



Annex to the Day of Crisis Competition Rules

GUIDELINES

I. Drafting of written documents

1) General guidelines

Whatever the nature of the written document requested (such as a written advice or a press release, for instance) and in the clients' interests, the team shall adapt the content of the document with regard to:

- the document's recipients (the client only or a larger number of recipients, i.e. based on whether they are meant to remain confidential or publicly available)
- the purpose of the document (i.e. based on whether it is rather meant to be explanatory, analytical or justifying, for instance).

See the examples provided below for examples of the official format for each specific kind of communication.

2) Specific guidelines with regard to written advice

More specifically, written advice should be clear and concise.

Each advice shall reflect the ability of the team:

- to determine the applicable law in relation to the situation at hand; and
- to discuss the application of the law to the facts; and
- to provide clear guidance to the client as to the behavior to adopt accordingly (including a costs/benefits analysis, if necessary).

3) Examples of written documents

A. Example of a written advice on a specific legal issue

Examples of how a written advice should be formally drafted:

- European Centre for Law and Justice's « Legal Memorandum opposing accession to ICC jurisdiction by Non-State entities » (9 September 2009) submitted to the ICC on whether the declaration lodged by the Palestinian National Authority on the ICC's jurisdiction meets statutory requirements: <https://www.icc-cpi.int/NR/rdonlyres/553F5Fo8-2A84-43E9-8197-6211B5636FEA/281869/OTPlegalmemorandum1.pdf>
- NGOs' perspective on the European Union accession to the European Convention on Human Rights, with regard in particular to the proposed co-respondent procedure between the EU and its Member States in front of the European Court of Human Rights (3 December 2010): http://www.coe.int/t/dghl/standardsetting/hrpolicy/accession/Working_documents/Joint_submission.pdf



B. Example of a press release

SECURITY COUNCIL PRESS STATEMENT ON ATTACK AGAINST UNITED NATIONS IN SOMALIA

The following Security Council press statement was issued today by Council President Raimonda Murmokaitė (Lithuania):

The members of the Security Council are outraged by today's terrorist attack which targeted a United Nations convoy in Mogadishu, for which Al-Shabaab has claimed responsibility and which has caused numerous deaths and injuries. The members of the Security Council extended their condolences to the victims and their families, as well as to the people and the Government of the Republic of Somalia.

The members of the Security Council underscored their determination to stand by the people of Somalia as they seek peace and stability. The members of the Security Council reaffirmed that this and other acts of terrorism would not weaken that determination. The members of the Security Council are appalled that this attack targeted United Nations personnel seeking to assist Somalis realize their hopes for a brighter future.

The members of the Security Council reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable regardless of their motivation, wherever and whenever and by whomsoever committed.

The members of the Security Council reiterated their determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

The members of the Security Council underlined the need to bring perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice, and urged all States, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with the Somali authorities in this regard.

The members of the Security Council reminded States that they must ensure that measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

The members of the Security Council reiterated their full support to all United Nations personnel working to bring peace, stability and prosperity to the people of Somalia.

For information media • not an official record



C. Example of an application initiating proceedings

ICJ, Pulp Mills on the River Uruguay (Argentina v. Uruguay), Application instituting Proceedings, 4 May 2006 (see the whole application at: <http://www.icj-cij.org/docket/files/135/10779.pdf>)

APPLICATION INSTITUTING PROCEEDINGS

To the Registrar of the International Court of Justice

1. I the undersigned, duly authorized by the Government of the Argentine Republic (hereinafter "Argentina"), of which I am the Agent, have the honour to submit to the International Court of Justice,

pursuant to Article 36, paragraph 1, and Article 40 of its Statute and to Article 38 of its Rules, an Application instituting proceedings on behalf of Argentina against the Eastern Republic of Uruguay (hereinafter "Uruguay") in the following matter.

I. SUBJECT-MATTER OF THE DISPUTE

2. The dispute concerns the breach by Uruguay of obligations under the Statute of the River Uruguay, a treaty signed by Argentina and Uruguay at Salto (Uruguay) on 26 February 1975 and having entered into force on 18 September 1976 (hereinafter the "1975 Statute") J, in respect of the authorization, construction and future commissioning of two pulp mills on the River Uruguay, having regard in particular to the effects of such activities on the quality of the waters of the River Uruguay and on the areas affected by the river.

II. JURISDICTION OF THE COURT

3. In conformity with Article 36, paragraph 1, of the Statute of the Court, the Court's jurisdiction derives from the first paragraph of Article 60 of the 1975 Statute, which provides as follows: "Any dispute concerning the interpretation or application of the Treaty and the Statute which cannot be settled by direct negotiations may be submitted by either Party to the International Court of Justice."

4. Despite Argentina's efforts, direct negotiations through various channels, including the High-Level Technical Group (hereinafter "GTAN", in its Spanish acronym) (see paragraph 16 below), have failed.

