



## **CÂU HỎI THẢO LUẬN NHÓM – VÒNG II**

### **CUỘC THI TUYỂN CHỌN ĐỘI TUYỂN MOOT COMPETITION 2009**

Các thành viên của mỗi nhóm chuẩn bị một câu hỏi thảo luận nhóm tương ứng với số thứ tự của nhóm mình. Ví dụ: Các thành viên nhóm 1 sẽ chuẩn bị câu hỏi số 1.

1. Study the Moot Problem and analyze the nature of the Partnering Agreement Memorandum between the Government of the Rolga and Benevolent Heritage Inc. Is there any inconsistency between that Agreement and UNESCO Convention on the Protection of the Underwater Cultural Heritage? Discuss fully.
2. Paragraph 7 Section A of the Moot Problem - the Background Information and Facts (page 3) mentions "The new economic plan which was introduced in the same year (2000) also promises more efforts to be undertaken by the Government in protecting and ensuring sustaining use of its cultural resources." Then, is the fact of allowing tour operators to organize and make profits from visiting activities to the site against this plan? Discuss criteria, you may think of, establishing a sustainable process of development?
3. Assuming the wreck in the Moot Problem is indeed a warship and the Government of the Rolga argues that her remains are sovereign immune. This means that no intrusive action may be taken without the express consent of the Government and that the Government has exclusive salvage rights including the rights of commercial exploitation of the wreck. Discuss fully.
4. Study the Moot Problem and explain whether the Government of Rolga has interfered with Benevolent Heritage Inc.'s salvage rights and performance under the 1995 the Partnering Agreement Memorandum when it entered into Agreement with Astoria in 2003 and ratified the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage.
5. Study the Moot Problem and explain, giving reasons whether the Claimant would have been likely to succeed in claiming that it has exclusive rights of photographing and documenting of the Coeur de l'Ocean.
6. The Background Information and Facts stated in the Moot Problem interprets the concepts of common concern of mankind and future generation. What is the relationship between these

two concepts (if any)? Who shall represent future generation? Shall both of "them" be included in the dispute of artefact distribution?

7. Study the Moot Problem and explain what effects the Partnering Agreement Memorandum between the Government of Rolga and Benevolent Heritage Inc. would have on Rolga's international obligations under international instruments to which Rolga is a party.
8. Study the Moot Problem and consider the validity of the permission given by the Government of Rolga to Aquatic View pursuant to the Partnering Agreement Memorandum and international treaties to which Rolga is a party.
9. In the Agreement on the "Protection of Astorian Wrecks" between the Government of Rolga and the Government of Astoria in 2001, Rolga "recognizes that Astoria has a continuing interest, particularly for historical and other cultural purposes, in articles recovered from any of the vessels referred to in the Agreement" (See para. 9. page 4 of the Moot Problem). How it could be settled if the Government of Astoria instead of Aquatic View wants to organize underwater trips to view the wreck of Coeur de l'Océan?
10. Fully discuss the relationship (if any) between the United Nations on the Law of the Sea and UNESCO Convention on the Protection of the Underwater Cultural Heritage.