

THE WASHINGTON MOOT COURT COMPETITION

Between April and May this year (1975) the Law Faculty of the University of Papua New Guinea sent a team of four to participate in an International Law Moot Court Competition.

The competition, known as the Philip C. Jessup - International Law Moot Court Competition commenced in Washington D.C., U.S.A. on the 22nd of April and went on for a week.

Teams from eleven countries participated and those countries included Argentina, Canada, France, India, Nigeria, Papua New Guinea, Philippines, Singapore, United Kingdom, United States, and Zambia. Cuba attended as an observer.

The problem which was the subject of the dispute concerned questions of environmental pollution under international law. Basically, the dispute was between two co-riparian states one of which was alleging that the other state was in breach of international law either under a certain treaty in force between the parties or directly under existing rules or principles of international law.

The treaty argument was centered on certain clauses within *The Treaty of Amity, Friendship and Economic Co-operation* of 1923 which provided that neither state should pollute boundary waters or any other waters running between them. There were other clauses under which each state was required to consult the other before establishing any major projects which would affect their mutual interests. The applicant alleged that by polluting the relevant waters and by failing to consult the applicant before conducting certain activities which polluted the waters, the respondent was in breach of the 1923 Treaty. The second allegation was that the respondent was in breach of basic principles of international law such as that enunciated in the *Corfu Channel Case* whereby a state is not to allow knowingly its territory to be used for conducting activities injurious to other states. Many teams also argued that the principle of *equitable utilization* of the waters was applicable in the dispute.

Those teams which represented the respondent argued that the pollution clauses in the 1923 Treaty did not require that there was to be *no pollution* of waters at all. Besides, the consultation clauses did not require *prior approval* by the applicant, either under the 1923 Treaty or under customary international law, before the respondent established major industry within its own territory. One of many other defences raised was that there were no customary rules or existing

principles of international law on the question of pollution which the respondent could have breached.

The competition ended with the team from United Kingdom being the final winner.

For our team members the competition offered tremendous experiences. The most exciting factor was to meet participants who came from less developed countries because they seemed to have a lot in common. They often gathered informally in many occasions to exchange views on various topics such as international law and national development.

Some participants thought they were not seeing enough of the life of the United States. Though they often heard of slums in New York they did not have a chance to visit such slums. The conducted tour concentrated on going up and down on elevators (lifts) and looking down on passing cars from sky scrapers. In all the official functions they went to they did not see a single black American.

After three weeks the team members came back with mixed feelings: Which is true America - is there a true America?

- John Gawi