

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

BETWEEN

THE FEDERAL REPUBLIC OF RHOVANION

(APPLICANT)

AND

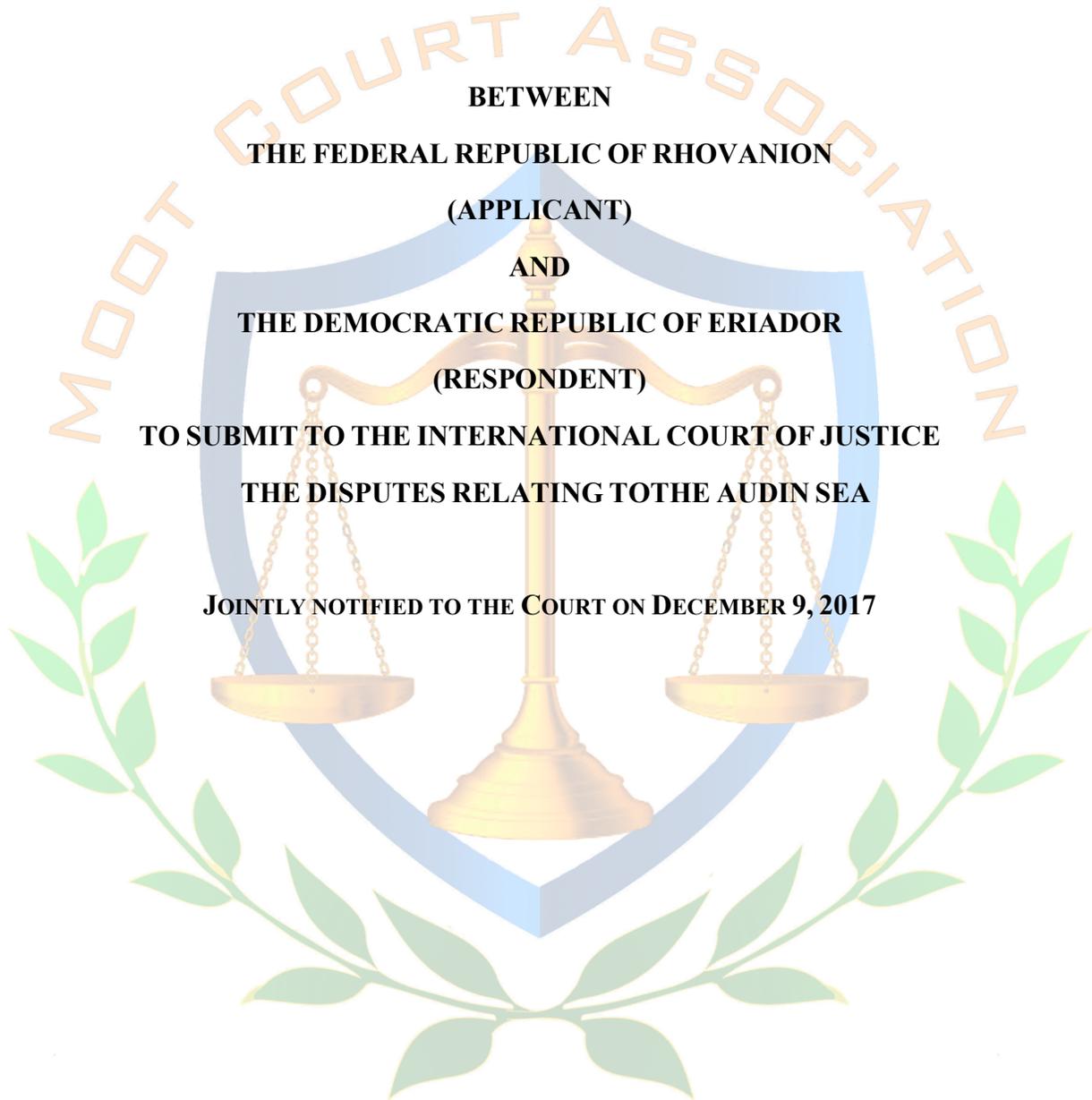
THE DEMOCRATIC REPUBLIC OF ERIADOR

(RESPONDENT)

TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE

THE DISPUTES RELATING TO THE AUDIN SEA

JOINTLY NOTIFIED TO THE COURT ON DECEMBER 9, 2017



JOINT NOTIFICATION ADDRESSED TO

THE REGISTRAR OF THE COURT

The Hague, December 9, 2017.

On behalf of the Federal Republic of Rhovanion and the Democratic Republic of Eriador, and in accordance with Article 40, paragraph 1, of the Statute of the International Court of Justice, we have the honour to transmit to you an original copy of the English texts of the Special Agreement Between the Federal Republic of Rhovanion and the Democratic Republic of Eriador for Submission to the International Court of Justice of Differences Between Them Concerning Questions Relating to Disputes in and around Audin Sea, signed at Cape Town, South Africa on December 9, 2017.

His Excellency Harvey Specter

Ambassador of the Federal Republic
of Rhovanion to the Kingdom of Netherlands

His Excellency Louis Litt

Ambassador of the Democratic Republic of
Eriador to the Kingdom of Netherlands

SPECIAL AGREEMENT

**SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE FEDERAL
REPUBLIC OF RHOVANION AND THE DEMOCRATIC REPUBLIC OF
ERIADORON THE DIFFERENCE BETWEEN CONCERNING QUESTIONS
RELATING TO DISPUTES IN AND AROUND THE AUDIN SEA**

The Federal Republic of Rhovanion and the Democratic Republic of Eriador,

Recalling that the Federal Republic of Rhovanion and the Democratic Republic of Eriador are Members of the United Nations and that the Charter of the United Nations calls on Members to settle international disputes by peaceful means,

Observing that the Audin Sea provide multiple benefits to humans and other species,

Further observing that the Oil Exploration carried out in the Audin Sea has had serious negative effects on human health, flora and fauna, and the wild birds,

Recognizing that differences have arisen between the Republic of Rhovanion and the Republic of Eriador concerning the appropriate responses to the damage and the losses that have been caused to the Underwater Cultural Heritage,

Considering that the differences regarding the crisis relating to Refugees between the Republic of Rhovanion and Republic of Eriador may have violated the international refugee laws,

Noting that the Republic of Rhovanion and the Republic of Eriador have been unable to settle their differences through negotiation,

Desiring that the International Court of Justice, hereinafter referred to as “the Court,” consider these differences,

Desiring further to define the issues to be submitted to the Court,

Have agreed as follows:

ARTICLE I

The Republic of Rhovanion and the Republic of Eriador, hereinafter referred to as “the Parties,” shall submit the questions contained in Annex A of this Special Agreement to the Court pursuant to Article 40, paragraph 1, of the Statute of the International Court of Justice. The Parties agree that the Court has jurisdiction to decide this matter.

