

NILOS Moot Court Competition 2019

***Case Concerning Certain Activities in the DeGroot Sea* (Kingdom of Vattel v. Federal Republic of Fulton)**

CLARIFICATIONS

Clarifications on paras 1-2

Vattel and Fulton They both declared their EEZ through national legislation, Vattel in 1995 and Fulton in 1997.

Vattel's claim concerning the historical nature of the Bay of Selden mainly relies on the practice and maps of the Kingdom of Scelle which considered the bay as part of its international waters.

The recognition of the historical character of the Bay of Selden has an impact on the median line in the Monana Region. Namely, if Vattel's claim is recognized, the Monana Region falls half within Vattel's EEZ and half within Fulton's EEZ. If Vattel's claim is denied, two third of the Monana Region would be within Fulton's EEZ.

Clarifications on para. 4

The *Utrechtis lawis* lives in Vattel's waters, including its internal waters, territorial sea and EEZ, in the months of October to July, and in Fulton's waters where they spawn in the months of August-September.

Fulton and Vattel have never concluded any bilateral agreement for the management of the *Utrechtis lawis*. Their common interest in the protection of the species only brought results at the multilateral level, with the insertion of the species in Annexes of CITES and CMS, respectively in 1989 and 1995.

Fulton ratified the CITES in 1985 and the CMS in 1991. Vattel ratified the CITES in 1987 and the CMS in 1990.

Clarifications on para. 6

The WWF's Fultonian branch participated in the public hearings in January 2017 and reminded Fultonian authorities about the 2015 WWF report (mentioned in para. 5). The complete final report of the EIA was not published. However, Fulton made publicly available an executive summary on the website of its Ministry of Infrastructure and the Environment. In the available document, the National University of Fulton affirmed that there was no conclusive evidence that the construction and operation of the wave-energy farm would impact the health of the *Utrechtis lawis*' stock. A follow-up study was conducted when the farm started its operation in June 2017, and the National University of Fulton confirmed the conclusion it had reached previously.

The wave energy farm consists of three floating oscillating body converters, anchored to the ocean floor following a straight line parallel to the coast at 150 n.m. in Fultonian EEZ. Each device is separated from the other by 3 n.m. and each has a safety zone of 500 meters. The Fultonian wave energy farm was built following the standards of other similar farms around the world.

Clarifications on para. 7

Concerning the content of the Note Verbale, all available information is in the text provided.

The *SS Newton* is a Vattel-owned vessel which is exclusively used to perform marine scientific research by the Vatteler National Council for Scientific Research (VNCSR). During its two expeditions, it came close to the devices but never penetrated the safety zones of 500m arounds them.

On the basis of the partial data collected by the *SS Newton* the VNCSR has been investigating more closely the state of the *Utrechtis lawis*' stocks but there are not yet conclusive results available concerning the actual decrease of the stocks. The existence of the decrease relies for now on the testimonies of the fishermen and on the noted diminished availability of the *Utrechtis lawis* on Vatteler markets.

Clarifications on paras 9-10

Neither Fulton nor Vattel have made any declaration pursuant Article 298 UNCLOS or Article 30 UNFSA.

Fulton's objections regarding jurisdiction are limited to the ones listed in para. 10.

Clarifications on the Official Rules

Under Rule 4.5 the 25-page limit for the memorials only includes the pleadings and submissions (together with their footnotes) and does not apply to any of the other components of the memorials listed in Rule 4.3.