

## **SIXTY-FOURTH ANNUAL PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION**

### **THE CASE CONCERNING THE CLARENT BELT**

The 2023 Jessup Problem focused on four legal issues: interpretation of peace treaties; deadly attacks in allegedly occupied territory; unilateral economic sanctions; and the legal consequences of failing to dispose of hazardous waste properly.

The parties were the Kingdom of Aglovale (Applicant) and the State of Ragnell (Respondent), both located within the Gais Peninsula. The Peninsula comprises three countries, the third being the Federation of Balan, which was not party to the case.

Aglovale is bordered by Balan to the north and east, and Ragnell to the south and west. Between Aglovale and the Dozmary Sea lies the Clarent Belt (Belt), a mountainous and largely inaccessible region that is 217 kilometers long and extends inland between 25 and 79 kilometers. In the Belt, only the portion known as “Tintagel Coast,” approximately 1,200 square kilometers, is habitable.

Until the early 1950s, the Belt was universally recognized as part of the territory of Balan. In the early twentieth century, Balani commercial enterprises established an industrial park on Tintagel Coast. In 1915, Aglovale and Balan concluded an agreement whereby Aglovale paid for the construction of a seaport and built the Eamont Thruway, a railway and road system that crossed the Belt underground from that port and connected to highways through southwestern Balan and into Aglovale. As part of the agreement, Balan pledged that use of the port and the Eamont Thruway would remain open to Aglovale “in perpetuity,” in exchange for a nominal annual fee. Aglovalean traders made extensive use of the port facilities for import and export, and the Thruway remains to this day the only land route between the seaport and Aglovale.

In October 1951, there was an explosion that Balan attributed to Ragnell, creating tension in the Belt. In June 1952, the standoff between the two states escalated into the “Clarent War” to which Aglovale remained neutral so long as its use of the port facilities and the Eamont Thruway was not threatened. On September 16, 1958, at the Queen of Aglovale’s invitation, the leaders of Ragnell and Balan met to sign the Trilateral Treaty of Lasting Peace (Treaty). As a result, Balan retained sovereignty over the Belt, but agreed to lease the entire territory of the Belt to Ragnell for a specified annual payment. The lease was for a sixty-five-year term, after which the territory would be returned to Balan. For the duration of the lease, Ragnell assumed responsibility for maintenance of public order and provision of government services. Balan and Ragnell guaranteed Aglovale unimpeded use of the seaport and the Eamont Thruway, and Aglovale agreed to monitor the other parties’ compliance with the terms of the Treaty.

Although the Treaty was met with widespread support in all three States, a group of Balani military veterans, Unityk Ai Chyvon (UAC) (“United and Whole” in Balani), many of whom had lost loved ones in the Clarent War, organized annual protests and marches across Balan, opposing the Treaty, and the possibility of Ragnell’s continued presence in the Clarent Belt following the pre-determined date for the lease’s termination in October 2023.

In 2021, Ragnell launched Operation Shining Star against UAC in the Clarent Belt, and specific attacks were carried out over the course of that operation—namely the destruction of Nant Gateway, the only access point between the Belt and the rest of the region, and the bombing of

Compound Ardan, an industrial complex in the Belt used to launch armed attacks but also housing civilians.

By the end of 2021, the main waste treatment plant of the Plastics Conglomerate was the site of days-long fighting between UAC units and Ragnell's forces, it was deemed inoperable and plastic waste began to accumulate in the park. Ragnell made several requests to transfer the waste for processing in Aglovale, the location of the only other suitable facility in the Peninsula, but failed to reach an agreement and further negotiations were conditioned by Aglovale until the fighting ceased. The attacks continued, as a result, more than four hundred UAC fighters were captured and held at Fort Caerleon, a makeshift detention center within the Belt some distance from the areas of active combat.

In January of the following year, Ragnell signed a bilateral agreement with Etna, a nearby developing state, and transported plastic waste contaminated with bacterial pathogens, which accumulated in the Clarent Belt, and could not be treated therein as a result of the conflict, for proper disposal. Ragnell employed UAC detainees in Fort Caerleon to help load the plastic waste onto ships. On March 21, 2022, as the fighting drew closer to Fort Caerleon, Ragnell announced that it was transferring the UAC detainees, to Camlann Correctional Center, a maximum-security prison in the north of Ragnell.

In April 2022, Aglovale's Parliament enacted sanctions legislation against Ragnell, which included:

- (1) Freezing bank accounts belonging to President Vortigern, his cabinet ministers, and senior RPP members and financial supporters, and seizing the assets of anyone of Ragnellian or other nationality engaged in direct or indirect attempts to circumvent these sanctions;
- (2) Imposing travel bans on those same individuals;
- (3) Freezing the funds of Ragnell's central bank and ten other major Ragnellian banks operating in Aglovale's territory; and
- (4) Prohibiting companies incorporated in Aglovale and Aglovalian citizens from entering into new contracts with, providing goods or services to, or receiving goods or services from, business enterprises operating in Ragnell's industrial, aviation, transportation, or security sectors.

Throughout June and July, delegates from Aglovale, Ragnell, and Balan met in Geneva to negotiate a settlement of their disputes concerning the sanctions, the armed conflict in the Belt, and the management of waste from Tintagel Park. On July 13, 2022, after negotiations failed to produce an agreement, Ragnell filed an Application with the Registry of the International Court of Justice instituting proceedings against Aglovale. Aglovale indicated its intention to file counterclaims, also invoking the Treaty as its jurisdictional basis. On August 15, 2022, the Court entered an Order recommending that the parties draft a Statement of Agreed Facts. The parties stipulated that Aglovale would appear as Applicant and Ragnell as Respondent.

