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WHITE & CASE INTERNATIONAL ROUNDS
9 – 15 APRIL 2017 | WASHINGTON, DC



WELCOME

Welcome to the 2017 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, flowing script.

Hugh Verrier
Chairman
White & Case LLP

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SCHEDULE OF EVENTS

Sunday, 9 April

* 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.
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.
2:00 p.m.	Team Orientation (Regency Ballroom, Ballroom Level) All Team members must attend the Team Orientation.
4:00 p.m.	Orientation for Exhibition Teams, Observation Teams, and Bailiffs (Regency A, Ballroom Level) Mandatory meeting for all Exhibition Teams and Observation Teams. Instructions and schedules will be provided for all bailiffs, including Exhibition Teams and Observation Teams.
6:00 p.m.	Distribution of Preliminary Round Schedules and Opponent Memorials (Outside Congressional B, 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.
7:30 p.m.	Judge Orientation and Reception (Capitol Room, Lobby Level) This event is for judges only. Judges are invited to a reception and orientation to meet one another in advance of the Preliminary Rounds. Expert and experienced Jessup judges will review the 2017 Jessup problem and present judging tips.

Monday, 10 April

8:00 a.m. to 10:00 a.m. **Breakfast and Coffee in the Student Lounge**
(Columbia C, Ballroom Level)
ILSA welcomes students and coaches to Day One of the International Rounds with coffee and bagels in the Student Lounge. The Student Lounge (Columbia C) will be available to students and coaches all week (until Thursday at 6:00 p.m.).

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, Capitol Suite 688, 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

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 2017 Jessup Competition and the advancement of international legal education.

SCHEDULE OF EVENTS (CONTINUED)

Tuesday, 11 April

8:00 a.m. to 10:00 a.m. **Jessup Competitors Breakfast Sponsored by the Judge Advocate General of the U.S. Army**
(Columbia C, Ballroom Level)
Competitors are invited to join representatives from the Judge Advocate General of the U.S. Army for Breakfast in the Student Lounge.

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, Capitol Suite 688, 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

Wednesday, 12 April

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, Capitol Suite 688, 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

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

(Capitol Room, Lobby Level)

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

SCHEDULE OF EVENTS (CONTINUED)

Thursday, 13 April

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, Grand Teton, Everglades, Thornton Room A, Thornton Room C, Yellowstone, Yosemite

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, Grand Teton, Everglades, Thornton Room A, Thornton Room C, Yellowstone, Yosemite

2:00 p.m.

Memorial Exchange/Coin Toss for Octo-Final Teams

(Congressional CD)

Teams advancing to the Octo-Final Rounds should meet for the coin toss and Memorial Exchange.

3:00 p.m. to 4:00 p.m.

ILSA Spring Congress

(Columbia C, 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 discuss elections for the 2017-18 ILSA Student Officers.

4:00 p.m. to 6:00 p.m.

Octo-Final Rounds

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:

Bryce, Congressional CD, Grand Teton, Everglades, Thornton Room A, Thornton Room C, Yellowstone, Yosemite

9:00 p.m.

Go-National Dress Ball

(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.

Friday, 14 April

9:30 a.m. to 12:00 p.m.

Private Tour of the Law Library of Congress

James Madison Memorial Building, 101 Independence Avenue SE,
Washington, DC

Join us for a private tour of the Law Library of Congress, the world's largest law library, with a collection of over 2.65 million volumes, containing the complete record of American law as well as materials from 240 other global legal jurisdictions. This special event is limited in capacity, and attendees must RSVP in advance to confirm their attendance and reserve a spot.

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

12:30 p.m. to 2:00 p.m.

Pathways to Careers in International Law Luncheon

(Regency C, 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.

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 (Lobby Level), Regency D (Ballroom Level)

SCHEDULE OF EVENTS (CONTINUED)

6:00 p.m. to 7:30 p.m.

ASIL-ILSA Reception

(Regency Ballroom)

All Jessup Competitors, Coaches, Team Advisors and Judges and invited to join attendees of the ASIL Annual Meeting for a reception, sponsored by White & Case and ASIL, followed by two documentary film screenings.

7:30 p.m. to 9:30 p.m.

Documentary Film Screenings

“ALL RISE: Journeys to a Just World”

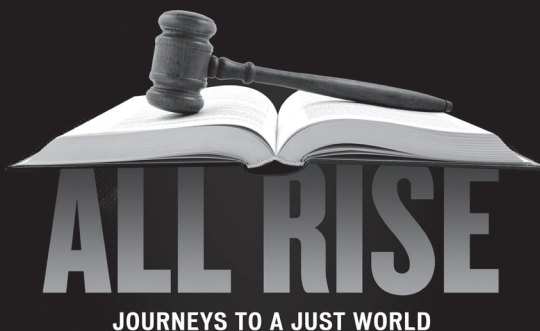
(Capitol Rooms, Lobby Level)

Come see this award-winning film about seven students competing in the 2014 Jessup.

“The Uncondemned”

(Regency A)

A documentary film about the efforts for justice on behalf of rape victims in Rwanda and the first international case to try rape as genocide.



How can international disputes be resolved in the courtroom rather than on the battlefield? “ALL RISE” brings this complex question into personalized focus through the journeys of seven passionate law students from India, Israel, Jamaica, Palestine, Russia, Singapore, and Uganda who compete in the Philip C. Jessup International Law Moot Court Competition.



CINEMA CAPITAL with the INTERNATIONAL LAW STUDENTS ASSOCIATION (ILSA) present
Original Score by GIL TALMI Sound Editor ERIC MILANO Additional Editing by PETER FRELIK Edited by JAY SHAPIRO
Director of Photography JASON KRANGEL Produced by JEFFREY SAUNDERS Directed by JAY SHAPIRO



www.AllRiseMovie.com cinemacapital

Saturday, 15 April

11:00 a.m. to 12:00 p.m.	<p>2017 Discussion with the Compromis Author, sponsored by the Fletcher School (Regency B/C/D, Ballroom Level)</p> <p>The Author of the 2017 Compromis will preside over an open panel discussion for Teams to ask questions about the inspiration for and legal issues in the 2017 Compromis. Coffee, tea and light brunch will be provided.</p>
2:00 p.m.	<p>White & Case Jessup World Championship Round (Regency Ballroom, Ballroom Level)</p> <p>All are invited to observe the top two Teams in the world deliver their oral arguments before an esteemed panel of judges from the International Court of Justice. Judge James Crawford, Judge Patrick Robinson and Judge Bruno Simma will preside.</p>
9:00 p.m.	<p>Final Gala and Announcement of Awards Presented by the IBA (Regency Ballroom, Ballroom Level)</p> <p>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.</p>
11:00 p.m.	<p>Jessup Law Revue: Vox Cogens (Columbia A, Ballroom Level)</p> <p>Join your fellow competitors, coaches and judges to celebrate the conclusion of the 2017 competition with ILSA's second annual spoof, song parody and written word festival. Get inspired by familiar songs, and rewrite the lyrics based on the 2017 Compromis or your experiences during the week of the competition—and perform the song or lyrical styling live on Saturday evening! Your judges will get the show started with their own renditions. Song rewrites, poems or other linguistic stylings should be submitted in advance to parodies@ILSA.org.</p>

Sunday, 16 April

9:00 a.m. to 11:00 a.m.	<p>Distribution of Team Packets (Congressional C/D, Lobby Level)</p> <p>Team packets containing the Teams' oral round and memorial scoresheets will be distributed. Packets will only be given to registered Team members and advisors. Packet contents will not be mailed or duplicated after the Competition.</p>
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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.