ARTICLE II

1. The Parties shall request the Court to decide this matter on the basis of the rules and principles of general international law, as well as any applicable treaties.
2. The Parties also shall request the Court to decide this matter based on the Agreed Statement of Facts, attached as Annex A, which is an integral part of this Agreement.
3. The Parties also shall request the Court to determine the legal consequences, including the rights and obligations of the Parties, arising from any judgment on the questions presented in this matter.

ARTICLE III

1. The proceedings shall consist of written pleadings and oral arguments.
2. The written pleadings shall consist of memorials to be submitted simultaneously to the Court by the Parties.
3. The written pleadings shall be consistent with the Rules for the 2017-2018 8th Dr. Paras Diwan Memorial International 'Energy Law' Moot Court Competition, 2018.
4. No changes may be made to any written pleading once it has been submitted.

ARTICLE IV

1. The Parties shall accept the Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
2. Immediately after the transmission of the Judgment, the Parties shall enter into negotiations on the modalities for its execution.
3. If the Parties are unable to reach agreement within six months, either Party may request the Court to render an additional Judgment to determine the modalities for executing its Judgment.

ARTICLE V

This Special Agreement shall enter into force upon signature.

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

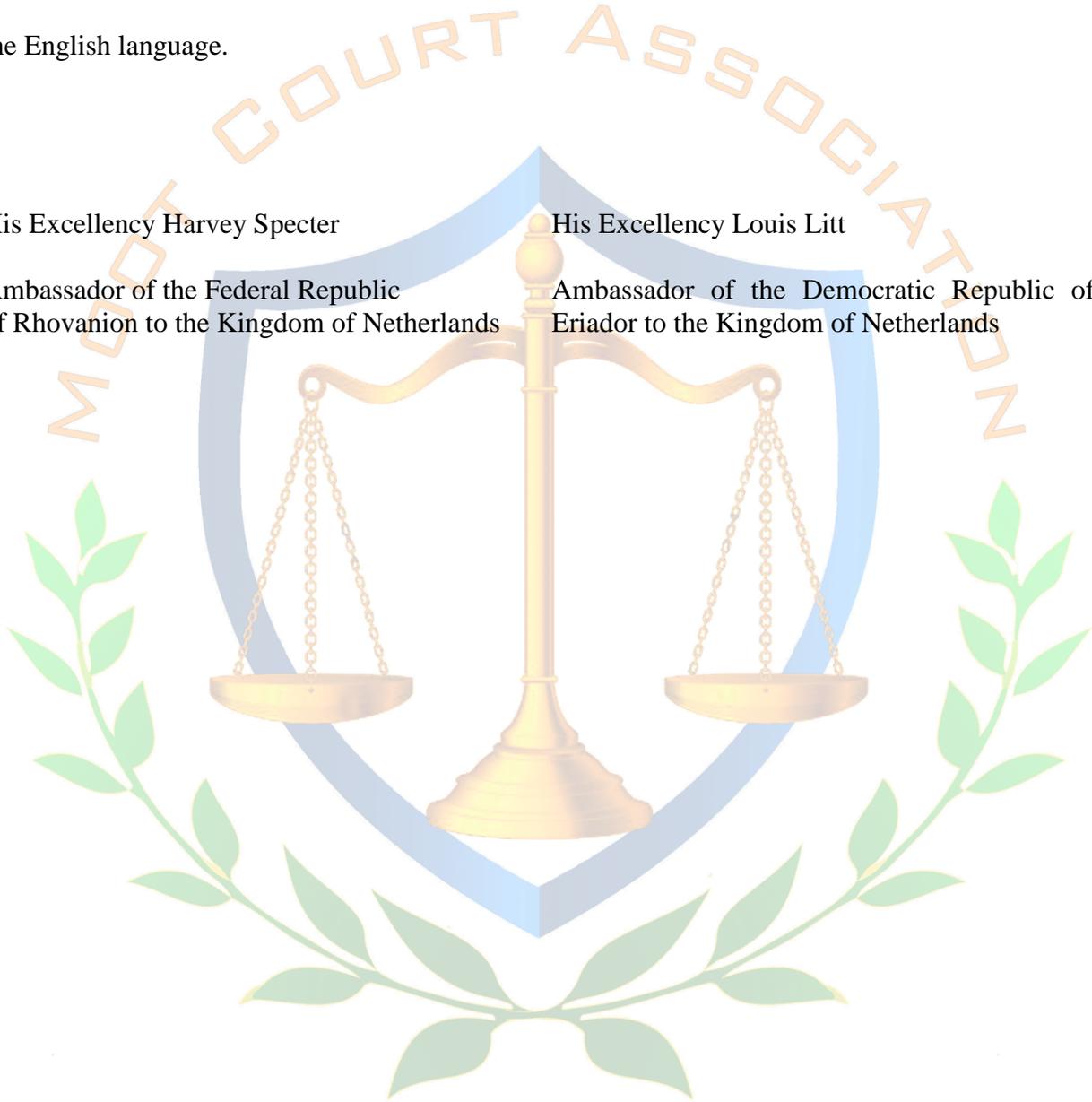
Done in The Hague, The Netherlands, this 9th day of December in the year 2017, in triplicate in the English language.

