colombo**

## **SWEDEN**

**Örebro University**

## **SWITZERLAND**

**Universität Zürich**

## **TANZANIA**

St. Augustine University of Tanzania

**University of Dar es Salaam**

## **THAILAND**

Chulalongkorn University

Kasetsart University

**Thammasat University**

## **TRINIDAD AND TOBAGO**

**University of the West Indies, St. Augustine**

## **TURKEY**

**Ankara University**

Bahçeşehir Üniversitesi

Galatasaray Üniversitesi

Gediz University

Istanbul Bilgi Üniversitesi

Istanbul University

Kadir Has University

Koc Üniversitesi

TOBB University of Economics and Technology

Yeditepe University

## **UGANDA**

**Law Development Centre**

Makerere University\*

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**

Odessa Law Academy

Oles Honchar Dnipropetrovsk National University,  
School of Law

## **UNITED ARAB EMIRATES**

**American University of Sharjah**

## **UNITED KINGDOM**

Birkbeck, University of London (Birkbeck College)

Honourable Society of the Inner Temple

King's College, London

Lancaster University

**London School of Economics**

University College London

University of Aberdeen

University of Durham

University of Exeter

University of Liverpool

University of Notre Dame – London Program

University of Nottingham School of Law

**University of Oxford**

University of Sussex

University of Warwick

## **UNITED STATES**

American University

**Arizona State**

Arizona Summit Law School

# 2015 JESSUP TEAMS (CONTINUED)

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**Boston College**

Boston University  
Brigham Young University  
Brooklyn Law School  
California Western School of Law

**Case Western Reserve University**

Catholic University of America  
Chicago-Kent College of Law  
Columbia Law School  
Cornell University  
Creighton University  
DePaul University  
Drexel University  
Emory University  
Florida State University  
Fordham University  
George Mason School of Law  
George Washington University  
Georgetown University  
Georgia State University  
Gonzaga University  
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  
New England School of Law  
New York Law School

**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  
Southern Methodist University  
St. John's University  
St. Louis University  
St. Mary's University  
St. Thomas University, Florida

**Stanford University****Stetson University**

Suffolk University  
Syracuse University  
Temple University  
Texas A&M University School of Law  
Thomas Jefferson School of Law  
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 Chicago  
University of Connecticut

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**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 Michigan

University of Minnesota

University of Missouri – Kansas City

University of Montana

University of North Carolina

University of Notre Dame

University of Oklahoma

**University of Pennsylvania**

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University of San Diego

University of San Francisco

University of Southern California

University of St. Thomas

University of Texas

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 University in St. Louis****Wayne State University**

West Virginia University

Western New England University

Whittier College

Widener University – Harrisburg

Widener University – Wilmington

Willamette University

William Mitchell College of Law

Yale University

**UZBEKISTAN****Westminster International  
University in Tashkent****VENEZUELA****Universidad Católica Andrés Bello****VIETNAM****Diplomatic Academy of Vietnam**



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# VERY SPECIAL THANKS

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ILSA would like to thank the many Friends of the Jessup, the ILSA student officers, the members of the Board of Directors, ILSA chapters, individual members, judges, bailiffs and sponsors around the world for their limitless support of the Jessup Competition. The Jessup would not be possible without their efforts.

Our thanks are also owed to ILSA's Global Partner White & Case, the Competition's International Rounds sponsor. More than just a sponsor, White & Case provides volunteers and technological assistance for the Competition, and has undertaken a number of projects aimed at improving the Jessup experience for everyone involved. We would like to specially recognize Elizabeth Black, who leads all of the Firm's Jessup activities around the world.

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.

ILSA is grateful for the support of HeinOnline and LexisNexis 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*.

ILSA acknowledges and thanks the Law Libraries of Georgetown University for allowing Teams to use their facilities during the White & Case International Rounds.

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 Qualifying Round Administrators for their tireless work and dedication on behalf of the Jessup Competition.



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## **International Law Students Association**

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Washington, DC 20005  
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