This year's Jessup Competition has engaged students from over 640 schools in 95 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 58th 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. 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.



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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 Friends of the Jessup or FOJs, volunteers its time 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.

A PERSONALIZED EXPERIENCE

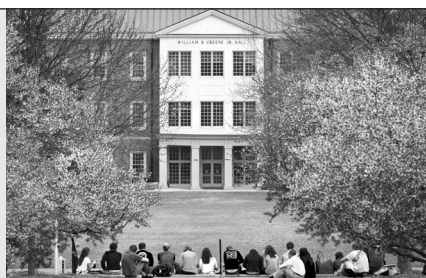
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ABOUT ILSA

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 Fellow, 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.

ILSA EXECUTIVE STAFF

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Tessa Walker, *ILSA Programs Director*
Tamara Kosic, *Jessup Competition Fellow*
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The International Bar Association (IBA) invites law students from around the world to join the Association as Student Members.

For just **£20.00 a year** Student Members can gain access to:

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- a **growing network of fellow law students** from around the world;
- **information** and **guidance** from leading qualified practitioners in various areas of law;
- **the ability to participate in cutting edge research**, writing and editing in specialised legal practice areas; and
- a number of **CV-enhancing projects** including serving on the Student Steering Committee, online writing and advocacy competitions, and numerous chances to have work published by the IBA.

The IBA now offers **Student Group Membership** for law schools and student organisations.



For more information about IBA Student Membership and to become a member, visit **www.ibanet.org** or email **member@int-bar.org**.

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.

CHAIR

Stephen M. Schwebel, Former President
International Court of Justice

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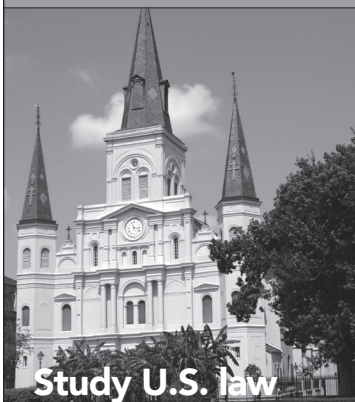
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ILSA AND JESSUP AWARDS

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."

2017 FINAL ROUND BENCH

Judge James Crawford

James Crawford is a Judge of the International Court of Justice. Previously he was Whewell Professor of International Law, University of Cambridge (1992-2015); he has also held chairs in Australia and China. As a member of the United Nations International Law Commission, he was responsible for the Draft Statute for an International Criminal Court (1994) and the ILC Articles on State Responsibility (2001). In addition to scholarly work on statehood, state responsibility and investment protection, he has been involved as counsel, expert or arbitrator in many international cases. In 2012, he was awarded the Hudson Medal by the American Society of International Law and, in 2013, was appointed Companion of the Order of Australia.

Judge Patrick Robinson

Judge Patrick Robinson is a Member of the International Court of Justice and a Barrister of Law, Middle Temple, United Kingdom. Following his call to the Bar in 1968, Judge Robinson had a long and distinguished career in public service, working for the Jamaican government for more than three decades. In 1972, Judge Robinson became Jamaica's Representative to the Sixth (Legal) Committee of the United Nations General Assembly, a position that he held for 26 years. From 1981 to 1998, he led Jamaica's delegations for the negotiation of treaties on several subjects, including extradition, mutual legal assistance, maritime delimitation and investment promotion and protection. From 1988 to 1995, Judge Robinson served as a member of the Inter-American Commission on Human Rights, including as the Chairman in 1991. From 1991 to 1996, Judge Robinson was a member of the International Law Commission. He also served as a member of the Haiti Truth and Justice Commission from 1995 to 1996 and was a member of the International Bio-ethics Committee of UNESCO from 1996 to 2005, serving as its Vice-Chairman from 2002 to 2005. Judge Robinson was elected a Judge of the International Criminal Tribunal for the former Yugoslavia in 1998 and served as the Tribunal's President from 2008 to 2011. Judge Robinson holds a B.A. in English, Latin, and Economics from the University College of the West Indies (London), an LLB from London University, and an LL.M. in International Law from King's College, University of London.

Judge Bruno Simma

Bruno Simma was a Judge at the International Court of Justice from 2003 until 2012. In 2012, he was appointed a Judge at the Iran-United States Claims Tribunal in The Hague. He frequently serves as an arbitrator in inter-State and investment disputes. From 1972 to 2003, he taught international and EC law at the University of Munich. He is now a part-time Professor of Law at the University of Michigan in Ann Arbor (on leave). From 1987 to 1996, he was a member of the UN Committee on Economic, Social and Cultural Rights, and from 1997 to 2003 of the UN International Law Commission. He was a co-founder both of the *European Journal of International Law* and of the European Society of International Law and is an associate Member of the Institut de droit international.



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2017 COMPROMIS

THE 2017 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

SPECIAL AGREEMENT

BETWEEN THE STATE OF ATANIA (APPLICANT) AND THE FEDERAL REPUBLIC OF RAHAD (RESPONDENT) TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE THE DIFFERENCES BETWEEN THE TWO STATES CONCERNING THE SISTERS OF THE SUN

