



## 2021 ITLOS MOOT COURT COMPETITION

### CLARIFICATION QUESTIONS

#### **Question nº 1:**

If Rainbow Reef and Rainbow Point are respectively inside the archipelagic and internal waters of Macar, what is the legal basis adopted by Gelder Islands for arguing item 3 of its Declaration?

**Clarification:** The facts provide sufficient information to answer this question.

#### **Question nº 2:**

Is there any provision in the Fisheries Access Agreement concerning the traditional fishing rights of Macar's indigenous peoples in Rainbow Reef or is it exclusively on Gelder Islands' ones?

**Clarification:** The Fisheries Access Agreement does not mention traditional fishing rights of Macar's indigenous people in Rainbow Reef.

#### **Question nº 3:**

Have the Macari authorities implemented any restriction to traditional fishing in Rainbow Reef because it is an Ecologically or Biological Significant Area under Convention on Biological Diversity?

**Clarification:** Macar has not adopted any measures to restrict traditional fishing in Rainbow Reef.

#### **Question nº 4:**

Are the Delfon and fisheries agreement pari materia to any other laws/acts?

**Clarification:** The facts provide sufficient information to answer this question.

#### **Question nº 5:**

Has Macar legally received the archipelagic status or is the country only claiming to have it as mentioned in paragraph 2?

**Clarification:** The facts provide sufficient information to answer this question.



**Question nº 6:**

Since Macar Island's name is the petitioner on the first page, and Gelder Islands have filed the suit, who is the respondent?

**Clarification:** As contained in the case, the Gelder Islands are the applicant, as they have indeed filed the suit, and Macar is the respondent.

**Question nº 7:**

With respect to Paragraph 6.2, Are they harvesting the teatfish in the outer part of the reef?

**Clarification:** As stated in paragraph 6 of the case, Macar has written to the Gelder Islands that the Gelderland's traditional fishing activities have been taking place around the whole length of Rainbow Reef, including Rainbow Point.

**Question nº 8:**

With respect to Paragraph 6.2 and 6.7, since Rainbow point of Rainbow reef lies within the closing lines delimiting Macar's internal waters, and it's stated that for the 'most part' it lies in its archipelagic waters, what can be assumed to be within Macar's range?

**Clarification:** The facts provide sufficient information to answer this question.

**Question nº 9:**

With respect to Paragraph 4, is the range of plastic in Gelder only limited to polyolefins PE, PP, PET and PA or these are just some examples?

**Clarification:** The facts provide sufficient information to answer this question.

**Question nº 10:**

With respect to Paragraph 6.3, whether an agreement can be terminated if any dispute arises in renegotiations?

**Clarification:** The facts provide sufficient information to answer this question.



**Question nº 11:**

How much land does Macar own and how much land has already been utilized for landfills up till now?

**Clarification:** This question is not relevant for the legal argument of the case.

**Question nº 12:**

With reference to footnote 1, does the Gelder Islands lie in the continent of Europe?

**Clarification:** This question is not relevant for the legal argument of the case.

**Question nº 13:**

With respect to paragraph 5.1, what year was the Delfon agreement established?

**Clarification:** The exact date is not given in the case, and is not relevant. The case explains however that the negotiating process started around four years prior to the dispute, that the negotiating process has since been concluded; that the final agreement has been adopted; and that it has moreover now been ratified by a number of countries. It can therefore be assumed that the Delfon agreement is of recent vintage.

**Question nº 14:**

With reference to paragraph 6.3, what were the conditions and arrangements stipulated in the protocol annexed to the Delfon Agreement in accordance to Article 6?

**Clarification:** This question is not relevant for the legal argument of the case.

**Question nº 15:**

Are there any assigned documents which stipulate all the articles in the Delfon Agreement?

**Clarification:** No, as the teams have not been provided with any documents, there will not be any.



**Question nº 16:**

As referenced in Para 7 line 5, where can we find the trade data that has been referred to?

**Clarification:** This question is not relevant for the legal argument of the case.

**Question nº 17:**

As referenced in Para 6.3, which treaty governs the indigenous population of Gelder Islands fishing in Macar? Is this mentioned in the Fisheries Access Agreement?

**Clarification:** The facts provide sufficient information to answer this question.

**Question nº 18:**

With reference to paragraph 7, since when has been the voluntary coastal cleaning up taking place?

**Clarification:** Since no date is given except that it takes place every year, it can simply be assumed that this has been going on for many years.

**Question nº 19:**

Are there other treaties that Gelder & Macar signed apart from the listed treaties in the question (statement of facts)?

**Clarification:** This question is not relevant for the legal argument of the case.

**Question nº 20:**

When does Macar claim for the archipelagic status?

**Clarification:** Though no date is given, it can be assumed it has done so upon ratification of the UNCLOS, and that it has ratified the UNCLOS soon after it opened for signature on 10 December 1982. It can also be assumed that Macar complied with the publicity requirement of Art. 47 (9) UNCLOS including the UN deposit-requirement. As the case explains, this has not been contested.