#### **Issues to be resolved by the Court:**

- I. Whether in launching "Operation Shining Star" and the attacks on both Nant Gateway and Compound Ardan, Ragnell violated its Treaty obligations and must pay reparations to Aglovale for the deaths of the eight Aglovalean nationals.
- II. Whether Ragnell violated its Treaty obligations by employing captured UAC fighters in the transportation of contaminated plastic waste, and by detaining them in Camlann Correctional Center;

- III. Whether Aglovale acted in accordance with the Treaty in imposing unilateral sanctions against Ragnell and Ragnellian nationals, and has no obligation to withdraw the sanctions, to return any property, or to compensate Ragnell for their impact; and
- IV. Whether Ragnell violated its Treaty obligations in transporting hazardous plastic waste to Etna, whereas Aglovale complied with the Treaty in conditioning cooperation regarding treatment of the waste on the termination of Ragnell's aggression.

### **SUMMARY OF PARTICIPATION IN JESSUP 2023**

The 2023 White & Case International Rounds took place in Washington D.C. for the first time after the COVID-19 pandemic. Following months of national competitions, the International Rounds began on Saturday, April 8, 2023, and culminated with the World Championship Round on April 15, 2023. With 135 participating teams from 83 jurisdictions, 2023 was one of the largest and most diverse International Rounds ever. The International Law Students Association thanks White & Case LLP and the hundreds of volunteers who contributed their time, talent, and energy to the competition.

### **WHITE & CASE JESSUP CUP WORLD CHAMPIONSHIP ROUND**

#### **Final Round Judges**

H.E. Ronny Abraham

*Judge, International Court of Justice*

H.E. Julia Sebutinde

*Judge, International Court of Justice*

H.E. Florence Mumba

*Judge, Extraordinary Chambers in the Courts of Cambodia*

#### **White & Case Jessup Cup World Champion**

Universiteit van Amsterdam (Netherlands)

Nataša Adžić

Clara Parry

Leopold Raab

Alia Squalli-Houssaini

Hannah Zigelski

#### **Jessup Cup Runner-Up Team**

Peking University (China)

Fuhan Li

Yujin Lu

Dongyu Su

Xingyi Zhao

Huiwen Zheng

#### **Stephen M. Schwebel Best Oralist Award (Championship Round)**

Alia Squalli-Houssaini, Universiteit van Amsterdam (Netherlands)

### OTHER INTERNATIONAL ROUNDS AWARDS

*Best Oralist (Preliminary Rounds):* Elise Manchester, Case Western Reserve University (USA)

*Best Overall Applicant:* Harvard Law School (USA)

*Best Overall Respondent:* Universidade de Sao Paulo (Brazil)

*Best Applicant Memorial:* Harvard Law School (USA)

*Best Respondent Memorial:* Eötvös Loránd University (Hungary)

#### *Semi-Finalists*

China University of Political Science & Law (China)

Singapore Management University School of Law (Singapore)

#### *Quarter-Finalists*

University of Oxford (United Kingdom)

Eötvös Loránd University (Hungary)

Universidad Torcuato di Tella (Argentina)

Ateneo de Manila University (Phillipines)

#### *Octo-Finalists*

Yale University (USA)

University of the Philippines (Philippines)

Universität Wien (Austria)

Sciences Po – Reims (France)

Universidade de São Paulo (Brazil)

Katholieke Universiteit Leuven (Belgium)

George Washington University (USA)

Norman Manley Law School (Jamaica)

#### *Round of 32*

Case Western Reserve University (USA)

Macquarie University (Australia)

Universidade Federal de Uberlândia (Brazil)

Gujarat National Law University (India)

Bucerius Law School (Germany)

Universität Heidelberg (Germany)

Universidad de Los Andes (Colombia)

Georgetown University (USA)

South China University of Technology (China)

Bond University (Australia)

Harvard Law School (USA)

Graduate Institute of International and Development Studies (Switzerland)

National Law School of India University (India)

National University of Singapore (Singapore)

King's College, London (United Kingdom)

The Tamil Nadu Dr. Ambedkar Law University - School of Excellence in Law (India)

#### *Run-Off Teams*

Universiti Kebangsaan Malaysia (Malaysia)

Dalhousie University (Canada)

University of International Business and Economics (China)

University of Maribor (Slovenia)

The Honourable Society of Gray's Inn (United Kingdom)

University of Pennsylvania (USA)

University of Plovdiv (Bulgaria)

University of Queensland (Australia)

University of San Carlos (Philippines)

Tashkent State University of Law (Uzbekistan)

Kuwait International Law School (Kuwait)

University of Cyprus (Cyprus)

Allameh Tabatabaei University (Iran)

Arizona State (USA)

University of Dhaka (Bangladesh)

*The Hardy C. Dillard Award*

(Award for the best memorials from the Qualifying and White & Case International Rounds)

First Place: Georg-August-Universität Göttingen (Germany)

Second Place: University of Amsterdam (Netherlands)

Third Place: Ateneo de Manila University (Philippines)

Fourth Place: Universiti Kebangsaan Malaysia (Malaysia)

Fifth Place: Centro de Investigación y Docencia Económicas A.C. (Mexico)

Sixth Place: Dalhousie University (Canada)

Seventh Place: Symbiosis Law School, Pune (India)

Eighth Place: Université Catholique de Louvain (Belgium)

Ninth Place: Harvard University (USA)

Tenth Place: Oxford University (United Kingdom)

*The Richard R. Baxter Award*

(Top Overall Applicant and Respondent Memorials)

Best Applicant Memorial: Harvard Law School (USA)

Best Respondent Memorial: Rajiv Gandhi National University of Law (India)