

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

**BETWEEN THE FEDERAL REPUBLIC OF GHANERN (APPLICANT)
AND THE REPUBLIC OF RYU (RESPONDENT) TO SUBMIT TO THE
INTERNATIONAL COURT OF JUSTICE THE DIFFERENCES
BETWEEN THE TWO STATES CONCERNING THE QUILUZ SEA**

jointly notified to the Court on 1 July 2016

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**ENTRE L'ÉTAT D' GHANERN (DEMANDERESSE) ET LA RYU
(DÉFENDEUR) SOUMIS À LA COUR INTERNATIONALE DE JUSTICE
LES DIFFÉRENCES QUI OPPOSENT LES DEUX ÉTATS AU SUJET LA
MER QUILUZ**

notifié conjointement à la Cour le 1 Juillet 2016

**JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:**

The Hague, 1 July 2016

On behalf of the Federal Republic of Ghanern and the Republic of Ryu, in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honor to transmit to you an original of the Special Agreement for submission to the International Court of Justice of the differences between the Applicant and the Respondent concerning the Quiluz Sea, signed in The Hague, The Netherlands, on the first day of July in the year two thousand sixteen.

(Signed)

Line Lorenzen

Ambassador of the Federal Republic of Ghanern
to the Kingdom of The Netherlands

(Signed)

Anne Rod

Ambassador of the Republic of Ryu
to the Kingdom of The Netherlands

SPECIAL AGREEMENT

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE FEDERAL REPUBLIC OF GHANERN AND THE REPUBLIC OF RYU ON THE DIFFERENCES BETWEEN THEM CONCERNING THE QUILUZ SEA

The Federal Republic of Ghanern and the Republic of Ryu (hereinafter referred to as “the Parties”),

Considering that differences have arisen between them concerning the Quiluz Sea;

Recognising that the Parties concerned have been unable to settle these differences by negotiation; and

Desiring to define the issues to be submitted to the International Court of Justice (“the Court”) before settling this dispute;

In furtherance thereof the Parties have concluded the following Special Agreement:

Article 1

The Parties submit the question contained in the Special Agreement (together with Corrections and/or Clarifications to follow) (“the Case”) to the Court pursuant to Article 40 (1) of the Statute of the Court.

Article 2

It is agreed by the Parties that the Federal Republic of Ghanern shall act as the Applicant and the Republic of Ryu as the Respondent; but such agreement is without prejudice to any question of the burden of proof.

Article 3

(a) The Court is requested to decide the Case on the basis of the rules and principles of general international law, as well as any applicable treaties.

(b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

Article 4

(a) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the 2016 Teehankee Center for the Rule of Law Moot Court Competition.

(b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the parties not later than the date set forth in the Official Schedule of the 2016 Teehankee Center for the Rule of Law Moot Court Competition.

Article 5

(a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

(b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Special Agreement and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this first day of July in the year two thousand sixteen, in triplicate in the English language.

(Signed)

Line Lorenzen

Ambassador of the Federal Republic of Ghana
to the Kingdom of The Netherlands

(Signed)