His Excellency Harvey Specter

Ambassador of the Federal Republic
of Rhovanion to the Kingdom of Netherlands

His Excellency Louis Litt

Ambassador of the Democratic Republic of
Eriador to the Kingdom of Netherlands



SPECIAL AGREEMENT**QUESTIONS RELATING TO DISPUTES IN AND AROUND THE AUDIN SEA****PART I: THE STATES**

1. The Federal Republic of Rhovanium (Rhovanium) is located in the North Eastern part of the Continent of Middle Earth. The land frontier of the Federal Republic of Rhovanium is 25,800 km long and is bordered by 16 States. It is ranked the third largest country in terms of population and is regarded as one of the fastest growing economies of Middle Earth. From East to South East, the Federal Rhovanium shares maritime boundaries with the States of Rhun and Mordor.
2. Rhovanium is bordered by the Audin Sea to the West and by the Rhun Sea to the South. Rhovanium is technologically advanced; and is well recognized in the fields of science, oil drilling, exploration and archaeology. The primary source of revenue of the country is drawn from oil and other hydro-carbon exports.
3. The Democratic Republic of Eriador (Eriador) is located on the North Western part of Middle Earth defined between Lindon and the Blue Mountains on the North. It is made up of the Tolfalas Islands, which is a part of the island group situated at the northernmost part of the Belfalas archipelago. It is situated about 900 km east of the Forochel coast and is separated from the State of Forlindon in the North by the Gulf of Lune. Eriador is bounded by the Glanduin Sea on the South and Audin Sea on the East.
4. Eriador is a developing country which had a constant annual average GDP growth rate of 2.86 % to 3 % from 1982 to 2012; however GDP for recent years have become stagnant.

The major source of its revenue is tourism and other activities such as fishing, shell jewellery, pottery. Besides this, Eriador is also a supplier of cheap labour for high paying oil corporations.

5. Eriador is also known for its underwater volcanic mountain ranges running parallel to the coasts and has a history of being prone to earthquakes.

PART II: THE AUDIN SEA

6. The Audin Sea is a marginal sea shared between Eriador and Rhovanion and covers more than 3million square kilometres. It was formed around 400 CE when the "Dangerous Ground" rifted away from Southern Rhovanion opening the sea bed.
7. The sea bed rests on the continental shelf which continues to reduce as global sea levels continue to rise. The sea is strategically placed in such a manner that it caters to around 1/3 of the shipping pathways. The Audin Sea is surrounded by the southern State of Eriador, Mordor, State Rhovanion, the Forochel Island, and the mainland Southeast Middle Earth. The Audin Sea is dotted by over 250 islands, atolls, cays, shoals, reefs, and sandbars, with a few of them being inhabited by indigenous Gollum Tribe, few having natural water supply, few being naturally under water at high tide, while others being permanently submerged. These land features are grouped into two archipelagos, the Merrywise Bank and Peregrinboyd Shoal.
8. Collectively, the archipelagos in the Audin Sea cover a total land surface area of less than 15 lakh km at low tide. The archipelagos are located on a shallow continental shelf with an average depth of 200 metres. The sea floor contains Paleozoic and Mesozoic granite

and metamorphic rocks which drops drastically around certain islands. The islands share a composition of coral reefs of varying ages and formations.

9. Furthermore, surveys by Oil Exploration and Risk Management Committee of the Ministry of Oil and Natural Gas of Rhovanion also indicate the presence of huge oil and gas reserves beneath the Audin Sea, but the sites have remained unexplored despite several failed attempts by States to explore it.
10. From 1405 to 1433, Frodo Baggins, a Rohanian explorer, navigator and colonizer, commanded expeditionary voyages to the Audin Sea. He belonged to the Hobbit civilization of the Rohan Kingdom. In 1421, Frodo Baggins prepared the Arda map, usually referred to by Hobbits (people originally belonging to Eriador but over the years have settled in different parts of Rhovanion) as Frodo Baggin's Navigation Map (Annexure A). The map elaborately included all the islands of the Audin Sea. Some of these islands lie very close to Eriador which the State claims to be lying within its Exclusive Economic Zone (EEZ). The Republic of Rhovanion named 132 of the Audin Sea Islands in 200 CE.
11. After the War of Wrath II, the Rhovanion's Government occupied the islands by resurrecting military camps and posts. In 1947, the Ministry of External Affairs of Rhovanion renamed 149 of the islands and by November 1947, the Secretariat of the then Guangdong Government of Rhovanion was authorised to publish the Map of the Audin Sea Islands in 1958, Rhovanion issued a declaration defining its territorial waters within what is known as the 'Moana stretch' which encompasses islands in the present EEZ of State Eriador. Certain parcels of these islands were controlled by the State of Mordor till 1974. However, a brief conflict in the same year resulted in the deaths of hundreds of

nationals of the State of Mordor, which ultimately gave way to Rhovanion`s control over the whole parcel of islands.

12. Sovereignty over the Sea and its land features has always been a cause of dispute between the States of Rhovanion and Eriador. The economic viability of the region together with reports of oil and gas reserves has resulted in multiple vested interests between the States. Both the States have pressed their interests by carrying out rampant fishing expeditions, military operations, naval voyage, etc. in the region. There have been multiple recorded instances of attacks on fishing vessels, merchant ships, and military camps set up on various islands. For all such instances one State has held the other responsible.

13. The tension escalated in the region due to the activities undertaken by Rhovanion that had built three airstrips on the contested Forochel Islands to extend its presence in the disputed waters, and militarized Pelafelas Island by deploying fighter jets, cruise missiles, and a radar system. Eriador has warned its North-East Middle Earth neighbours against drilling for oil and gas in the contested region, which had disrupted other nations` oil exploration and seismic survey activities.

14. Rhovanion had frequently challenged Eriador`s claims in international waters by deploying destroyer ships for freedom of navigation operations in the Audin Sea. To further entrench its presence in the region, Rhovanion had also used dredging ships to pour sand on coral reefs and turn them into islands.

