

Clarifications to the Record
Surana & Surana SAARC Rounds
Twenty-Eighth Stetson International Environmental
Moot Court Competition

1st -3rd December 2023

Please note that this document does not contain responses to all of the requests for clarification that were received. The answers to some requests are already contained within the Record, and other requests were beyond the scope of the legal and factual issues that should be the focus of your arguments in the memorials and during the oral rounds of the competition. The arguments should largely focus on the conventions and legal principles that are mentioned in the Record.

Clarifications regarding background or procedural matters

- Q1. May we use generative AI tools in drafting the memorial?
- A1. Your team should not use generative AI tools to create the content of the team's memorial. Note that ChatGPT is notorious for generating fake references. If your team cites a non-existent or incorrect source in the memorial, your team may be subject to penalties, including disqualification, in a regional or national round, and your team will not be invited to participate in the International Finals.
- Q2. Is Aringuv considered the Applicant and Replomuté considered the Respondent for the purposes of this competition?
- A2. Yes. The Democratic Republic of Ibirunga (DRI) is not a party to the proceedings before the ICJ.
- Q3. Should the participants address jurisdiction in the memorials?
- A3. The memorials should include a statement of jurisdiction, but as stated in the Special Agreement, the Parties will not dispute the ICJ's jurisdiction.
- Q4. Can we frame additional issues apart from the given two issues in the Record? A4. No.
- Q5. Will all the European Union laws apply to Replomuté and African laws apply to DRI and Aringuv?
- A5. This is an international environmental dispute, and as such, the arguments should focus on the international instruments, laws, and principles discussed in the Record.
- Q6. Are we only to look at coercion as means of imposing indirect responsibility, or can we explore other aspects for the same?
- A6. With respect to the substantive issue before the ICJ, the arguments regarding whether Replomuté is indirectly responsible under international law should focus on coercion.

- Q7. Paragraph 12 in the Record states that Aringuv has signed the Espoo Convention, but Paragraph 25 states that Melanie Waitz campaigned on a green platform that included Aringuv acceding to the Espoo Convention. Please clarify whether Aringuv is a party to the Espoo Convention or not.
- A7. Aringuv has not acceded to the Espoo Convention. While part of Waitz's campaign platform was for Aringuv to accede to the Espoo Convention, it has not yet done so. Paragraph 12 in the Record describes the current status of each state with respect to the Espoo Convention.

Clarifications regarding the Royal Mountain Gorillas

- Q8. Was the Royal Mountain Gorilla added to the IUCN Red List after the 2020 census?
- A8. The Royal Mountain Gorilla was added to the IUCN Red List in 1980.
- Q9. Are the Royal Mountain Gorillas in the Record almost identical in appearance and behavior, or do they bear any similarity to, the Eastern Lowland Gorillas (*Gorilla beringei graueri*), Mountain Gorillas (*Gorilla beringei beringei*), or any other species of gorillas listed on the IUCN Red List?
- A9. The Royal Mountain Gorilla is similar in size, appearance, and behavior to *Gorilla beringei beringei*.
- Q10. Paragraph 21 in the Record states that local and international NGOs expressed serious concern for the Royal Mountain Gorillas as a result of the oil extraction activities. When did this happen, and which countries' local NGOs expressed such concern?
- A10. Local and international NGOs formally expressed concerns in 2012. The NGOs were based in a few states, including Aringuv, the DRI, and Replomuté. The NGOs have continued to object to the project to present day.

Clarifications regarding the proposed oil extraction activities

- Q11. Was the DRI decolonized when it signed the concession agreement with Replomuté?
- A11. Yes, the DRI was an independent state when it signed the concession agreement.
- Q12. Assuming that the arbitration process was fair, what were the reasons for the arbitral panel ordering the DRI to permit the oil exploration to continue?
- A12. You should assume that the arbitral panel was fair and that the concession agreement is valid.
- Q13. Are the oil exploration, pipeline construction, and planned oil extraction in DRI being carried out solely by Replomuté, or does DRI have a role to play in the activities?
- A13. The work is being conducted by Replomuté nationals.