1. Applicant, the Federation of the Clans of the Atan ("Atania"), and Respondent, the Kingdom of Rahad ("Rahad"), are neighboring states that occupy the Nomad Coast. The Nomad Coast, characterized by arid and semi-arid lands, is bounded to the north by the Great Garnet Desert and is otherwise surrounded by the Emerald Ocean.
2. Atania is a newly-industrializing state located in the eastern two-thirds of the Nomad Coast. As of 1 January 2015, Atania had a population of just over 22 million. Seventy-five percent of the GDP of Atania is based on the extraction and exportation of hydrocarbons; the country's other major sources of revenue are tourism and grain exports. In January 2010, the country's GDP was US\$102 billion, although by January 2016, it had fallen to US\$80 billion.
3. The Kingdom of Rahad, a constitutional monarchy, occupies the western third of the Nomad Coast. The current Queen, Teresa Savali II, has executive authority to command the nation's armed forces, to convene and dissolve the national parliament, and to appoint and dismiss government ministers. Rahad's largest export is natural gas. Rahad's GDP in January 2016 was estimated at US\$11 billion. According to the February 2014 census, its population was 3.5 million.
4. The Greater Inata Aquifer ("the Aquifer") is the largest underground source of fresh water in the Nomad Coast and is one of the largest aquifers in the world. People of the Nomad Coast have relied upon discharge from the Aquifer for many generations, but a definitive map of the Aquifer itself was not produced until 1990.
5. The Kin Canyon Complex ("the Complex") is a group of three canyons cut by long-extinct rivers straddling the border between Atania and Rahad. The Complex covers approximately 300 square kilometers. The canyons that constitute the Complex are located at the deepest part of a greater wadi system. Each is over four kilometers deep, consisting largely of layers of brightly colored sandstone and limestone. Among the many historic sites located within the Complex is a walled fortress known as "the Stronghold," an architecturally and archaeologically significant assembly of ancient dwellings and ceremonial structures. Also of great interest to archeologists and tourists is the Sunrise Mesa, a freestanding sandstone butte approximately 160 meters tall positioned 250 meters north of the Stronghold. When the rising sun strikes it, the butte appears to sparkle with red light. Two of the three canyons are within the borders of Atania; the third canyon and the Sunrise Mesa are within the territory of Rahad.
6. First settled in the Neolithic Era, the Kin Canyons are a rich source of archaeological treasures. The Complex was described in a 2015 issue of *National Geographic* magazine as "a continuing source of some of the most fascinating insights into early human civilizations." Critical archeological discoveries within the Complex include terracotta figurines, flint axes, and jewelry all dating from between 10,000 and 5,000 BCE.
7. The people of both Rahad and Atania descend from the Atan, the original inhabitants of the Complex. When the rivers that carved the canyons dried up more than 3,000 years ago, most of the Atan inhabitants migrated to coastal regions and separated into 17 clans. One of the clans, Clan Kin, remained in the Complex and provided for the protection of the Canyons, which they venerated as the birthplace of their ancestors.

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8. According to legend, in 500 CE, Teppa, a warrior of the Clan Kin, uncovered a plot by a warlord, Ifan the Desert Fox, to invade the Nomad Coast. To defend the Kin Canyons, Teppa persuaded all 17 Atan clans to stand together against Ifan's raiders, and under her leadership, the united clans defeated the invaders. Humbled by his defeat, Ifan offered his life to Teppa. Teppa forgave Ifan, raised the Ruby Sipar, a ceremonial shield laden with jewels, and declared peace. Teppa died a hero. Her exploits were the subject of poetry, and her image was featured in pottery, mosaics, and coinage of the era.
 9. In recognition of her pivotal role in saving the sacred canyons and uniting the people of the Nomad Coast, the Kin honored Teppa's memory by establishing "the Sisters of the Sun," an order of women dedicated to protecting and preserving the culture and traditions of the Kin. Although much of their history has been lost through the ages, the Sisters of the Sun continue to serve as social and cultural leaders within Kin society and as mediators in local disputes. The members wear miniature replicas of the Ruby Sipar around their necks as a symbol of their loyalty to the Sisters and to the founder of the order.
 10. After initial hostile contact with European explorers in the late eighteenth and early nineteenth centuries, the 17 Atan clans held a peaceful ceremonial gathering in 1863. Anticipating future contact with other nations and in an attempt to unite in perpetuity, 16 of the clans elected to enter into the republican federation, Atania, which still exists today. Clan Rahad chose to remain independent and established the Kingdom of Rahad. Permanent boundaries between the two states were established at the gathering.
 11. The Kin lived in the Complex until the formation of the two new states, when they migrated to lands east of the Complex in Atania. They remain largely culturally and politically isolated from the rest of Atanian society, avoiding modern technology and living off the land through farming, hunting, and gathering. As of 1 January 2013, the Kin accounted for 98% of subsistence farmers in Atania.
 12. For centuries, the original Ruby Sipar was believed to have been lost forever. In 1903, Dr. Gena Logres, an archaeologist from the University of Atanagrad, conducting an excavation in the Complex within the territory of Atania, discovered what appeared to be the original Ruby Sipar featuring more than 100 precious gems surrounding a large sun made entirely of rubies. Dr. Logres took the object to the University of Atanagrad, where it was placed on public display. Subsequent archaeological research confirmed its authenticity.
 13. In 1990, Atania and Rahad jointly proposed that the Complex be included on UNESCO's World Heritage List as a cultural and natural heritage property. The joint proposal included a two-kilometer "buffer zone," extending from the edge of the Complex in all directions. The World Heritage Committee accepted the proposal and listed the Kin Canyon Complex as a mixed heritage site on 2 May 1994. In 1996, the Ruby Sipar, identified as "on loan from the University of Atanagrad," was moved to a newly constructed Cultural Center on the Atanian side of the Complex. The Complex and the Cultural Center have drawn on average 350,000 visitors each year.
 14. As a result of record low rainfall, the entire Nomad Coast experienced sustained drought conditions in each year from 1983 to 1988. Both Atania and Rahad were forced to import water from other countries at great expense. In order to reduce its reliance on imported water, Rahad permitted the drilling of wells on public land for private, agricultural, and commercial use.
 15. In 1988, the Rahadi Ministry of Water and Agriculture hired a team of hydrologists from Alberta, Canada to map the sources of its subterranean fresh water. Using ground-penetrating radar, the hydrologists conducted the first in-depth study of the Greater Inata Aquifer. Their initial report, published in 1990, included a detailed map and concluded that the Aquifer covered more than 274,000 square kilometers within the Nomad Coast, of which 65% was located in Rahad and 35% in Atania. The Ministry then commissioned the hydrologists to undertake a more in-depth study to monitor the recharge rate and salinization of the Aquifer over the next 10 years.
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2017 COMPROMIS (CONTINUED)