15. Rhovanion military had installed missile launchers, runways, barracks and other security facilities on these islands. Thus, while Rhovanion maintained and considered them to be

“islands” under international law, which are granted exclusive economic zones; Eriador considered them to be mere “rocks”.

16. Rhovanion and Eriador have exchanged various diplomatic notes where the latter has requested the former to stop all activities towards laying claim over the islands and the sea that is part of their EEZ. Rhovanion has rejected all the claims of Eriador under the EEZ scheme and continues to maintain its claim over all such islands as ‘land belonging to Rhovanion’ and the surrounding waters being its territorial waters and claims the island under the principles of international law supported by historical rights.

PART III: THE REEF

17. The Audin Sea consists of the transboundary Baggins Barrier Reef (The Reef) which is a series of coral reefs which was home to more than 450 coral species, fishes and invertebrates. The Reef is shared between Rhovanion and Eriador and is surrounded by the Forochel and Pelafelas islands.
18. Initially the Reef belonged to the Kingdom of Rohan and partially to the Kingdom of Doriath. After the war of the Easterling tribes (the biggest war of Middle earth after the War of Wrath I), the Kingdoms were broken and separated into several sovereign States. These sovereign States now include, the Rhovanion, Eriador, Doriath, Rhun, Rivendell, Gloin, Mordor and Arnor. The Reef is of great cultural value to both Rhovanion and Eriador and other varied interests including that of a commercial nature..
19. The history of the Reef could be traced back to 200 CE to 800 CE of the Hobbit civilization, the inhabitants of which were worshippers of fire and water and used the Reef as their primary source of fishing and trade related activities.

20. The Hobbits were followers of the Evelyn religion and made art through copper coins and are still considered as major contributors in the field of art. The Hobbits have also excelled in architecture, the specimens of which can be found in the buildings and conference halls which attracts tourists from all over the world. They regarded 'Gamgee' which is made from the seaweed and fish oil of the fishes from the Reef as their traditional food.
21. Further, the Hobbits from the 16th century onwards personated the Reef as the Audin Godmother and there have also been various ancient manuscripts which reiterate the same and even great writers of that time such as Elrond, Galadriel belonging to the Rohan Kingdom have written poems glorifying the Reef, the excerpts of which are also included in the national anthem of Eriador.
22. The Reef accommodates a variety of other reefs within it, which pave way to diving activities and snorkelling. This alone attracts thousands of visitors every year. Rhovanion has always used the reef for oil exploration and other trading purposes and 70% of the State's revenue is drawn from the aforementioned activities and the rest from art and handicrafts.
23. On the other hand, Eriador considers the Reef as the heart of its fishing industry for export.
24. Alongside the Reef, the Audin Sea comprises of old traditions of seafaring activity and maritime connections of trade and navy, which holds evidence in the early prehistoric submerged sites, the most important of them being shipwrecks.
25. Rhovanion have had a long standing relationship with a salvage company called "Gandalf Mckellen" which has conducted several recovery operations on ancient shipwrecks in the

Audin Sea, most of the times with minimal regard to recovery techniques. Rhovanion has also been auctioning a portion of such recovered antiquities to private entities, individuals and museums for the past few decades, which has seen a sudden increase lately.

26. A large amount of artefacts including gold bullion, jewels, rare coins, fragile porcelain and rare antiquities, were recovered from these shipwrecks which subsequently helped to map the historical maritime activities along Rhovanion and Southeast Eriador coastlines highlighting the existence of Audin Sea Antiquities trade industry since 300 CE.
27. In the year 1987, the wreck of Hiram was discovered in the Audin Sea. History states that the ship had submerged sometime during the war of Easterling tribes but the exact age of the wreck could not be determined; but however few historians are of the view that it must be around 100 years old. The Hiram wreck had submerged along the southern coastal lines of the Reef. On further investigation conducted by the salvage company, Gandalf Mckellen, it was reported to Arwen Otho, President of Rhovanion that the wreck is in a very dismal state and is disintegrating at a rapid rate. However, no official record of the report is available.
28. In the year 1998, acting on the advice of the salvage company, the Rhovanion ordered for excavation of the wreck of Hiram which led to the discovery of various coins of the Hobbit civilization, trumpets used by the people on board, jewellery and other artefacts.
29. This immediately caught the Media's attention and soon reports started to emerge on the discoveries made from the wreck. There were many documentaries which were shot displaying the history of the wreck of Hiram and how it was a symbol of peace to the Hobbits. The wreck of Hiram not only displayed the traditional aspects of the Hobbit

civilization but also marked a sign of grief due to the devastating sinking of the ship that took away lives of many people.

30. The people of Eriador believed the recoveries made from the wreck to be the only remains of the War of Easterling tribes and were of devotional value to the people of Eriador as they regard themselves to have originated from the Hobbit civilization. Therefore, they raised concerns for the protection of the coins, artefacts and claimed exclusive rights over them being it of Eriador's origin.
31. Furthermore, this raised major awareness and concern with regards to the underwater cultural heritage and wrecks in the Audin Sea. Subsequently, the UNESCO Director General issued a public statement mentioning that, "*....any exploration and recovery of sunken ships and lost objects could be regarded as a use of the seabed.*" and requested the Government of Rhovanion to conduct excavations on other wrecks with utmost care and caution in accordance with the norms established under international law.
32. The United Nations considered and declared the Baggins Barrier Reef along with the Hiramam Shipwreck as an Underwater Cultural Heritage in the year 1998.
33. The International community while realizing the importance of protection and preservation of the underwater cultural heritage also decided to initiate campaigns in the various States which shared a direct or indirect association with the newly recognized underwater cultural heritage.
34. The UN wrote about the Underwater Cultural Heritage in one of its official reports and highlighted the major challenges that a State might face in order to protect and preserve underwater cultural heritage of such a nature which includes the lack of human resources, expertise, methodologies, facilities, equipments and also how to better protect the

artefacts and antiquities recovered from such sites which could only be achieved through a meaningful dialogue and cooperation amongst interested States.

