

2nd INTERNATIONAL MOOT COURT COMPETITION 2020



CLARIFICATIONS

LIST OF CLARIFICATIONS

1. What Authority and case regulation will be accepted under the guidelines of International Moot Court Competition, NMIMS?

Response: All internationally accepted ones.

2. Whether the parties are required to provide for the exact amount of compensation payable in addition to the method of calculation, or only the method of calculation of compensation.

Response: No clarification required.

3. Whether the laws of the two countries, namely Mystery and Enigma, are pari materia with any Country.

Response: No

4. Whether the 1924 Treaty mentioned in Paragraph 18 of the proposition is a bilateral treaty between only Mystery and Enigma, and not applicable to any countries beyond that.

Response: Yes, it is a bilateral treaty.

5. Whether Paragraph 12 contains any grammatical errors, and whether the lines "...and it was only after 4 days that the forest fires started that the emergency team started its operations domestically and after briefing the Central Government on the status and difficulty in taming the fire..." of the paragraph refer to the actions of Enigma or Mystery.

Response: No clarification required.

6. Have both the states (Mystery and Enigma) ratified the treaties and conventions stated in the addendum A and if not, then which states have ratified which conventions/ treaties.

Response: No clarification required.

7. Are the parties to the dispute signatories of the Convention of Biological Diversity and/or Convention on Migratory Species?

Response: No clarification required.

8. Have the parties to the dispute ratified UNCLOS?

Response: No clarification required.

9. Was the Neptunus MDU operating under a flag of convenience and if so, to whom did it belong to?

Response: No clarification required.

10. Did a blowout occur at the Hydra well?

Response: No clarification required.

11. How much oil does Mystery import per year (in million tonnes)?

Response: No clarification required.

12. What were the types of hydrocarbons that leaked out as a result of the accident?

Response: No clarification required.

13. What was the thickness of the oil on the ocean surface near the MDU on Day 1, Day 2 and Day 3 post the oil spill?

Response: No clarification required.

14. Were the turtles that were killed, hatchlings/ juveniles or adults?

Response: No clarification required.

15. Are there any commercial fisheries within 40km of the affected shoreline of Mystery?

Response: No.

16. Who organised the bid which is won by the oil Co. in paragraph 2 of moot problem.

Response: No clarification required.

17. Is the countries being the part of UN are signatories of united nation convention on law of sea

Response: No clarification required.

18. In paragraph 23 are we have to calculate the actual amount or an approach to determine compensation is sufficient.

Response: Same as 2.

19. On the basis of which Country shall we determine whether Treaties and Conventions other than those explicitly mentioned shall apply to the case?

Response: Same as 3.

20. What is the status of ratification/signature of the Treaties and Conventions explicitly mentioned in the Moot Proposition?

Response: No clarification required.

21. Please explain the meaning of "although admittedly neither Mystery nor Enigma are part of the Espoo Convention yet" [Paragraph 11, Page 10]

Response: No clarification required.

22. Please specify the type of Hydrocarbon Oil and Oil Rig so as to determine the amount of liability.

Response: No clarification required.

23. Which country is the Flag State for the Oil Rig?

Response: Proposition is explicit.

24. With reference to the timeline, when was the fire started as a response measure? Was it before or after OilCo sealed the Oil Rig?

Response: No clarification required.

25. Did any contamination of the High Seas occur due to the oil spill?

Response: No clarification required.

26. With reference to the following quote, what other measures were adopted by Enigma-"6. One of the response measures adopted by the country of Enigma, in line with international practice in such dramatic oil spill situations..."

Response: Proposition is explicit.

27. With reference to the following quote, does this sentence refer to the Marine Ecology Department of Enigma or Mystery? The sentence is vague and requires clarification as a whole-"12...It is the Marine Ecology Department of Mystery which notified its own Central Government about the oil leak entering its territorial waters on day 2 after the oil spill, and it was only after 4 days the forest fires started that the emergency team started its operations domestically and after briefing the Central Government on the status and difficulty in taming the fire and subsequently on day 6, when it actually noticed the forest fire spreading across the border did it inform Mystery."

Response: Same as 5.

28. The Rule 9.7 of the Rule book prohibits attachment of Annexure or any material of like nature to the memorial. Can the same be attached as the addendum to be submitted during oral rounds?

Response: No. It can be made a part of the compendium.

29. Is the 1924 Convention mentioned in Paragraph 18, a Convention or a Bilateral Treaty?

Response: Same as 4.