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16. On the first UN World Water Day, 22 March 1993, Queen Teresa and the Atanian President, Alexander Vhen, appeared together at a ceremony in Atanagrad, the Atanian capital, to recognize and celebrate the importance of water to all peoples. In a nationally-televised address, the Rahadi Minister of Water and Agriculture said:
- The people of Rahad today join our Atanian neighbors and the world in recognizing the importance of water to all who live on the Nomad Coast. In honor of this World Water Day, Rahad promises to make every reasonable effort to preserve and protect the shared fresh water resources of our Nomad Coast and to ensure their equitable use. Future generations must be assured that they will never be denied access to these valuable, unique resources, on which life and prosperity depend, and without which we cannot survive.*
- The Minister's Atanian counterpart responded with a message communicating the "appreciation of the Atanian people for this neighborly gesture of cooperation and brotherhood."
17. In a speech on the 5th World Water Day in 1998, UN Secretary General Kofi Annan recalled the Rahadi Minister's statement:
- Rahad's commitment to preserve and protect the water resources it shares with Atania and to make sure that they are used equitably is a testament to the inspiration that lies behind the UN World Water Day. The world might well emulate this model of cooperation. Recognition must be universal that human dignity, indeed human survival, cannot be assured without access to fresh and clean water.*
18. In 2000, the follow-up report from the team of hydrologists found that the Aquifer contained approximately 35 cubic kilometers of extractable fresh water. The report indicated that the major deposit of the Aquifer's waters occurred more than 10,000 years ago; because of the arid climate of the Nomad Coast, the recharge rate of the Aquifer is negligible, and any water extracted from it would not be replenished for many generations.
19. Drought conditions returned to the region, beginning in 1999 and continuing to the present day, with record-low rainfall recorded throughout the Nomad Coast. In 2001, meteorologists in the Atanian State Weather Service reported that there had been a 1.6-degree Celsius average temperature increase throughout the Nomad Coast during the period 1970 to 2000. The head of the Service repeatedly expressed concern that "the combined impact of these meteorological and climatological changes on fresh water sources in the Nomad Coast is likely to result in a long-term shortage of water for the peoples of both Rahad and Atania."
20. In her annual birthday address on 16 June 2002, Queen Teresa stated that it was her government's desire to improve access to the waters of the Aquifer; to ensure that the needs of the Rahadi people could be met. She described the Aquifer as "a fundamental natural resource of our country;" and declared that, "as a developing nation suffering the effects of extreme drought and climate changes, Rahad has the right and indeed the obligation to seek out ways of using that resource to sustain our people." On the next day, she formally directed the Inata Logistic and Scientific Association ("ILSA"), a Rahadi government-funded scientific organization, to study the feasibility and long-term effects of directly tapping the Aquifer to meet Rahad's domestic need for water.
21. ILSA released its report on 17 January 2003. It concluded that, in light of projected consumption, growth and development, completely ending Rahad's reliance on imported water and re-establishing self-sufficiency would require an alternative supply of approximately 1.2 cubic kilometers of water per year. Extraction of water from the Aquifer at this rate would deplete its total extractable fresh water reserve in approximately 30 years. The report was subjected to blind independent peer review before being accepted for publication in the *International Journal of Hydrology*. The study noted that, because
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the Kin Canyons were located near the Aquifer; care would need to be taken to ensure that any depletion of the Aquifer waters did not harm the structural integrity of the Complex.

22. On 2 February 2003, Queen Teresa made a televised appearance to the nation, setting out her plans to address the increasingly serious water crisis in Rahad. Among other things, she announced:

Our nation is confronted with a very grave dilemma, and I want all of our people to understand how your government is proposing to deal with it. We simply do not have enough water to sustain our farmers, who grow our food and provide our sustenance, and there is no obvious solution to this problem that is economically viable and practically possible. None, that is, except one. I am today ordering the Bureau of the Interior to begin implementation of a comprehensive program to extract water from the Greater Inata Aquifer. I certainly realize that this is a short-term solution. If we exhaust the Aquifer, we risk bankrupting our future generations. But we must do something. All of our people are affected by this crisis. So we will explore means of taking life-giving water from the Aquifer so long as drought conditions continue, and so long as we have no other way of preserving the life and culture of the great Rahadi nation.

23. President Vhen responded by thanking the Queen for her remarks but noting his ongoing concern about the “equitable division of the waters of the Inata Aquifer,” and “the integrity of the Kin Canyon Complex, which is of enormous cultural and economic importance to both countries.” President Vhen reminded the Rahadi government of its obligation to respect the commitment it made on 22 March 1993, “when carrying out any plan to tap the largest source of fresh water on the Nomad Coast for its own exclusive domestic use.” He concluded, “unless and until my Government is assured that any Rahadi extraction of Aquifer waters will not negatively affect our use of the shared resource, we must express our serious concerns about the potential dangers that this unilateral action may provoke.” He called on the Queen to stop plans to tap the waters of the Aquifer immediately and to seek alternative sources.
24. The Bureau of the Interior prepared a plan for a network of 30 pump wells located in Rahad’s northern territories to be connected by a subterranean pipeline system (“the Savali Pipeline”), which would provide a reliable source of water to Rahad’s farmlands and natural gas industry. Given the concerns about its potential impact on the Complex, Rahad submitted the Savali Pipeline plan to the World Heritage Committee on 30 September 2004.
25. The Committee’s decision on the submission, published on 12 July 2005, “note[d] with concern” potential issues regarding possible subsidence of lands superjacent to the Aquifer, and “strongly urge[d] Rahad to ensure that the proposed Savali Pipeline project develops and implements targets for improving the conservation of the Kin Canyon Complex, and that all plans, policies, and proposals potentially affecting it demonstrate that they will make a positive contribution to the achievement of those targets without risking harm to sites of outstanding universal value.”
26. Working to comply with the decision of the World Heritage Committee, Rahad limited drilling for the extraction of water to areas more than 15 kilometers outside of the Complex’s buffer zone. The Savali Pipeline project was completed on 20 February 2006, and pumping from the Aquifer began. Since 2006, 70% of the water was used for agriculture and 22% by the natural gas industry (the remaining 8% went to a variety of other uses). The Savali Pipeline continues, as of the date of this Special Agreement, to pump water from the Aquifer at a consistent rate of 1.2 cubic kilometers per year.
27. In 2009, Atanian farmers in the region south of the Complex reported that wells, springs, and small streams were drying up, and land that had been rich and arable five years earlier was becoming dry and difficult to farm. Alarmed by the loss of important farmland, the Atanian Ministry of Water and Agriculture commissioned an international panel of climatologists, geologists, and hydrologists to determine whether the changing hydrology of the region was the result of the Savali Pipeline project.

2017 COMPROMIS (CONTINUED)

28. The panel released a study in June 2010 that concluded that operation of the Savali Pipeline had caused a permanent lowering of the water table in the region. As a result, discharge from the Aquifer could no longer provide a sufficient natural source of water for Atanian agriculture. The study found that 20% of what had been Atanian farmland could no longer be farmed, and that within 10 years an additional 30% would be lost if extraction continued at the same rate.

29. President Vhen addressed the findings in a Parliamentary speech given on 6 July 2010, in which he said:

Not long ago, our Rahadi neighbors agreed that the waters of the Greater Inata Aquifer are a shared resource. It is with great sadness that we must now observe the plundering of this resource to benefit economic interests in Rahad, with scant regard for the harm they are doing to the people of Atania. The destruction of our farmland has already cost Atania more than US\$300 million annually in the loss of food and other agricultural products. If this terrible trend continues, these losses will double in 10 years. We must implore the government of Rahad to stay true to its commitment to ensure the equitable use of shared water in the Nomad Coast, and to end the disastrous pipeline experiment.