Anne Rod

Ambassador of the Republic of Ryu
to the Kingdom of The Netherlands

***** SPECIAL AGREEMENT *****

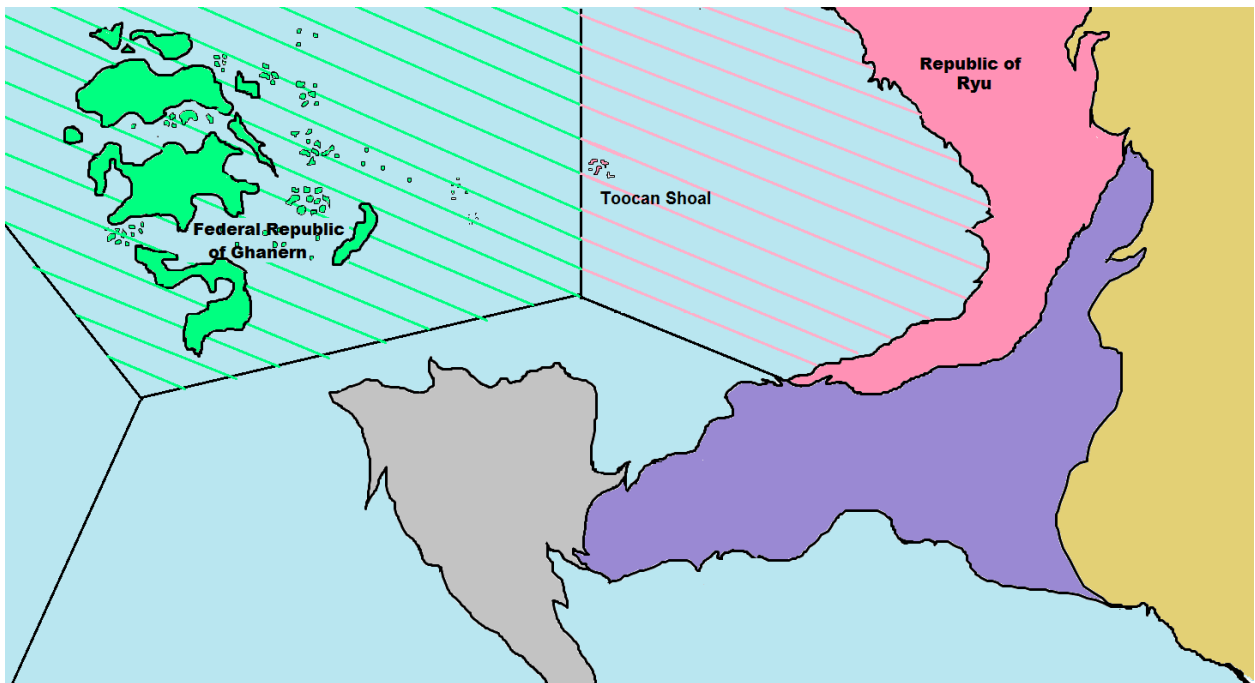
THE CASE CONCERNING THE QUILUZ SEA

FEDERAL REPUBLIC OF GHANERN v. REPUBLIC OF RYU

1. The Quiluz Sea is an arm of the Paulark Ocean. East of the Sea are four coastal states belonging to the Eurica Continent, namely, the Republic of Ryu, Republic of Malanse, Federal Republic of Envia, and Republic of Kreece.
2. The Republic of Ryu (“Ryu”) is a developed State. Its economy is underpinned by its manufacturing, mining, and export sectors. It has a rapidly-growing urban workforce and a population set to breach the 100-million mark by 2017.
3. To the West of the Sea is Afrisia Continent’s Federal Republic of Ghanern (“Ghanern”), an archipelagic state with a developing economy. It is a predominantly agriculture-dependent State. It has a population of approximately 80 million people. Since only its inland is suitable for farming, Ghanern’s coastal population engaged in fishing activities primarily as a means of subsistence.
4. Separating Ghanern and Ryu is the Quiluz Sea measuring less than 350 nautical miles from both of the States’ respective baselines.
5. Ghanern was a former colony of United States of Sparica (“USS”), a global superpower that previously exercised control over the Ghanern government. During its colonial era, Ghanern’s international relations is mostly managed by Sparican diplomats.
6. Ghanern is also world-renowned for its flourishing tourism economy thanks to the Sandicho. Sandicho is famous for its white-sand beach and clear-blue waters, and is annually visited by approximately two (2) million tourists. Ghanern sends monthly food rations, pantry items, and petrol to the Ghanernians living in Sandicho.
5. Within the Quiluz Sea is the Toocan Shoal, which remains above water at low-tide but submerges during high tide. The Toocan Shoal is home to a highly biodiverse coral reef ecosystem, and is believed to hold substantial oil and gas reserves. Since time immemorial,

