

2011 Niagara International Law Moot Court Competition

CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

The following clarifications 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 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.

CLARIFICATIONS

1. Pursuant to ICJ precedent, the facts of a dispute before the ICJ are to be assumed to be as they were on the date the case was submitted to the Court (in this case 29 August 2010). Developments subsequent to that date are therefore not relevant to this dispute.
2. Existing fishing or environmental regulations of the Parties that are inconsistent with the regulations described in the Compromis are to be considered inapplicable to this case.
3. The oil leases between Canada and Royal Dutch Shell Oil Corporation referred to in Paragraph 8 of the Compromis pre-dated the U.S. moratorium.
4. The Map reproduced in Annex 2 correctly identifies the U.S. and Canadian territorial claims for purposes of this Case.
5. The Parties stipulate for purposes of this case that the three main routes through the Northwest Passage (shown in the map reproduced in Annex 1) were all equally affected by the climate change. The Parties further stipulate that during the months of July and August 2010 five icebreakers from Sweden, Russia, and Finland traversed the three routes through the Northwest Passage; in each case the ship complied with the NORDREG registration system.
6. “Without obtaining the consent of Canada” in paragraph 16 of the Compromis means that US military vessels would neither notify Canada nor seek Canada’s permission before transiting the Northwest Passage.