35. In November, 1997, various scientific organisations of the world community travelled to Rhovanion for investigation of the area adjacent to the Reef and below the wreck. Their reports have unanimously recognized the area for having huge reserves of oil and natural gas; exploration of which would not only benefit Rhovanion, making it energy self-reliant for the next few decades but would also benefit the entire mankind and help it prosper. The report also stated that the hydrocarbons present in the oil to be explored can also be used for fuel and other lubricants and also possesses high medicinal value. They also named the area as Area 'AN2997' (the Area) in their report.

36. The scientists also opined in addition to their report that a combination of chemicals have caused a drastic change in the growth of aquatic plants and unique effects on the rocks in and around the Reef. By testing these samples in the lab, it was observed that such chemical reactions could take place under water only in the presence of oil.

37. Placing reliance on this information, Rhovanion decided to initiate oil exploration activities in the Area after entering into consultations on various possible consequences of such an exploration with the Government of Eriador. In order to make the process effective, the Government of Rhovanion also issued a public notification to all the neighbouring states which hold cultural and other interests in the Reef to form an Expert Committee to report on the probable consequences of oil exploration in the Reef on every State.

38. A Committee of Biological Conservationists was therefore set up by the Rhovanion Government to report the possible consequences of such an exploration.

39. After a study of more than 2 months, the conversationalists observed the diverse effects of the exploration on the Reef and suggested the Government to abort the exploration since such activities could cause irreparable damage to the Reef and the Wreck, considering the vulnerability of the region being prone to earthquakes coupled with a high possibility of occurrence of a man-made disaster in the nature of an oil-spill, if any or all the necessary precautionary measures are not implemented.
40. However, the Government of Rhovanion issued a Press release by the Minister of Culture, Mr. Legolas Gimli, stating that the rationale behind few of the suggestions including threat to the underwater cultural heritage was ill-founded, unsubstantiated and had an element of malpractice since such an exploration would help Rhovanion to generate far more revenue than the other States combined and would help it emerge as the largest economy in Middle Earth.
41. The Minister also assured that nothing shall affect the Reef and the inhabitants around it and stated that all reasonable precautionary measures including creation of a buffer zone would be taken, before conducting any oil exploration activity. The Government stated that the exploration will be undertaken as per the norms recognized under International law and the revenue earned by the Government through export of oil will be used for the benefit of protection and preservation of the Reef and for conducting salvage operations on other wrecks in the Audin Sea. The Government will make more efforts towards preservation of the finds and will attempt to reduce their commercial exploitation.
42. In Rhovanion, the Mines and Minerals Extraction Committee (MMEC), which acts under the direction of the Ministry of Mines and Mineral Development, regulates mining activities, mineral extraction, oil exploration and drilling. The MMEC grants licenses to

all public and private companies with a certificate of good standing which conduct such activities. The MMEC inspects the companies' operations to ensure that all laws, regulations, and policies are adhered to. It also asks the companies to submit their scientific reports on the feasibility and viability of their operations. It does not allow any company, whether government or private/public, to conduct any activity of extraction in highly seismic zones.

43. The Government has always been fair in granting licenses to companies without much scope for red tapism. The application process, though fair, had its own drawbacks. It used to take about 10 months to effectively complete the review process. The applicants had complained in the past that the process was cumbersome which often led them to lose out on big opportunities to its rivals in other States.

44. In 2011, the national elections were to be conducted. During the campaigning period, Mr. Frodo, the leader of the opposition, claimed that their Government would replace the existing system with one which would only take half the time. This idea was welcomed by the citizens and the country saw a change in the Government in the year 2011. The new application process which was then implemented saw a lot of companies getting approvals from the government in a short span of time. Under the garb of streamlining the review process, the new government started granting licenses to most companies without carrying out proper investigation.

45. Gandalf Corp., a Rhovanion owned enterprise, holding company of Gandalf Mckellen informed the Government about their latest technology which allowed them to conduct offshore oil drilling in waters more than 1,500 meters deep. The Rhovanion Government asked them to submit a scientific report of the possible effects on the marine environment

and other possible repercussions but the veracity of the report could not be discussed in the Cabinet meetings owing to the sudden change in the Government. The newly elected Government without conducting any further enquiry into the matter allowed Gandalf Corp. to proceed with their plan since it was the only way to replenish the State's treasury. The Government directed them to ensure that the marine life should not be harmed and to observe duty of care while operating in the Area.

46. Acting on the direction of the Government of Rhovanium, Gandalf Corp., initiated its exploratory expeditions in the Area. The location of oil reserve was demarcated and mapped some 20 km off the south eastern coast of Rhovanium near the Belafelas islands. Gandalf Corp. possessed a locational advantage resulting in easy access to the site and input advantages of cheap labour, transport, electricity etc. However, Gandalf Corp. lacked the requisite funding to implement its technical know-how on latest extraction processes and methodologies. Moreover, labours in Rhovanium were expensive and the State had entered into contractual agreements with its neighbours where the labour was relatively cheaper in the past. One such country with whom this agreement was made was Eriador that had been the largest supplier of labour to Rhovanium in the past.

47. Elrond Limited, an Eriador owned enterprise offered to furnish the required know-how and proposed to carry out extraction activities as an equal joint venture. Gandalf Corp. and Elrond Limited decided to set up a Joint Venture Company called Gandrond Limited. Meanwhile, investors of Eriador saw an excellent opportunity to venture into the energy sector. Eriador, persuaded by a strong investor lobby, negotiated favourable bilateral treaties securing direct investment, investor protection and opportunity to earn handsome returns in the energy and crude oil sector for its investors. A consortium of investors from

Eriador made more than substantial investments amounting upto 70% of project cost in the proposed project.

