

International Law Moot Court Competition

Asia Cup 2015

Case concerning Resource Exploration in the Zeekant Sea Albion v. Ricojan

1. Both the State of Albion (*hereinafter*, Albion) and the Federal Republic of Ricojan (*hereinafter*, Ricojan) are States bordering the Zeekant Sea, and their coastlines face each other across the sea. The distance between the States' coastlines is less than 400 nautical miles. Albion's coastline on the Zeekant Sea is longer than that of Ricojan.
2. With a paucity of natural resources, Albion is a developing country, and its main industry is agriculture. The state budget and military power of Albion are small.
3. Endowed with abundant natural resources, such as oil and natural gas, Ricojan is a resource-exporting country. The Government of Ricojan has a solid financial foundation due to the large income produced by government-run resource development companies. Ricojan is also a military power.
4. Albion ratified the United Nations Convention on the Law of the Sea (UNCLOS), but Ricojan only signed it. Both States are members of the United Nations.
5. Maritime boundary delimitation in the Zeekant Sea has been a long-standing concern for Albion and Ricojan. Each State claims a 200-mile exclusive economic zone (EEZ) and the continental shelf from its own coastline, and no agreement on maritime boundary between the two States has been reached.
6. In 2010, Ricojan Oil Corporation (*hereinafter*, ROC), a petroleum company run by the Government of Ricojan, launched oil drilling in several offshore oilfields in the Zeekant Sea near Ricojan's coastline, and these oilfields produced high-quality oil. These oilfields are all located in the area where only Ricojan has claimed an EEZ and the continental shelf.
7. In January 2013, a group of international researchers led by an internationally known geologist, Professor Ceres of the Menerva University,

published an observation in an academic journal, which indicated the possible presence of additional petroleum resources in the Zeekant Sea aside from the subsea oilfields that Ricojan exploited. According to the observation, oil resources are highly probable to be found around the median line between the coasts of Albion and Ricojan. At the same time, the research group also published that methane hydrate resources had been exposed on the seabed on the Ricojan side of the median line.

8. On the basis of the geological assessment, the Government of Albion decided to start exploring oil resources in the Zeekant Sea, near the median line. Since the Government and its domestic companies have no ability to carry out the exploration, Albion contacted several oil companies based in developed countries, seeking the possibility of hiring them.
9. However, as none of the companies accepted the offers on the grounds of “security risks,” Albion failed to conduct any oil resource exploration in the Zeekant Sea.
10. On the other hand, the Government of Ricojan instructed ROC to carry out a seismic survey around the Zeekant Sea median line. ROC explored the Ricojan side in the vicinity of the median line using a seismic survey ship, as instructed. This exploration was conducted by making full use of the most advanced, high-precision three-dimensional-reflection seismic prospecting. Neither the Government of Ricojan nor ROC notified Albion of the seismic exploration prior to its implementation. Furthermore, the Government of Ricojan commissioned the Ricojan Maritime Research Institute (*hereinafter*, RMRI) to research the presence of methane hydrate on the Ricojan side of the median line.
11. In September 2014, the Elk-Oftend, an influential newspaper in Ricojan, reported that “following the research engaged by Professor Ceres of Menerva University and his international research team in 2013, ROC has conducted a seismic exploration on the Ricojan side of the Zeekant Sea median line and confirmed the presence and location of substantial petroleum resources. Moreover, the RMRI confirmed the exposure of methane hydrate in the area near the median line between Ricojan and Albion and succeeded in taking samples of the resource for their further research.”
12. Responding to the news article, President Calibur of Albion stated at a regular press conference, “If the newspaper report tells a truth, it is highly regrettable that Ricojan unilaterally carried out exploration near the median

line of the disputed area without any prior notice to Albion. According to the relevant provisions of the UNCLOS, States are not allowed to unilaterally commence resource exploration in the disputed area, pending the delimitation decision on the merits. Ricojan is obliged to officially notify Albion of the oil resource exploration project and to ask for consultation thereon. Albion requests Ricojan to disclose immediately to Albion the result of the seismic survey pertaining to oil resources. Additionally, it is also highly regrettable that the RMRI collected samples of methane hydrate unilaterally. Albion requests that Ricojan share the collected samples.” Ricojan’s Press Secretary, Ms. Braggi, confirmed the news report and responded that “as jurisprudence of the international court and tribunals indicates, the seismic survey conducted by ROC was in accordance with international law, and there is no need for disclosure of the result to Albion. Furthermore, the act of the RMRI to collect samples of methane hydrate is in accordance with international law. Therefore, it is needless to share the collected samples.”

13. From October 2014 to December 2014, the Foreign Ministries of both countries met on four occasions to negotiate a settlement of the issue on resource exploration in the Zeekant Sea, but no solution was agreed upon by the two nations.
14. In January 2015, under Article 36, paragraph 2, of the Statute of the International Court of Justice (*hereinafter*, the Statute), Albion unilaterally filed an Application against Ricojan to the International Court of Justice regarding a dispute concerning both the resource exploration in the Zeekant Sea conducted by the Government of Ricojan and ROC and the research for methane hydrate carried out by RMRI, alleging that the exploration and the research activities are in violation of international law.
15. Albion has deposited a declaration, recognizing the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute without any conditions and reservations.
16. Ricojan has deposited a declaration recognizing the jurisdiction of the International Court of Justice, under Article 36, paragraph 2, of the Statute, together with a reservation that states, “This declaration does not apply to any dispute concerning the delimitation of maritime boundaries.”
17. Albion requests that the International Court of Justice adjudge and declare:
 - (1) the Court has jurisdiction over the present dispute;
 - (2) the resource exploration and research conducted by the Government of

Ricojan, ROC and RMRI in the Zeekant Sea constitutes a violation of international law.

18. Ricojan requests that the International Court of Justice adjudge and declare:
 - (1) the Court does not have jurisdiction over the present dispute;
 - (2) even if the Court has jurisdiction over the dispute, the resource exploration and research in the Zeekant Sea conducted by the Government of Ricojan, ROC and RMRI do not constitute a violation of international law.