

Clarifications to the Record
Twenty-Sixth Annual Stetson International Environmental
Moot Court Competition
2021–2022

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. Is Anhur considered the Applicant and Rongo considered the Respondent for the purposes of this competition?
- A1. Yes.
- Q2. Paragraph 2 of Annex A places “Anhur to the east and Rongo to the west.” But the map in Annex B places Anhur to the west and Rongo to the east. Which is correct?
- A2. Anhur is to the west of Rongo. The Record has been corrected.
- 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. Does the sentence “The ICJ is not requested to decide the ultimate question of Kemp Key’s sovereignty” mean that the participants should not address the issue of whether the territorial integration of Kemp Key into Rongo was legal? Please clarify the extent to which the participants should discuss Kemp Key’s territorial integration into Rongo.
- A4. Anhur and Rongo should not focus their arguments on the merits of which country may properly exercise sovereignty over Kemp Key. Instead, each side should discuss the legal implications if it is the proper sovereign over Kemp Key and also address the legal implications if, in the alternative, the other country has sovereignty over Kemp Key.
- Q5. Anhur acceded to the Ramsar Convention in 1987. Was that before or after the amendments to the Convention were made on 28 May 1987? If after, did Anhur ratify the amendments?
- A5. Both Anhur and Rongo are Contracting Parties to the Ramsar Convention, as amended.
- Q6. Did Anhur and Rongo attend all the Conferences or Meetings of the Parties related to the Conventions to which they are Parties?
- A6. Yes, and they were part of the consensus of any resolutions or decisions adopted at such fora.
- Q7. What are the economic situations of Anhur and Rongo?
- A7. Anhur and Rongo are classified as middle-income developing countries by the U.N. Conference on Trade and Development.
- Q8. Should the diplomatic notes be considered aspersions or facts?
- A8. The facts referenced in the diplomatic notes should be taken as true, but the legal assertions in the diplomatic notes may be debated.

Clarifications regarding the Menhit Wetland Complex

Q9. What activities were conducted within the Menhit Wetland Complex after 2013?

A9. Scientific research and monitoring was conducted. In addition, small groups were permitted to take guided tours through certain portions of the Menhit Wetland Complex.

Q10. Was Rongo aware of the presence of the ANP-FF in its territory?

A10. Rongo knew the ANP-FF had established a camp in the Menhit Wetland Complex, but there is no evidence that Rongo knew of any planned military operations by the ANP-FF.

Q11. What did the commander do during the proportionality analysis before the artillery attack?

A11. In response to questions asked to the commander concerning her engagement criteria, she responded by stating that “after conducting a standard proportionality analysis, I determined that the expected incidental death or injury to civilians and damage to civilian objects was not excessive to the concrete and direct military advantage I anticipated from conducting the attack.”

Q12. What were the specific artillery rounds fired into the camp?

A12. The rounds were 105mm high explosive rounds fired from towed M119 Howitzers.

Q13. Is the ANP-FF paramilitary group organized under a hierarchical structure?

A13. Yes, there is a loose hierarchical structure.

Q14. Since the creation of the ANP-FF, how many confrontations have taken place between Anhur and the paramilitary group?

A14. This is the only confirmed official military confrontation between the ANP-FF and the Anhur military, though intelligence reports have suggested that others occurred prior to the formal recognition of the ANP-FF by individuals who later were acknowledged as members of the organization.