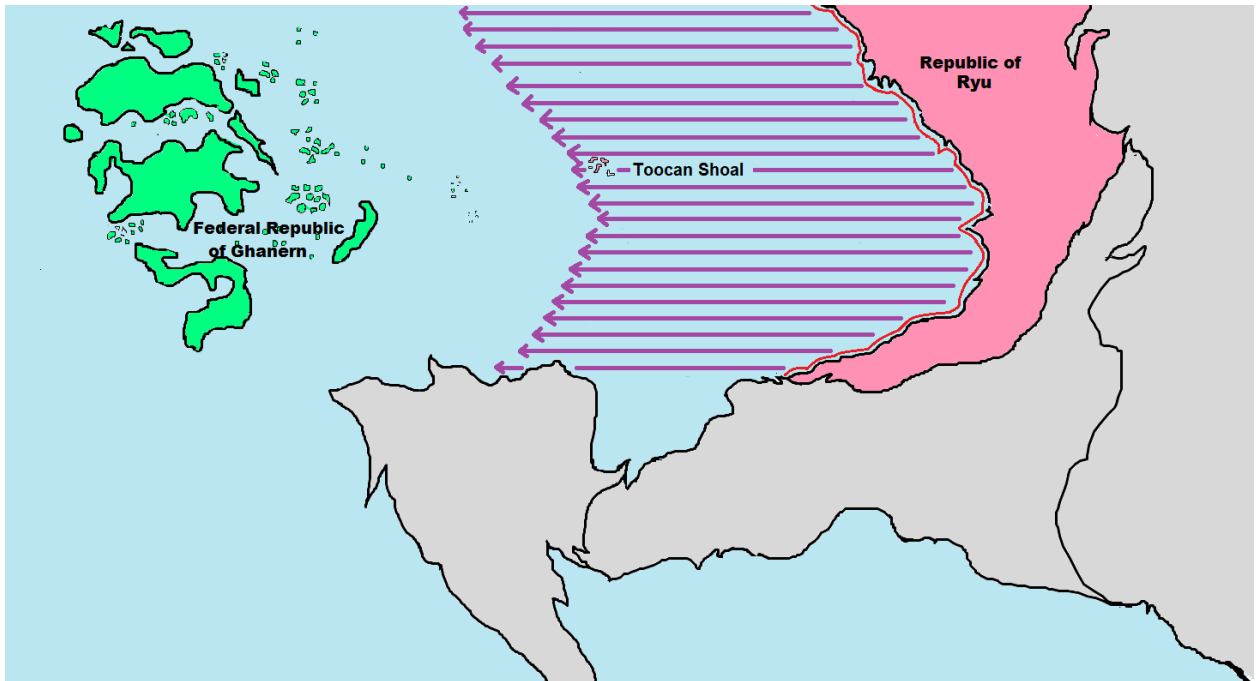
Ghanern's fisherfolk venture 250 nautical miles from their shores to fish in their traditional fishing grounds near the Toocan Shoal.

6. In 1962, the Ryu's Minister of Foreign Affairs, Max Reif, and Ghanern's Minister of Foreign Affairs, Lorin Hirt, started negotiations to outline the maritime boundaries of the Quiluz Sea and to delimit the waters surrounding the Toocan Shoal. The above diagram illustrates the delineation in the treaty stipulations:



7. On 2 March 1964, both states ratified the Reif-Hirt Treaty ("the Treaty") [see Annex I]. Notably, it vests jurisdiction to the International Court of Justice ("ICJ") for any dispute that may arise in relation to the Treaty. However, there was no accommodation made in the Treaty that recognizes Ghanern's traditional fishing rights.
8. In 1982, a revolution broke out in Ghanern which sought to overthrow the colonial rule of the USS. After a yearlong struggle, the people of Ghanern successfully liberated themselves from USS's control and subsequently ratified their Constitution in 23 February 1983 ("1983 Constitution").

