

## **NILOS Moot Court Competition Case 2020**

### ***Case concerning Mining and Fishing Activities in the Wittel Ocean***

**(Federal Republic of Pastorius v. Republic of Zawinul)**

#### **CLARIFICATIONS**

##### **Clarifications on paragraphs 2 and 3:**

- Zawinul has made its submission to the CLCS in accordance with the Rules of Procedure of the CLCS.
- No further information on the outer limits of the continental shelf in the Egedra Basin can be provided.
- The WOFA does not have a dispute settlement mechanism.
- No further information on the WOFA can be provided.
- The Egedra lobster is a part of the genus of *Homarus* of the family of lobsters (*Nephropidae*).

##### **Clarifications on paragraph 4:**

- The amendment to the WOFA has entered into force between all parties of the WOFA.

##### **Clarifications on paragraphs 6 and 7:**

- No further information on the provisional arrangement can be provided.
- The reference to “it” in the phrase “the arrangement provides that it is without prejudice” refers to the arrangement.
- The provisional arrangement is still in force.
- The license to MMC was granted on 10 December 1995.

##### **Clarifications on paragraphs 8 and 9:**

- The fine to which reference is made in paragraph 5 was imposed on the captains of the vessels concerned. It is a fine for illegally fishing on the continental shelf of Zawinul.
- No further information on the 2002 Joint Statement can be provided.

**Clarifications on paragraphs 10 and 11:**

- No further information on the baselines of Zawinul can be provided.
- The text of the Note verbale cannot be provided.
- No further information on the position of Pastorius can be provided,
- The relevant information in relation to Teldec is provided in paragraph 11.
- The Commission in its recommendations to Zawinul defined the Rainbow Ridge as a submarine ridge in accordance with article 76(6) of the United Nations Convention on the Law of the Sea.

**Clarification on paragraph 12:**

- Paragraph 12 does not give any reason to assume that the International Seabed Authority has made this determination.

**Clarifications on paragraphs 14 and 15:**

- No further information on the discussions at the first meeting can be provided.
- As a consequence of the initiation of the arbitral proceedings the second meeting that was scheduled did not take place.
- No further information on the setting up of the commission can be provided.
- No further information is available on the timing of initiation of proceedings by Pastorius.
- The phrase “these limits are not opposable to Pastorius” does not suggest that Pastorius cannot legally express its opposition to those outer limits.

**Clarification on paragraph 16:**

- Zawinul submits that the tribunal lacks jurisdiction in relation to all of the submissions of Pastorius
- The WOFA does not have any dispute settlement mechanism.

**Clarifications on Claim B:**

- The WOFA does not contain an explicit reference to the Egedra Lobster.
- The WOFA is an agreement setting up a regional fisheries management organization.

**Clarifications on Claim C:**

- No further information on the baselines of Zawinul can be provided.
- Teldec and Zawinul do not share a land boundary.

**Clarifications on Claim D:**

- The closest distance of Block 21 to the baselines of Zawinul is 390 nautical miles.

**Clarifications on Claim E:**

- Pastorius claims that by allowing MMC to start the commercial production of scandium in Block 21 of its license area, the Republic of Zawinul is in breach of its obligations under Part XI of the Convention.

**General Clarification**

- No map of the relevant area can be provided.