PART IV: THE RAISIS CRISIS

48. In the year 2012, after receiving all the relevant approvals from the Rhovanion Government, Gandalf Corp. began its operation in the Audin Sea. Having finished exploration in the primary term, the company entered into the development phase, setting up the oil rig – 'Raisis' after two years of commencing its operations Raisis was a semi-submersible, mobile, floating, dynamically positioned drilling rig that could operate in waters up to 8000 feet (2,400 m) deep. Though the rig was built by Gandrond Limited, it operated under the control of the Rhovanion Government as per the Joint Venture agreement. It was to drill a deep exploratory well, 10,000 feet (3,050 m) below sea level, in approximately 3,100 feet (9,72 m) under water.

49. The drilling site used to face frequent seismic activity considering the volatility of the area. The shock experienced from the seismic activity would cause some of the internal equipments to malfunction. Few months after the commencement of the operations of the rig, the employees at the rig started complaining of many defective parts which would stop functioning while carrying out major operations. Being located in a highly seismic zone, it was also the concern of the employees that a shock to the rig might cause a leakage if the parts remained defective and were not replaced in time.

50. There had also been reports of depletion of the coral species consequently leading to a reduction in the number of tourists who came for diving and snorkelling activities. Soon, agitations began to arise concerning the issue. The Government of Rhovanion took charge of the situation and appointed an Archaeological and Environmental Committee under the Ministry of Environment of Rhovanion to investigate into it. The Archaeological and Environmental Committee after investigation stated in their report that certain species of fishes had died due to acidification in the reef while there were chances of others being affected in the future. The report also stated that an immense amount of coral bleaching had taken place in the recent months which might increase at a rapid rate if the activities continued. Certain media reports also highlighted that recently tourists who had specifically come to the Reef for diving and underwater exposure faced health issues due to the toxic water in and around the Reef.

51. It was also observed that the wreck of Hiraham had undergone permanent damage to its structure, as the wreck came in contact with the acidified water of the sub-sea, and is now currently in a state of rapid disintegration. The inhabitants of Eriador protested against the oil exploration due to their cultural association with the Reef and the wreck. They also stated that the Reef is their major source of livelihood and that 60% of the population are dependent on it unlike Rhovanion.

52. On August 25, 2015, there was a seismic activity which led to the leakage of high-pressure methane gas from the well which subsequently expanded into the drilling riser and rose further up into the drilling rig, where it got ignited and exploded, engulfing the platform.

53. There were about 300 employees and workmen on board. Many of the employees and the workmen went missing after the explosion and are believed to have died in the explosion. The official report of the Government did not provide an exact death toll. The Rasis sank on August 30, 2015.
54. As a result of the explosion, the rig separated from the subsea unit and oil began to flow from a broken wellhead 1,625 meters below the surface of the water. The oil spilled continuously for 95 day. Gandrond Limited issued a public statement estimating a flow rate of 5,000 to 10,000 barrels per day.
55. On an investigation it was found that the safety system was faulty and the employees had filed many requisitions for replacement and had also complained about the management's ignorance of their safety. The safety system had been malfunctioning since a minor seismic shock to the oil rig in the initial month of commencement of the exploration activity.
56. The Flow Rate Technical Group (FRTG) set up by the Rhovanion Government estimated the initial flow rate to be 10,000 barrels per day; a private investigation carried out by a newspaper agency, *The Daily Planet*, of Rhovanion it was reported that the internal reports of the company had dissimilar figures and the flow rate was above 30, 000 barrels per day making it Middle Earth's largest oil spill till date.
57. The Government of Rhovanion promptly notified its counterpart, the Republic of Eriador about the explosion and the subsequent spill, keeping it fully informed about the state of the spill, the oil's projected movement, and Rhovanion's efforts to contain it.
58. Oil that was lost during the blow-out polluted a considerable part of the offshore region in the Gulf as well as much of the coastal zone of Eriador. Investigations along the

southern coast of Eriador stated that approximately 4000 metric tons or more than 5% of oil was deposited there. The rest of the oil, about 120,000 metric tons or 25 %, dissolved in the water in the Gulf.

59. The oil spill has destroyed 80% of the Reef and continues to destroy the remaining portion comprising of the Wreck. The State of Eriador had to suspend tourism for 4 years to undertake damage control and clean-up efforts on their coast. After lifting of the suspension, the tourism industry has failed to attract tourists and is now reeling under debt.

60. The spilled oil had a severe impact on the littoral crab and mollusc fauna in the beaches that were contaminated. The population of species of crabs, e.g. the ghost crab *Ocypode quadrata*, had almost gone extinct over a wide area. Crab population on coral islands along the coast was also reduced to only a percentage of the normal population about eight months since the spill. One study found that the most persistent issue was pollution of estuaries and coastal lagoons lining the bay, and especially its effects on breeding and growth of several food fish species. Fishing, the second largest industry on Eriador, had to be restricted initially and then was completely banned by Eriador authorities in contaminated areas. According to scientists some larger species with longer life spans may take years to recover from the spill.

61. UNESCO took the matter into consideration on request of the President of Eriador and included the Baggins Barrier Reef and the Hiraaham wreck in the List of World Heritage in danger.

62. Gandrond Limited undertook many failed attempts to close the blowout preventer valves on the wellhead with remotely operated underwater vehicles. It also tried using a

containment dome in order to pipe the oil to a storage vessel. However, this too failed to control the leakage of the oil from the wellhead.

63. After it was clear that all the attempts made by Gandrond Limited to stop the flow of the oil from the wellhead had failed, the Environment Protection Agency (EPA), under the control of the Rhovanion Government, permitted the use of the chemical dispersant "CoronaEx" as an "experimental method". The EPA also stated that an oil spill of such magnitude had forced the use of chemical dispersants at these depths underwater. The reports indicated that it was the fastest method of controlling the oil spill directly at the source and a fast moving tool to minimize the shoreline impact. The aforementioned approach continues to be investigated.

