

## **2019 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION**

### **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 14 September 2018 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 mutually agreed 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. Aurok and Rakkab are not parties to any relevant bilateral or multilateral treaties, conventions, or accords other than those referenced within the Special Agreement or herein.

### **CORRECTIONS**

1. In the first sentence of Paragraph 19, the reference to “6 October 2005” is corrected to “21 May 2006.”
2. In Paragraph 49, sub-paragraph d, the words “*as parens patriae* for the Eurokan people” are deleted.

### **CLARIFICATIONS**

1. Nearly all Eurokans, as well as the Rakkabi adherents to Pivzao traditions, self-identify as indigenous.
2. According to annual reports from Aurok’s Ministry of Health, there has been no significant increase in the rate of malnutrition in the country since at least the year 2000.

3. In November 2017, three religious leaders from the Rakkabi Pivzaо community, together with 20 village leaders from Aurok, filed a civil suit in a Rakkabi court against DORTA and the Rakkabi Ministry of Agriculture. The suit alleged that the depletion of the Yak population and the appropriation of Pivzaо traditional knowledge were violations of the plaintiffs' cultural and religious rights. The court dismissed the Aurokan plaintiffs, on the grounds that they lacked standing (*locus standi*) to allege violations of Rakkabi law. In a subsequent judgment, the court dismissed the remaining claims, finding that the Rakkabi plaintiffs could not show that any actions of DORTA or the Ministry had "caused the alleged injuries through actions or omissions that are cognizable under Rakkabi law." On appeal, the Rakkabi Supreme Court affirmed the judgments of the lower court. No further review is available under the laws of Rakkab.
4. DORTA is a corporation registered under the laws of Rakkab, with its headquarters and principal place of business in Rakkab. There is only one class of stock in DORTA, common voting shares. Representatives of the government of Rakkab regularly meet with the CEO and senior executives of DORTA to discuss Rakkab's national priorities.
5. All Gallvectra is manufactured in Rakkab. DORTA continues marketing and selling Gallvectra to the present day.
6. The Ministry of Agriculture of Rakkab is a designated Management Authority under Article IX of the CITES. Since 29 September 2017, the Ministry has issued certificates of origin for the Lustuk Enzyme in all batches of Gallvectra exported from Rakkab. The Ministry keeps appropriate records with respect to all such certificates issued.
7. Beginning in October 2017, as part of the administrative rule-making process that resulted in the issuance of Regulation AG/2017-0300, Rakkab conducted a comprehensive environmental impact assessment, focused on the impact of continued hunting of the Yak. The assessment involved consultation with DORTA scientists, YLSA representatives, Rakkabi Pivzaо adherents, government officials from Aurok, licensed Yak hunters, and members of the general public. The assessment concluded that Regulation AG/2017-0300 would be adequate to protect the sustainability of the Yak population.
8. Regulation AG/2017-0300 provided for criminal and civil sanctions. Additionally, all licenses issued under section 3 of Regulation AG/2017-0300 are notified to the CMS Secretariat in a manner consistent with Article III(7) of the CMS.
9. Apart from the license granted to DORTA, between December 2017 and the present date, the Rakkabi Ministry of Agriculture has issued licenses to 20 individuals to hunt Yak. Seventeen of these licenses were granted to individuals who provide Yak meat to traditional users and three to academic institutions for biological study. All licenses are issued for three years and may be renewed. Each license limits the number of Yak that the licensee is permitted to take.