

**2015 PHILIP C. JESSUP
INTERNATIONAL LAW MOOT COURT COMPETITION**

CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

The following corrections and clarifications to the Compromis have been agreed to by the parties, and the Compromis should be considered amended accordingly. The Registrar of the Court reminds all parties and participants of the following:

- a. The Compromis is, in essence, a negotiated stipulation of facts. Its words have been carefully chosen, and are the result of extensive negotiation. The parties decline to “clarify” matters about which they are unlikely to agree. The parties will not stipulate as to which legal principles are relevant, or which arguments are acceptable or unacceptable.
- b. Any request for clarification not addressed in the following paragraphs has been considered by the parties to be redundant, inappropriate, or immaterial, or the parties were unable to reach agreement on a mutually acceptable answer.
- c. Except to the extent that corrections and clarifications are set out below, participants are to assume that the Compromis is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents and of the signatures on all documents referenced in the Compromis.
- d. With respect to pronunciations of the various proper names used in the Compromis, all parties and the Court have agreed that they will not take formal or informal offense at any reasonable effort to pronounce proper names correctly.

CORRECTIONS

1. Because of an editing error, the last sentence of Paragraph 44 was inadvertently omitted. The Compromis should have included this text: “Neither Agnostica nor Reverentia is a signatory or party to any other relevant treaty.”
2. The following sentence was inadvertently omitted from the excerpt from Article 4(d) of the Marthite Convention: “In such instance, Marthite mined in excess of 125% of demand from traditional practitioners may be offered for sale by RMT without restriction on price, identity of purchaser, or intended use.”

CLARIFICATIONS

1. Between 24 February and 1 March 2013, the military units stationed in East Agnostica returned to their bases in West Agnostica. Local and national police units in East Agnostica were also disbanded during that time. Both the Chairman of the Joint Chiefs of Staff and the superintendents of the police forces noted in their orders that these actions were undertaken out of concern for the safety of their personnel and were without prejudice to the legal status of East Agnostica which, according to the Agnostican government remained (and remains to this day) a part of Agnostica.

2. A 2009 Rand McNally survey found the population of East Agnostica to be 75% ethnic Reverentian, 20% ethnic Agnostican, and 5% other.
3. The “long-standing concerns” referred to in paragraph 28 have been occasionally raised over the past several decades in various journals and public meetings by academics and a small group of Agnorev nationalists.
4. Both Agnostica and Reverentia have well-developed systems of civil rights law that prohibit discrimination in employment, education, and public accommodation on many grounds, including ethnic origin.
5. The descriptions of the “facilities” omitted from Article 1 of the Marthite Convention in the Annex merely denoted the specific geographic location of each building along with the proximity of the corresponding Marthite reserves. To the present day, these are the only locations in which Marthite is known to be found.
6. The demonstrations in East Agnostica, described in paragraphs 27-31, gradually abated, and there were no reports of violence after 27 January 2013.
7. Thirty states, including two Permanent Members of the United Nations Security Council, have recognized the new Reverentian borders including the territory of East Agnostica. Credera has made no official statement on the matter.
8. As of September 2014, 18 individuals (including Gohandas Sugdy) have been prosecuted under the Marthite Control Act. Twelve of the prosecutions resulted in guilty verdicts and prison sentences.
9. Pursuant to Articles 4(b) and 4(c) of the Marthite Convention, representatives of the two parties met annually to review the parameters set out in Article 4(c). These factors were limited to foreign exchange rates, the cost of labour and materials, and domestic inflation rates. At the conclusion of these meetings, the parties agreed upon yearly adjustments to the price band permitted under Article 4(b). Between 1938 and 2011, this adjusted rate was applied by RMT to all sales of Marthite worldwide.
10. Between 1938 and 2011, RMT accountants annually certified that Marthite production varied within 5% of demand from traditional practitioners.
11. The Baxter lease contains no price band provisions or guarantees of access for traditional practitioners. According to Baxter’s audited public filings, in 2012, approximately 10% of mined Marthite was sold to RMT at prices which were more than double the January 2011 price.
12. RMT continued to tender annual royalties under the Marthite Convention until 1 March 2013. These payments reflected 10% of the maximum permitted resale price under Articles 4(b) and 4(c) of the Marthite Convention. The Agnostican Commerce Ministry declined to accept the proffered payments in both 2012 and 2013.

13. In March 2013, Baxter and Agnostica suspended the lease of the Marthite sites pending resolution of the East Agnostican issue, and Baxter removed its personnel and equipment. In the summer of 2013, Reverentian engineers resumed operations at the sites and re-installed the software. By November of that year, Marthite extraction had returned to 2011 levels and traditional practitioners were again receiving adequate supplies. On 15 November 2013, the five largest pharmaceutical companies reaffirmed their moratorium on Marthite purchases mentioned in Paragraph 40. Reverentia's Minister of Mines announced that his country would temporarily limit Marthite extraction to levels adequate to meet local demand "until the pharmaceutical companies are again willing to purchase Marthite." The moratorium and Reverentia's voluntary limit on Marthite extraction remain in effect to the present day.