64. On November 10, 2015, a diplomatic note was forwarded to the Government of the Republic of Rhovanion by Eriador stating that:-

"The Republic of Eriador conveys its deep regrets for the loss of life and environmental damage associated with the oil spill. However, Eriador expresses its concern that the chemical dispersant 'CoronaEx' is harmful for the marine environment, as it has wiped out the fauna and flora in that area. Further, the oil reaching our coastlines and beaches also poses a grave concern for us and might have a devastating impact on our economy and consequently, a threat to our livelihood and natural resources."

65. On 10 March 2017 in a televised national address, President Arwen Otho outlined his government's efforts to stop the oil spill. In a 17 March 2017 press conference, the Minister of Environment re-affirmed the President's statements that those who had been injured would be compensated. On 5 May 2017, the President re-assured that they would compensate the businesses and industries in both Rhovanion and Eriador for all the losses

arising out of the oil spill. He further announced that the entire amount would be paid by Gandrond Limited since it was Gandrond's negligence in replacing the parts of the rig that resulted in the accident.

66. Gandrond Limited continued to release 'CoronaEx' on the surface and on the subsurface in the Audin Sea with the prior permission of the EPA.

67. In 2016, The Marine and Wildlife Organization (MWO) conducted analysis which showed that the dispersant contained cancer-causing agents, hazardous toxins and endocrine-disrupting chemicals. It would cause immense damage to the underwater sea turtles and the dolphins. The dangers are even greater when poured into the source of a spill, because they are picked up by the current and washed across through the Gulf.

68. Rhovanion had also suffered severe economic and environmental impact due to the oil spill. All the coastal hotels and restaurants had to remain closed as tar balls washed ashore. The fishermen were not allowed to travel to the sea and oceans and activities in the water bodies were banned. A report also disclosed that 45% of the underwater marine life had been destroyed.

Part V: The Gollum Tribe

69. The State of Eriador comprised of a large population of the Gollum tribe who were indigenous people of the State of Mordor. They emerged as colonial immigrants into the land of Eriador from the State of Mordor (when the bifurcation of the same took place from the kingdom of Rohan). Few of the historians have stated that they had come to Eriador with a hope of a new life and to flourish economically after the War of Wrath; and a few others have stated that they were a group of ethnic origin, brought into the land

of Eriador and the neighbouring States during the Sauron rule for the purpose of labour related activities. However, majority of historians have referred the Gollum tribe to be the “men and women used as slaves during the Sauron empire.”

70. History regards the Gollum tribe to have migrated to Eriador somewhere around 900 CE and much more before the Sauron rule, and settled in the South Western part of Eriador.

71. The Gollum tribe, despite inhabiting major parts of the cities of Eriador, are not recognized as citizen under the Eriador Citizenship Act, 1951.

72. The Gollum tribe have been ill-treated in the State of Eriador for decade's women and children were subjected to trafficking, while men were not paid for their jobs and the tribe as a whole was deprived from applying to any High school education, government jobs or any State ensured benefits. They were also made ineligible for any subsidy or food benefit schemes from the Government. Furthermore, the markets and vegetable stalls installed by them were damaged on purpose and state-owned water supply facilities were terminated. Thus depriving them of their basic human needs. They were also made shelter less and were forced to leave Eriador on several occasions which had subsequently resulted in an increase in ghettoism of the Gollum tribe in smaller parts of Eriador, who found their own way of earning and living in slums.

73. Time and again, the Gollum tribe had also taken up mass protests against the Government to recognize them as their citizen and give them their rights. Sometimes, the protests were peaceful while most of the times, the people of Gollum tribe have also burned down Government buildings and several abductions of senior government officials have also been reported in different parts of Eriador. On January 2000, a newspaper agency reported mass killings in the slums of the people of Gollum tribe and children going

missing. Reports also stated that women were subjected to rape and other crimes by the slum owners, who were mostly citizens of Eriador.

74. Meanwhile, there have been on-going internal consultations in the Government of Rhovanion since the formation of the new Government, to reform the refugee laws and make Rhovanion the home for all and taking into consideration the situation in Eriador and other neighbouring States.

75. The Rhovanion Government had promised to set up separate shelter homes, health camps and advisory committees to heed to the need of the growing refugees in the world and their welfare. The neighbouring countries on the receipt of such information, wrote to the President of Rhovanion, appreciating Rhovanion's move to accommodate refugees.

76. The people of the Gollum tribe soon started to migrate to neighbouring States, with the vast majority of them being to Rhovanion. However, due to the Gollum tribe not having an identity or a State, Rhovanion declared the Gollum tribe as illegal immigrants but did not deny them asylum. The Government has not provided asylum to any member of the Gollum tribe till date but, it has time and again reassured the members of the tribe that policies shall be formed in order to recognize their status and rights.

77. In the year 2016-2017 it was reported that the migration of Gollum tribe increased from 25,000 in the year 2015-2016 to 36,000 in the year 2016-2017 to Rhovanion. The State was running out of resources and space for the migrants. The State of Rhovanion regarded such large scale migration as an alarming situation towards its national security.

78. Reports of the Eriador Government authorities also suggested the possibility of such mass migration being a result of the oil spill crisis which had severely affected the economy of Eriador consequently leading upto an adverse effect on the people of the Gollum Tribe.

79. Eventually, the promises made by Rhovanion for the care of refugees became difficult to be fulfilled due to the mass influx of Eriador migrants into the State.

80. Furthermore, the migrants started sleeping in the premises of public places, in bus stops causing inconvenience to the public. Also, various cases had been filed with the police department for crimes like theft, robbery etc. accusing the migrants. Minimum resources were left Rhovanion's to cater to the needs of the migrants. Taking all of this into consideration, the international community started raising questions in regards to the accommodation of a large number of migrants in Rhovanion especially the accommodation of the Gollum tribe.