9. Ghanern-Ryu relations flourished after the Ghanern Revolution. In the following years, they entered into numerous bilateral agreements concerning tourism, trade, technology transfer, and mutual defense.
11. In December 1992, Ryu scientists have discovered an exceedingly rare energy source beneath the Quiluz Sea called Rikstone, a form of methane hydrate which emits 50% less CO₂ and 60% less methane when burned, compared to coal.
12. Preliminary studies and tests conducted by Ryu's Energy Bureau concluded that over 45% of the world's Rikstone deposits are underneath the Toocan Shoal. Following this, Ryu started to conduct covert exploration expeditions throughout the expanse of the Quiliz Sea.
13. In March 2002, Ryu also granted Rikstone exploration concessions and reconnaissance permits to Stone Mineral Company ("SM Company"), a multinational energy corporation formed and organized under USS laws.
14. In order to protect their interest over the Rikstone deposits, Ryu's Minister of Foreign Affairs Flavio Claeys sent a diplomatic note to Ghanern's foreign affairs counterpart dated 10 January 2014 demanding that Ghanern fishermen to limit their fishing activities to areas outside of the Toocan Shoal. In his diplomatic note, Minister Claeys strongly emphasized that Ghanern fishing within the said area violates Ryu's territorial and maritime rights. This prohibition was likewise in keeping with the Reif-Hirt Treaty which did not provide for any overlap in terms of both States' respective maritime delimitations. Moreover, Minister Claeys also invoked Ryu's exclusive exploration rights to their continental shelf, which allegedly extends to the Toocan Shoal.
15. The diagram below is an approximate illustration of the continental shelf of Ryu, extending 200 nautical miles from its baselines.



16. In response, Ghanern’s Foreign Minister sent the following diplomatic note on 25 January 2014:

“The Embassy of Ghanern sends its warmest regards to the Republic of Ryu.

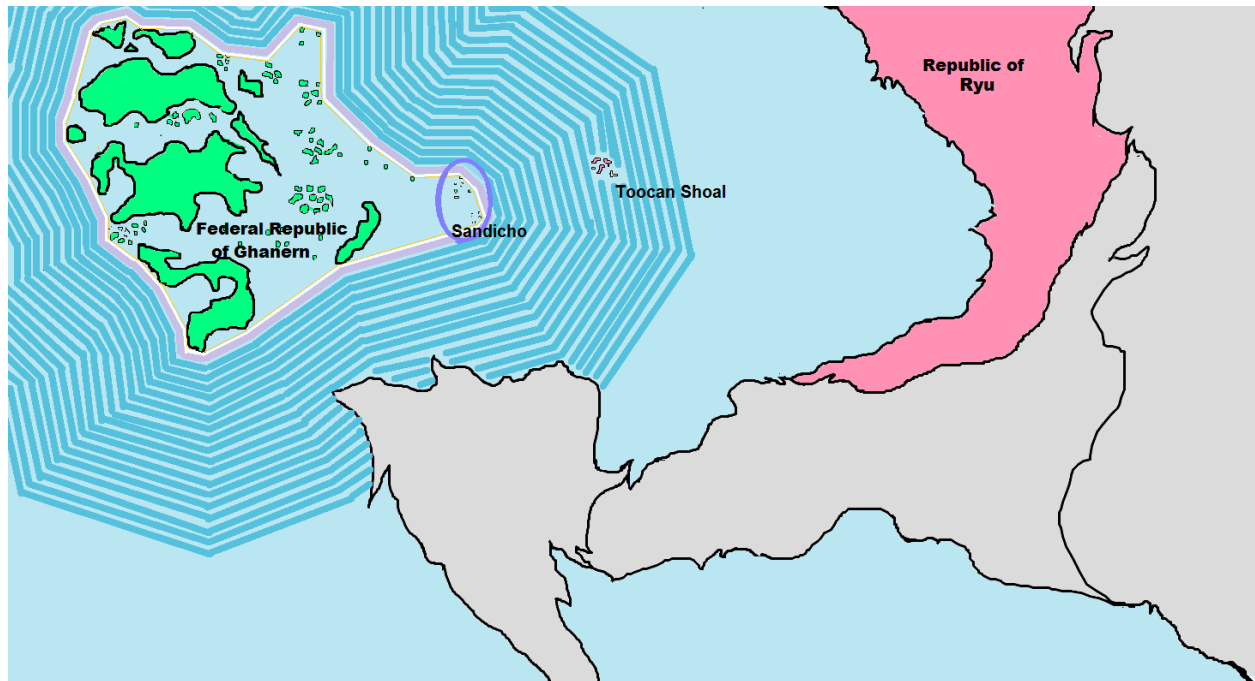
“The Federal Republic of Ghanern respectfully maintains that Ryu cannot limit the fishing activities conducted by Ghanernian traditional fisherfolk. The Republic of Ryu cannot impose the stipulations in the Reif-Hirt Treaty which was entered by the United States of Sparica and not by the Federal Republic of Ghanern.