III. STATEMENT OF FACTS

5. The River Uruguay has its source in the Serra Geral (Brazil) and flows into the Rio de La Plata⁵. It is a fragile and complex aquatic ecosystem the quality of whose waters needs to be protected and preserved, in order to protect not only the river but also water consumption (by approximately 1 million riparians) and fishing and recreational activities. It is a shared river. Upstream, after flowing partly through Brazilian territory, it becomes the boundary between Argentina and Brazil. Downstream, it constitutes the boundary between Argentina and Uruguay. The boundary on the River Uruguay between Argentina and Uruguay was defined by the Treaty signed at Montevideo on 7 April 1961, which entered into force on 19 February 1966 (...)

IV. GROUNDS OF LAW RELIED ON BY ARGENTINA

24. The law applicable to the present dispute is the 1975 Statute and the conventional and customary principles and rules relevant to its interpretation and application, and in particular the treaties and other international obligations in force for either party to which the Statute refers. By virtue of these provisions, Uruguay is in breach of the following international obligations:

(a) the obligation to take all necessary measures for the optimum and rational utilization of the River Uruguay;



- (b) the obligation to provide prior notification to CARU and to the Government of Argentina in respect of the construction of two pulp mills on the left bank of the River Uruguay;
- (c) the obligation to comply with the procedures prescribed by Chapter II of the 1975 Statute in regard to the carrying out of "any ... works which are liable to affect navigation, the regime of the river or the quality of its waters";
- (d) the obligation not to authorize construction of the proposed works without having first followed the procedure prescribed by the 1975 Statute;
- (e) the obligation to preserve the aquatic environment and to prevent its pollution, by adopting appropriate measures, including recourse to best environmental practice and best available technology, in accordance with applicable international agreements and in keeping with the guide-lines and recommendations of international technical bodies;
- (f) the obligation not to cause transboundary environmental damage to the opposing bank of the river, or to areas affected by the river;
- (g) the obligation not to prevent use of the river for lawful purposes; and
- (h) other obligations deriving from the procedural and substantive provisions of general, conventional and customary international law which are necessary for the application of the 1975 Statute.

V. DECISION REQUESTED

25. On the basis of the foregoing statement of facts and law, Argentina, while reserving the right to supplement, amend or modify the present Application in the course of the subsequent procedure, requests the Court to adjudge and declare:

that Uruguay has breached the obligations incumbent upon it under the 1975 Statute and the other rules of international law to which that instrument refers, including but not limited to:

- (a) the obligation to take all necessary measures for the optimum and rational utilization of the River Uruguay;
- (b) the obligation of prior notification to CARU and to Argentina;
- (c) the obligation to comply with the procedures prescribed in Chapter II of the 1975 Statute; (d) the obligation to take all necessary measures to preserve the aquatic environment and prevent pollution and the obligation to protect bio-diversity and fisheries, including the obligation to prepare a full and objective environmental impact study; (...)

26. Argentina requests the Court to indicate provisional measures, pursuant to a separate request filed at the same time as this Application.

27. Pursuant to Article 31, paragraph 2, of the Statute of the Court and to Article 35, paragraph 1, of its Rules, the Government of Argentina will exercise its right under Article 31 of the Statute of the Court and will choose a judge *ad hoc* for purposes of the present proceedings.

28. In accordance with Article 40 of the Rules of Court, the Minister of Argentina for Foreign Affairs, International Trade and Religious Worship has appointed Her Excellency, Madam Ambassador Susana Myrta Ruiz Cerutti, as Agent. All communications concerning the case should be sent to the following address: Embassy of Argentina, Javastraat 20, 2585 AN The Hague.

Respectfully,
The Hague, 4 May 2006.
(Signed) Susana Myrta RUIZ CERUTTI.



II. Negotiations

Several rounds of negotiations will take place during the day, between two or more teams.

Each team will have to demonstrate its ability to establish a negotiation strategy and to adapt it with regard to the strategies of the other co-negotiators.

Each team is mandated to defend the interests of its client as best as possible and to secure the most satisfying outcome for it, always keeping in mind that

“Negotiation in the classic diplomatic sense assumes parties more anxious to agree than to disagree.”

(Dean Acheson)

View further general guidelines in this video: www.youtube.com/watch?v=1FeM6kp9Q8o

III. Guidelines for the final plenary meeting

At the end of the DoC, during the final plenary session, each team will act on behalf of a specific client in a multiparty meeting modeled on a United Nations Security Council or another international body's session.

Each team will designate one of its members to expose, in no more than 7 minutes, its client's position on the specific issue giving rise to the meeting.

Following each presentation, the jury as well as the other teams will have 10 minutes to discuss the position expressed.

View an example of the negotiations within the UN Security Council via the following link:

<http://www.c-span.org/video/?https://www.c-span.org/video/?318324-1/un-security-council-meeting-ukraine>