81. Considering the political superiority and influence that the Fellowship Party holds in the State of Rhovanion, the opposition party of Rhovanion started investigating on the policies of the Government and the intention behind bringing in such large number of refugees onto their land and focused majorly on the intention to give shelter to the members of the Gollum tribe who were not recognized by the Eriador Government. The investigation of the Opposition Parties revealed that there existed a secret deal between the States of Rhovanion and Eriador, where Eriador would surrender all the profits from the oil exploration activity, while Rhovanion would return the favour by employing Eriador's men belonging to the Gollum tribe as unpaid and cheap labourers for different industries and mines with inadequate health safety measures located in Rhovanion. This secret deal was also confirmed by a few other newspaper agency reports.

82. This news led to the outbreak of protests in different parts of the State of Rhovanion classifying the policies of the Government to be in violation of human rights. The Opposition party also named the Government to be "Terrible scientists" for proceeding

with the oil exploration despite knowing the consequences and for letting in the Gollum tribe for the same which is causing huge havoc in the nation.

83. Due to such high pressure on the Government of Rhovanion, it decided to suspend promulgation of any new refugee policy and instead passed an executive order to deport a portion of the Gollum tribe to Eriador. It replied to the International community stating that it had never expected such mass influx of migrants in the country and is not left with the adequate resources even for its own citizens. Furthermore, Rhovanion also claimed compensation from the State of Eriador for expenses it had to incur for accommodating the Gollum tribe.

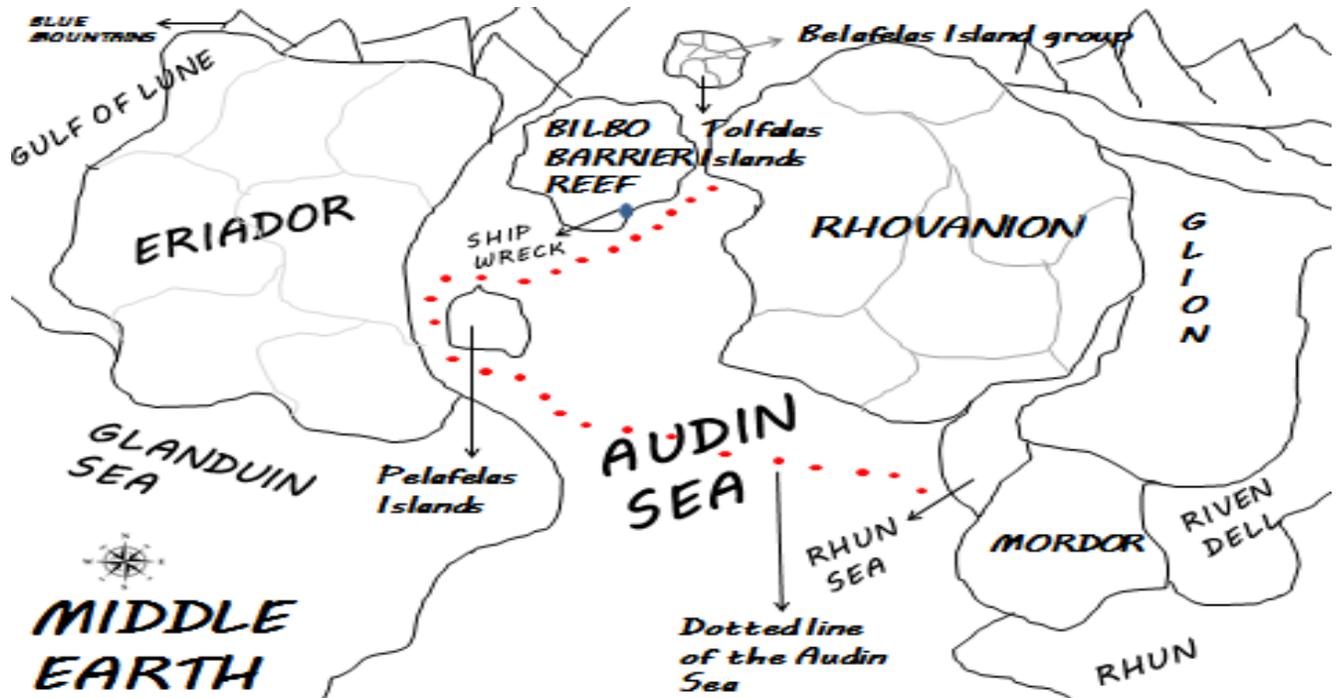
84. At the suggestion of the Secretary General of the United Nations, the governments of Rhovanion and Eriador convened high-level discussions of the in relation to the Audin Sea and the Gollum tribe in September, 2017. The discussions quickly revealed to both the parties that the crisis was part of a much larger dispute concerning all of the issues set out in this Special Agreement. On December 9, 2017, the parties agreed to refer all the matters to this Court.

85. The issues to be considered by the Court in addition to any other issue(s) regarded as pertinent to the dispute by the parties are:-

- a) Whether Rhovanion could have unilaterally exercised any manner of sovereignty over the Audin Sea, either by creation of artificial islands or by engagement in the exploitation of any underwater resource?
- b) Whether the underwater cultural heritage in question and the rights said to be associated with it which does not appear to be any way contributing to the social,

- economic well-being of any of the concerned parties can at all be matters imposing strict obligations under international law??
- c) Whether the underwater cultural heritage in question and the rights said to be associated with it which does not appear to be any way contributing to the social, economic well-being of any of the concerned parties can at all be matters imposing strict obligations under international law? In view of the possible measures adopted by the Government of Rhovanion, whether all issues of restitution should be a matter of joint responsibility?
86. Rhovanion and Eriador are both members of the United Nations, and are parties to the Statute of the International Court of Justice; the Vienna Convention on the Law of Treaties; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; UNESCO Convention on the Protection of the Underwater Cultural Heritage, 2001; International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL); International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990. Eriador is a State Party to the United Nations Convention on the Law of the Sea (UNCLOS). Rhovanion has signed but has not ratified UNCLOS and the 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol). Eriador is a party to UNCLOS and the 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol); United Nations Declaration on Rights of Indigenous People (UNDRIP), 2007.

ANNEXURE A



MIDDLE EARTH