Also, the fishing activities by the people of Ghanern are conducted in areas that are rightfully within Ghanern’s Exclusive Economic Zone (“EEZ”) under the United Nations Convention on the Laws of the Sea (“UNCLOS”).

We implore the Republic of Ryu to uphold its obligations to the Federal Republic of Ghanern under International Law.

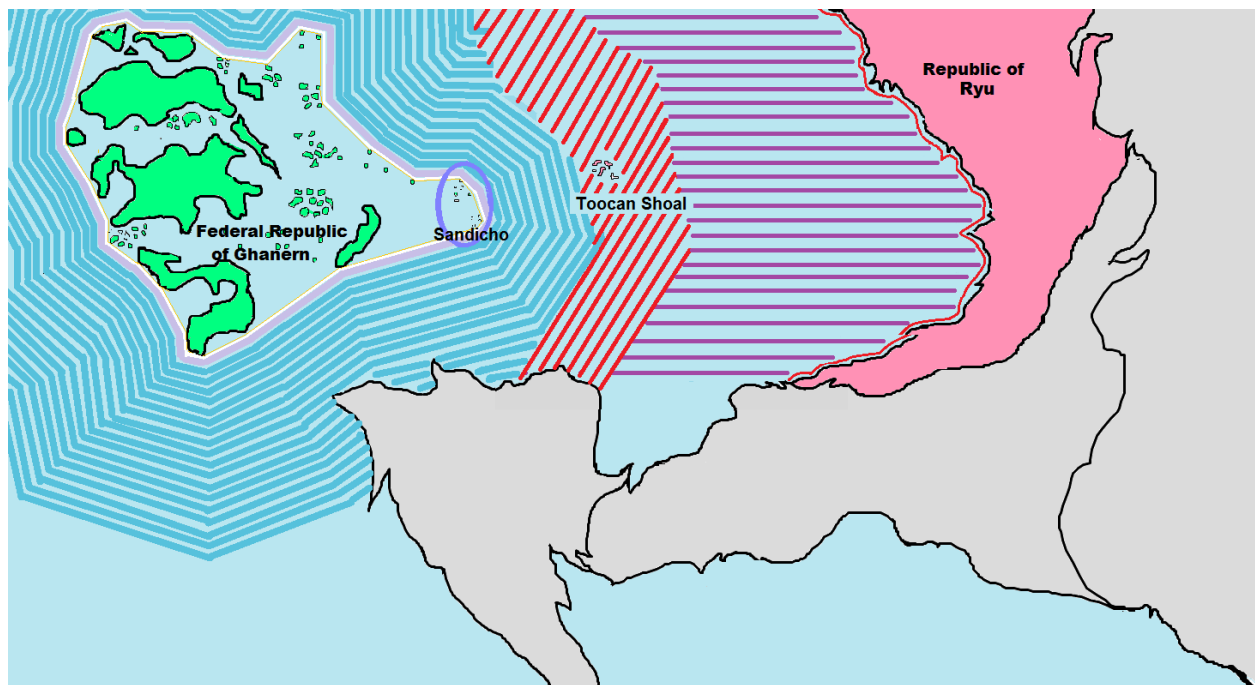
Kato Loof
Minister of Foreign Affairs
Federal Republic of Ghanern”

17. Ghanern claims that the Toocan Shoal is part of its EEZ under the UNCLOS. It argues that its maritime rights must be measured from the Island of Sandicho, found east of Ghanern. The diagram below is an approximate illustration of the claimed EEZ of Ghanern.



