

Questions for Icarian and Mercurian Counsels

Issued April 27, 2009

Note: Both parties will not be asked every question listed, but it would be advantageous for each Counsel to read over the following questions and have an answer somewhat prepared.

- 1.) Does Mercuria have an international legal obligation to provide an air traffic control (ATC) unit that is functional and could have prevented the collision?
- 2.) Was the mutual agreement between Patriarcha and Mercuria (over duties assigned to privatized air navigation service provider PatriControl) valid under international law despite not being ratified and subsequently entered into force by either state?
- 3.) Although Mercuria did not have direct control over the air traffic control services that occurred on the day of the collision, does that void Mercurian responsibility of its territorial airspace and the subsequent abilities of Icara to claim for damages against Mercuria?
- 4.) Despite never being ratified, could the agreement over ATC services offered by PatriControl be considered “customary relations” since PatriControl has been providing ATC services since 1952?
- 5.) Were the Icarex Airline pilots acting as agents of the State of Icara and if so is Icara responsible for damage caused by the crash? (Could Icarex pilots even be considered “agents of the state?”)
- 6.) Can Mercuria utilize the Rome convention against Icara?
- 7.) Can Mercuria be held responsible for PatriControl’s negligence?
- 8.) Does Icara have standing to claim for the damages of its nationals (individuals) with regard to the crash?