30. Meanwhile, by late 2010, foreign tourists began posting photographs on Twitter and Instagram using the hashtag #kincanyonscrumbling. These images showed what appeared to be environmental degradation in remote sections of the Complex. On 4 February 2011, President Vhen ordered a panel of geologists to investigate the veracity of the images. Weeks later, the geologists unanimously agreed that there had been clear structural degradation of the Canyons and the Stronghold within Atania. They attributed the problem to subsidence due to depletion of the Aquifer, but offered no opinion regarding whether continued extraction would lead to further damage. On 1 June 2011, *The Atanian Herald* reported that two Bhutanese tourists had barely escaped falling into a massive sinkhole that appeared when a busy pathway in the Complex collapsed. The Atanian government's website announced that sections of the Complex were being closed to visitors immediately to ensure their safety.

31. President Vhen sent a communiqué to the UNESCO World Heritage Committee on 7 July 2011, requesting that the Complex be added to the List of World Heritage in Danger "due to the impact of the Savali Pipeline." Annexed to President Vhen's message were the results of the geologists' investigation.

32. At its 37th conference in Saint Petersburg in June 2012, the UNESCO World Heritage Committee granted President Vhen's application and added the Kin Canyon Complex to the List of World Heritage in Danger.

33. Following the Committee's decision, President Vhen requested a meeting with Queen Teresa to propose "the immediate suspension of Savali Pipeline operations until the situation, including potential hazards, may be better understood." The Queen declined the invitation, and on 19 July 2012 the Palace issued a press release:

We respect the cultural heritage of the Kin Canyon Complex that we share with our Atanian brothers and sisters, and for that matter with all of humanity. Our pumping of waters from the Aquifer is being conducted in accordance with the highest possible standards of care, in conformity with our obligations as stewards of this marvelous treasure. We voluntarily commit to undertake regular studies of the long-term impact of this project on the region in general and on the Complex in particular. But we have no intention of surrendering our sovereign right to develop the natural resources with which our territory is blessed.

34. Faced with the continued loss of farmable land due to the absence of water seepage from the Aquifer, the Atanian government determined that additional water needed to be allocated to agricultural

production. On 28 September 2012, the Atanian Parliament enacted the 2012 Water Resource Allocation Program (WRAP) Act, which set a quota on water supplied by the Atanian Public Water Works (a government agency) to every household, farm, and business in Atania, to be in effect from 1 January 2013 until further notice. The Water Works was ordered to provide the government with quarterly reports of water consumption.

35. Under the WRAP Act, all farming operations were also required to purchase licenses to utilize public water. WRAP offered license exemptions for farms that sold more than US\$75,000 worth of crops per year. Nearly 86% of farming operations in Atania qualified for this exemption. Licenses were made available for purchase online or at local WRAP offices. The WRAP Act empowered the Bureau of Agriculture to prosecute anyone who used over-quota water and farming operations that failed to obtain licenses under Atanian Criminal Code provisions for "theft of public property."
36. Fewer than 5% of Kin farmers applied for licenses before the end of 2012, as required by law. The Bureau of Agriculture investigations also showed that in the first two quarters of 2013, more than 80% of Kin households and farms used water in excess of their quotas. In July 2013, all violators were sent notification of their failure to comply with WRAP.
37. In August 2013, in accordance with the WRAP Act, the Department of Justice began the prosecution of two Kin farmers for use of over-quota water and failure to obtain a license. Both defendants asserted that their cultural traditions prevented them from seeking permission from the state to make use of natural resources. They also argued that the law discriminated against the Kin because it favored profit-generating farms, either because they qualified for an exemption or because they were able to pay for licenses. The two defendants were convicted of theft of public property and were ordered to pay a fine. Neither complied, and both were thereafter sentenced, in accordance with provisions of the applicable Criminal Code, to prison terms of five years. Although the Department of Justice distributed flyers across Kin lands publicizing the results of the trials and warning that more prosecutions might follow, over the following four months there was neither a noticeable increase in the number of licenses purchased nor a detectable decrease in the overall consumption of water in Kin areas.
38. In October 2013, the Atanian Parliament amended the WRAP Act to provide that farms using water in violation of the Act were subject, in addition to the existing criminal penalties, to the termination of their state-controlled water supply. Invoking those procedures, by the end of 2013, the government of Atania cut off water to the majority of farms in Kin lands.
39. United Nations Food and Agriculture Organization ("FAO") Director-General José Graziano da Silva condemned the effects of WRAP in a speech to the General Assembly on 2 February 2014. He described numerous reports received from Kin villages in Atania claiming that small farmers whose water supplies had been terminated for failure to comply with WRAP and therefore had to abandon farming had no other means of securing sufficient food and were suffering severe deprivation. Dr. Graziano implored the government of Atania to stop the denial of access to water and to provide assistance to Kin villagers already affected by the changes to the water rights regime in the country.
40. On 28 June 2014, the International Federation of the Red Cross and Red Crescent released a report entitled "It's a WRAP: Starvation and Illness among the Kin." Based on six months of interviews and surveys of Kin villagers by IFRC staff in the region, the report found rapidly rising rates of food-deprivation-related illnesses such as scurvy and beriberi among the Kin population. It also indicated that, of the 1.1 million Kin then living in Atania, more than 500,000 were undernourished. The report confirmed the FAO's conclusion that the termination of the Kin's water supply was depriving them of the ability to continue the traditional farming that had been their primary source of sustenance.