18. Another diplomatic note dated 17 June 2014 was sent by Minister Claeys in response to Minister Loof. In the said note, Minister Claeys asserted that the areas concerned were part of Ryu's continental shelf and that explorations were in accord with Ryu's sovereign rights under International Law. Further, Minister Claeys argued that Sandicho is not an island as it not self-sustaining, nor does it have a community living therein.
19. In a bid to further protect its control over the Rikstone deposits, Ryu announced plans to begin the construction of an outpost on the Toocan Shoal, as reported in an article published on 12 February 2015 by Ryu's leading broadsheet, *The Ryu Sentinel*.
20. Ghanern fishing vessels were repeatedly spotted by the Ryu coast guard within the contested territory. In a bid to reinforce its sovereignty over the area and to deter what it perceived as an encroachment to its territory, Ryu deployed two of its largest warships to patrol the Toocan Shoal.

21. The diagram below is an approximate illustration of the maritime dispute. The overlapping and disputed maritime area is in red.



22. Additional negotiations between the Federal Republic of Ghanern and the Republic of Ryu failed to resolve the dispute. The Parties agreed to submit these matters to the ICJ under a Special Agreement pursuant to Article 36, paragraph 1, of the ICJ's Statute.

23. Both States are parties to the United Nations Convention on the Law of the Sea ("UNCLOS") since 1994 and the Vienna Convention on the Law of Treaties ("VCLT") since 1979.

24. Ghanern asks the Court to adjudge and declare that:

- i. The Reif-Hirt Treaty is not binding upon the Federal Republic of Ghanern;
- ii. The maritime rights of Ghanern includes reference to Sandicho; and
- iii. Ghanern has exploration rights over the Toocan Shoal.

25. Ryu asks the Court to adjudge and declare that:

- i. The Reif-Hirt Treaty is binding upon the Federal Republic of Ghanern;
- ii. The maritime rights of Ghanern does not include reference to Sandicho; and

iii. Ryu has the exploration rights over the Toocan Shoal.

ANNEX 1

**TREATY CONCERNING THE QUILUZ SEA
BETWEEN THE FEDERAL REPUBLIC OF GHANERN
AND THE REPUBLIC OF RYU
2 MARCH 1964**

[excerpts]

The Federal Republic of Ghanern and the Republic of Ryu (“the Contracting Parties”), (a) *desiring* to peacefully delimit the Quiluz Sea and to provide for certain other related matters; (b) *recognising* the importance maritime delimitation as a means of ensuring peace, safety, and economic prosperity in the region; (c) *seeking* to strengthen the Contracting Parties’ international relationship as good neighbors and in a spirit of cooperation, friendship and goodwill, have agreed upon the following articles:

ARTICLE 1

- a) The Federal Republic of Ghanern recognizes the full and entire sovereignty of the Republic of Ryu over the Toocan Shoal, the Tranquil Cay, and the Peaceful Atoll.
- b) The Republic of Ryu recognizes the full and entire sovereignty of the Federal Republic of Ghanern over the Jade Islands and the Teal Islands.

[...]

ARTICLE 6

As unresolved boundary lines may hamper economic activities and lead to discord between the Contracting Parties, it is resolved to establish the relevant coasts and base points and establish a provisional dividing line (co-ordinates 125° 29' 34.7" E). Special circumstances which may lead to an adjustment of the said line must be resolved through bilateral negotiations.

[...]

ARTICLE 21

The Contracting Parties accept the compulsory jurisdiction of the International Court of Justice and makes this Declaration under Article 36 (2) of the Statute of the Court.

[...]

ARTICLE 30

The term of this agreement shall be 99 years.

(Signed)
[Lorin Hirt](#)

Minister of Foreign Affairs
Federal Republic of Ghana

(Signed)
[Max Reif](#)

Minister of Foreign Affairs
Republic of Rwanda