2017 COMPROMIS (CONTINUED)

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41. On 17 July 2014, Carla Dugo, one of the elders of the Sister of the Sun, chained herself to a flagpole in the plaza outside the President's residence in Atanagrad. She told reporters that she was engaging in a hunger strike to protest "the Atanian government's persecution of the Kin" through what she called "the theft of our water, our food, and our way of life." She also called on her fellow Sisters to "stand together" and "remember Teppa, and the true meaning of the Sipar that we proudly wear." Within two weeks, over 5,000 Sisters of the Sun, hundreds of Kin, and their supporters had congregated in the plaza.
42. The protest was widely reported in international media, which noted that numerous public buildings and other structures, including the seat of the Parliament, had been tagged with hand-painted Sipar symbols. Many international human rights NGOs tweeted messages of solidarity with the Sisters of the Sun. Thousands of demonstrators and onlookers began to assemble in the plaza and the immediate vicinity. Sisters led protesters to form human chains across major roads into the city, blocking traffic and preventing employees from entering municipal offices. Sister Dugo spoke with reporters at the scene and used the media spotlight to raise her Sipar, invoking "the memory of Teppa," calling on all Sisters of the Sun and the entire Clan Kin to "stand together against the persecution of our people" by the government. Other speakers, all of whom wore or carried replicas of the Ruby Sipar, called for "stronger and more resolute action until our representatives listen to our cries." The crowds refused orders to disperse, and on 2 August 2014, the mayor of Atanagrad described conditions in his city as "chaotic, unsanitary, dangerous, and entirely unsustainable."
43. On 5 August 2014, President Vhen issued the following order:
- The ongoing unrest and the seditious protests led by the Sisters of the Sun can no longer be tolerated. The untenable situation in our capital city requires that the Government take drastic action to preserve law and order for all of our citizens. Therefore, I am today deploying armed police to assist government officials working to maintain peace and to permit all of our people the opportunity to live their lives without disruption. We respect the history of the Sisters and are mystified by their apparent decision to sacrifice their peaceful traditions to promote social disorder and mistrust of the Government. The Ruby Sipar, once a symbol of respect and even veneration that represented the united cultures of our nation, has come to identify and to provoke disruptive elements within Atania. It must be banned. We can no longer accept its public display. All Ruby Sipar Pendants worn or carried in public shall be confiscated and destroyed by agents of law enforcement.*
44. Following this order, Atania removed the Ruby Sipar from public display in the Complex Cultural Center and placed it in storage.
45. Following President Vhen's announcement, Atanian police cleared the plaza, arresting more than 800 Sisters of the Sun and Kin protesters. They were charged with disturbing the peace and violating orders to disband. The remaining demonstrators were driven from the plaza with tear gas and rubber bullets; no deaths or serious injuries were reported. The police seized all of the Sipar Pendants worn by the Sisters.
46. In the following days, Sisters of the Sun throughout Atania publicly expressed what they called their "outrage over the ongoing treatment of the Kin and the government response to peaceful protests." The Ministry of the Interior claimed that in many areas, demonstrations blocked roads, interfered with local businesses, and disrupted regular social activities, although again, there were no reports of deaths or serious injuries. Atanian police arrested more than 100 Sisters of the Sun and 900 other Kin demonstrators across the country over the following days. Hundreds remain in prison as of the date of this Special Agreement.
47. In early September 2014, Rahadi Immigration Department agents reported that as many as 100,000 Kin had crossed into Rahad over the previous two weeks. The Argentine daily newspaper *La Nación*, which
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had sent a correspondent to interview members of Clan Kin, reported that while most of those crossing the border identified "fear of arrest" as their motivation, a substantial number claimed to be fleeing starvation.

48. On 18 September 2014, the Rahadi Parliament enacted the Kin Humanitarian Assistance Act (KHAA). The preamble noted that the Kin crossing into Rahad "were facing the desperate plight of people forced to escape hardship and persecution in their homeland." KHAA provided that Kin identified as Sisters of the Sun and their family members were deemed to be fleeing persecution and were therefore entitled to all of the rights and privileges of refugees under Rahadi immigration law. All other Kin entering Rahad were permitted to apply for refugee status, to be determined on a case-by-case basis. Because of the volume of applications and other circumstances, including the unavailability of adequate funding, Rahad anticipated at least a 24-month period until it could begin review of those applications.
49. KHAA ordered that the Government, in cooperation with the United Nations High Commissioner for Refugees, establish three temporary camps in which all Kin entering the country were to be housed "until other arrangements can be made or until they deem it safe to return to their homeland." As of the date of this Special Agreement, of the approximately 800,000 Kin who crossed the border into Rahad, 21,000 were found to be Sisters of the Sun, and an additional 134,000 their family members; refugee status was provided to all of those individuals. Applications for refugee status of other Kin remain pending as of the date of this Special Agreement.
50. During intake interviews of a group of Kin at one of the camps on 3 October 2014, Rahadi border patrol agents encountered Carla Dugo. She told the agents that, a few days earlier, she had entered the Kin Canyon Complex Cultural Center in Atania under cover of darkness and removed the original Ruby Sipar from the vault in which it had been stored. She declined to provide more details (including the names of Center employees who she claimed had helped her) but told the border personnel that she had taken the treasure "to ensure its protection from destruction," and because "it belongs with the Kin, wherever we are." Sister Dugo voluntarily turned over the Sipar to the border agents, who delivered it to the Rahadi Ministry of Culture.
51. The Rahadi Minister of Culture, Sophia Casa, notified her counterpart in Atania that she was in possession of the Ruby Sipar and that, given that its public display had been prohibited by President Vhen, it would be "inappropriate" for it to be returned. The Atanian Minister replied that the refusal to return the Sipar demonstrated "a blatant disregard for the cooperative relationship shared by our two states and a clear violation of international law."
52. On 3 November 2014, Ms. Casa formally rejected the request for repatriation of the Sipar, which she described as the lawful property of Rahad. She said:

Atania has publicly declared the Sipar to be a symbol of sedition and those who wear it to be enemies of the state. The campaign to eradicate all vestiges of the Sipar is incompatible with any claim to its ownership. We will keep this priceless treasure where it will be available to all who wish to see it, and we will treat it with the respect and veneration that it deserves.
53. By August 2015, the International Rescue Committee, which had been invited by Rahad to monitor conditions at the camps, reported that the number of Kin in Rahad exceeded the capacity of the facilities created to receive them, and that national infrastructure "was being stretched beyond the breaking point." The reports described sporadic power outages in 85% of the country lasting for more than four hours at a time, and reduced access to clean water for more than 150,000 Rahadi families, as well as the Kin in the camps. Members of the Rahadi Parliament introduced legislation to repeal the KHAA.

2017 COMPROMIS (CONTINUED)

54. On 13 October 2015, *The Rahadi National Times* published a front-page article reporting that of the thousands of Kin migrants who had qualified for refugee status and were being resettled into urban centers, some were engaging in petty crime, while others were sleeping in the streets, apparently unable to acclimate to the culture of Rahad. The article quoted numerous Rahadi citizens who expressed concern about the social and economic costs of attempting to integrate the Kin into their new society. Dismissed by government spokesmen as “xenophobic exaggeration,” the *Times* article was cited by members of the Rahadi Parliament urging repeal of the KHAA and the revisiting of what they called “the Kin question.”

55. After extensive debate, on 17 December 2015, Parliament adopted the Border Protection Act (BPA), whose preamble recited, in relevant part:

It is the opinion of Parliament that the Kin crisis and the burden it has placed upon our society and economy have been caused by internationally wrongful acts of the Atanian state including the gross mistreatment of the Kin in their homeland. Parliament therefore humbly requests that Her Majesty's Government pursue all available means to achieve three objectives: (a) negotiating a cessation of the causes of the massive emigration of Kin from Atania; (b) devising a plan for the safe relocation of those Kin who do not qualify for refugee status; and (c) obtaining financial compensation from the government of Atania for the massive costs our nation has had to bear as a result of our humanitarian response to the influx of the Kin.

56. In her keynote address at the annual meeting of an international NGO the following month, Queen Teresa directly addressed the issues raised by the Parliament:

Recently, our Parliament requested that I endeavor to obtain compensation for the economic burdens that the Kin are placing on Rahad's economy. I have instructed my Government to engage in discussions with Atania, whose treatment of the Kin has given rise, over the past few years, to a mass migration of members of that Clan into our country. When their legal and moral obligations are not sufficient to compel states to treat their citizens with respect, it is improper for them to shift the economic consequences of such policies onto neighbors willing to provide shelter to people fleeing their homelands, in order to forestall even more serious catastrophes. This is a moment for political vision and bravery, and for insisting upon the sharing of humanitarian burdens.

57. On 18 January 2016, the Rahadi Ambassador to Atania submitted to the Atanian Foreign Ministry a memorandum itemizing expenditures associated with running the camps, relocating and integrating the Kin, and repairing damage to national infrastructure, all of which was said to be accruing. The list included particular costs claimed to have been caused by the influx, such as provision of food, sanitation, basic health and municipal services (including security services), building the camps, access to clean water, connections to the power grid, and road maintenance and construction. Deducting contributions provided to Rahad by foreign aid programs and international organizations, the net total was US\$945,000,000, and the memorandum demanded compensation in that amount as well as for expenses continuing to accrue. Later that day, a spokesman for the Atanian Foreign Ministry, during a weekly press conference, acknowledged the memorandum, but dismissed it as “unprecedented, inconsistent with international law, and unworthy of a reply.”

58. At the suggestion of the Secretary General of the United Nations, the governments of Atania and Rahad convened high-level discussions of the Kin issue in March 2016. The discussions quickly revealed to both parties that the crisis was part of a much larger dispute concerning all of the issues set out in this Special Agreement. In April 2016, the parties agreed to refer all of these matters to this Court.

-
59. Atania and Rahad are both members of the United Nations, and are parties to the Statute of the International Court of Justice; the Vienna Convention on the Law of Treaties; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the 1972 World Heritage Convention; and the 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol). Atania is a party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which Rahad has signed with ratification still pending in Parliament. Neither state has made any reservations, declarations, or understandings with regard to any of these treaties other than Atania's declaration regarding the 1970 UNESCO Convention referenced below.
60. Upon its ratification of the 1970 UNESCO Convention, Atania deposited the following declaration with the Director-General of UNESCO:
- The properties designated as "of importance for archaeology, prehistory, history, literature, art or science," in accordance with Article 1 of the Convention, include, without limitation, the following:
- (a) All Atan archaeological objects regardless of material or value, dating from the year 1900 CE or before;
 - (b) All Atan paintings, drawings, water-colors, pastels, photographs, and pictures more than 50 years old and worth more than US\$10,000; and
 - (c) All original Atan sculptures, bas-reliefs, engravings, and all copies thereof produced by the same process as the originals, made before 1900, regardless of their value. None of the above-referenced works may be removed from the territory of the Federation of the Clans of the Atan without an export license to be issued by, and according to regulations promulgated in the name of, the Ministry of Culture.
61. Applicant, the Federation of the Clans of the Atan, respectfully requests that this Court adjudge and declare that:
1. Extraction of water from the Aquifer violates international obligations undertaken by Rahad and constitutes an inequitable use of a shared resource;
 2. The Savali Pipeline operations violate Rahad's international obligations with respect to the Kin Canyon Complex and therefore must cease;
 3. Rahad must immediately return the Ruby Sipar to Atania, its lawful owner; and
 4. Atania owes no compensation to Rahad for any costs incurred related to the Kin migrants.
62. Respondent, the Kingdom of Rahad, respectfully requests that this Court adjudge and declare that:
1. Rahad's extraction of water from the Aquifer does not violate Rahad's international legal obligations governing the proper use of shared resources;
 2. Rahad's Savali Pipeline operations do not violate any legal obligations relating to the Kin Canyon Complex;
 3. Rahad is entitled to retain possession of the Ruby Sipar; and
 4. Atania must compensate Rahad for all direct and indirect expenses incurred and accruing as a result of accepting members of Clan Kin fleeing from Atania.
-

CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

CORRECTIONS AND CLARIFICATIONS TO THE SPECIAL AGREEMENT

The following corrections and clarifications to the Special Agreement have been agreed to by the parties, and the text jointly notified to the Court on 12 September 2016 should be considered amended accordingly. The Registrar of the Court reminds all parties and participants of the following:

- a. The Special Agreement is, in essence, a negotiated stipulation of facts. Its words have been carefully chosen, and they 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 Special Agreement 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 Special Agreement.
- d. With respect to the pronunciation of the various proper names used in the Special Agreement, 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.
- e. Atania and Rahad are not parties to any bilateral or multilateral treaties, conventions, or accords other than those referenced within the Special Agreement or herein.

CORRECTIONS

1. In the fourth sentence of Paragraph 5, the reference to the depths of “four kilometers” of the canyons should be corrected to “1.4 kilometers”.
2. In Paragraph 32, the reference to the 37th Conference should be deleted and replaced with “36th Conference.”
3. The second sentence of Paragraph 59 is deleted and replaced with the following sentence: “Atania became a party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in 1991, and Rahad deposited its instrument of ratification with UNESCO on 30 September 2014.” No other part of paragraph 59 is changed.

CLARIFICATIONS

1. The Greater Inata Aquifer is an unconfined fossil aquifer. It is not subjacent to the Kin Canyon Complex.
2. The “Stronghold” is located within the Kin Canyon Complex in Atania’s territory.
3. The report issued by ILSA on 17 January 2003 included an environmental impact assessment undertaken and completed in compliance with Rahadi domestic law. This environmental impact assessment was included in Rahad’s 30 September 2004 submission to the World Heritage Committee.
4. The University of Atanagrad is a public university founded and predominantly funded by the Atanian Government.
5. The Kin Canyon Complex Cultural Center is owned and managed by the Atanian Ministry of Culture.

6. At the 2014 Meeting in Doha, Qatar, the World Heritage Committee began discussions with Rahad on a program of corrective measures regarding the Savali Pipeline and Kin Canyon Complex. The Committee requested that Rahad present plans for implementation at the 2017 Meeting in Krakow, Poland.
7. Those arrested following the 17 July 2014 protest in Atanagrad were charged with inciting a riot, a felony charge under Atanian domestic law. They were provided with court-appointed counsel. Each protester had an initial appearance and was remanded to custody pending trial. No trial dates have been set as of the date of the Special Agreement. The pretrial detentions comply with Atanian domestic law.
8. The camps opened in Rahad pursuant to the KHAA were operated by and paid for exclusively by Rahad. The Office of the United Nations High Commissioner for Refugees (UNHCR) participated only to the extent necessary to inspect the camps and to ensure that the camps met minimum UNHCR standards.
9. As of the date of submission of the Special Agreement, Atania continues to import water from third-party nations. Rahad has not imported water since 1 January 2007.
10. Atania and Rahad were admitted to the United Nations in 1962 and became parties to the Statute of the International Court of Justice. Each country has been party to the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights since 1975; Atania and Rahad became party to the 1972 World Heritage Convention in 1981 and 1983, respectively, and the 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol) in 1971 and 1973, respectively.



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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, Orissa

National Law University, Delhi

National Law University, Jodhpur

National University of Advanced Legal Studies

Nirma University of Science and Technology

Raffles University

Rajiv Gandhi National University of Law

SASTRA University School of Law

Symbiosis Law School – Noida

Symbiosis Law School, Pune

Tamil Nadu National Law School

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

The WB National University of Juridical Sciences

University of Petroleum & Energy Studies

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Andalas University

Brawijaya University

Hasanuddin University

Podomoro University

Tarumanagara University

Universitas Diponegoro

Universitas Gadjah Mada*

Universitas Indonesia

Universitas Katolik Parahyangan

Universitas Pelita Harapan

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Universitas Sebelas Maret

Universitas Sumatera Utara

Universitas Udayana

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Lebanese French University

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Kyoto University

Nagoya University

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Sophia University

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University of Tokyo

Waseda University

JORDAN

University of Jordan

KAZAKHSTAN

KazGUU University

KIMEP University

KENYA

Kenya School of Law

Kenyatta University School of Law
(KUSOL)

Moi University

KOSOVO

University of Prishtina

KUWAIT

Kuwait International Law School

KYRGYZSTAN

Kyrgyz State Law Academy, Osh branch

LATVIA

University of Latvia (Latvijas Universitate)

LEBANON

La Sagesse University

LESOTHO

National University of Lesotho

LITHUANIA

Mykolas Romeris University

Vytautas Magnus University

LUXEMBOURG

Université de Luxembourg

MACAU

University of Macau

MALAYSIA

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International Islamic University

Fakulti Pengurusan Awam dan

Undang-undang Universiti Utara Malaysia

Universiti Kebangsaan Malaysia

Universiti Sultan Zainal Abidin

Universiti Teknologi MARA

University of Malaya

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Universidad Nacional Autónoma de México
(UNAM)

Universidad Panamericana Campus Bonaterra*

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Tribhuvan University, National Law College

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NEW ZEALAND

Auckland University

NIGERIA

University of Benin

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PAKISTAN

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Institute of Law and Criminology

Institute of Law, University of Sindh Jamshoro

International Islamic University, Islamabad

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Lahore University of Management Sciences

Pakistan College of Law

Quaid E Azam Law College Lahore

University College Lahore*

University of Karachi School of Law

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Al-Istiqlal University

An Najah National University

Arab American University Jenin*

Birzeit University

Modern University College

Palestine Ahliya University College

PANAMA

Universidad Católica Santa María La Antigua

PHILIPPINES

Ateneo de Manila University

Far Eastern University – Institute of Law*

San Beda College of Law

Silliman University

University of San Carlos

University of San Jose – Recoletos

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PUERTO RICO

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Belgorod State University

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Immanuel Kant Baltic Federal University

Kazan Federal University

Kutafin Moscow State Law University

Mari State University

MGIMO University

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Moscow State Technical University

named after N.E. Bauman

Moscow State University

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Russian State University of Justice

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Russian State University of Justice – North Caucasus

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Saint-Petersburg State University

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Ural State Law University

Voronezh State University

Vyatka State University

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University of Belgrade

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Singapore Management University School of Law

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Pan European University in Bratislava

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University of Ljubljana

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University of Pretoria
University of the Witwatersrand

SOUTH KOREA

Korea University
Seoul National University

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ESADE – Universidad Ramon Llull
Universidad Autonoma de Madrid
Universidad Carlos III de Madrid
Universitat Autonoma de Barcelona
Universitat Pompeu Fabra

SRI LANKA

University of Colombo

SWITZERLAND

Université de Geneve

THAILAND

Chulalongkorn University
Thammasat University

TRINIDAD AND TOBAGO

University of the West Indies, St. Augustine

TURKEY

Ankara University
Galatasaray University
Istanbul University
Koc University
New East University

UGANDA

Cavendish University
Kampala International University
Law Development Centre
Makerere University
Uganda Christian University

UKRAINE

Academy of Advocacy of Ukraine
Donetsk National University
Ivan Franko National University in Lviv, School of Law
Kiev University of Law
Kyiv-Mohyla Academy
Kyiv Taras Shevchenko National University
(International Relations)
Kyiv Taras Shevchenko National University*
National Aviation University
National University of Ostroh Academy
Ternopil National Economic University
V. N. Karazin Kharkiv National University
Yaroslav Mudriy National Law University
Yuriy Fedkovych Chernivtsi National University

UNITED ARAB EMIRATES

American University of Sharjah

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School of Oriental and African Studies
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Arizona State
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Brigham Young University
Brooklyn Law School
California Western School of Law
Case Western Reserve University
Catholic University of America
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Columbia Law School

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Creighton University

DePaul University

Drexel University

Emory University

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Fordham University

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Valparaiso University

Vanderbilt University

Wake Forest University

Washburn University

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West Virginia University

Western Michigan University

Cooley Law School

Western New England University

Widener University – Wilmington

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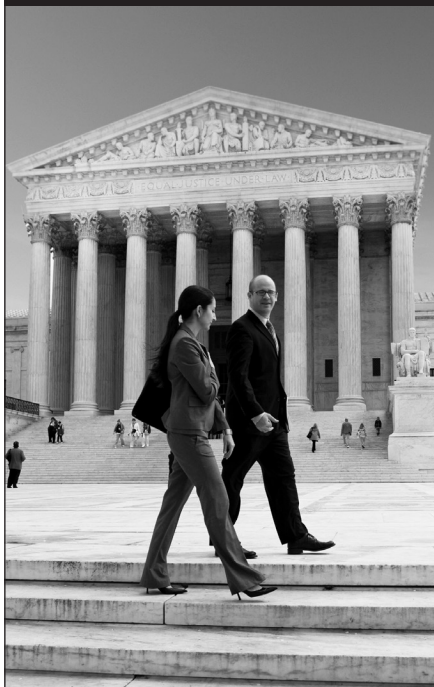
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VERY SPECIAL THANKS

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, volunteers 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, and Hugh Verrier, the Firm's Chairman.

We would also like to thank the International Bar Association, the world's leading organization of international legal practitioners and bar associations, for its support of ILSA and the Jessup Competition. Our 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*.

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A final word of thanks goes to our Qualifying Round Administrators for their tireless work and dedication on behalf of the Jessup Competition.

The background of the entire page is a solid orange color. On the left side, there is a vertical, irregular white line that looks like a torn edge. Overlaid on the orange background are several concentric circles in varying shades of orange, creating a subtle, abstract pattern.

White & Case

1221 Avenue of the Americas
New York, NY 10020
USA

T + 1 212 819 8200

jessup@whitecase.com
whitecase.com/social-responsibility
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International Law Students Association

701 Thirteenth Street, NW
Washington, DC 20005
USA

T + 1 202 729 2470

jessup@ilsa.org
ilsa.org
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