

Clarifications to the Record
Eighteenth Annual Stetson International Environmental
Moot Court Competition
2013–2014

General questions

- Q1. Is the jurisdiction of the ICJ a matter of discussion or should we assume that the ICJ's jurisdiction is granted?
A1. You may assume that ICJ jurisdiction is not a matter of dispute. The arguments should focus on the issues identified in paragraphs 29 and 30 of the Record.
- Q2. In paragraph 10 of the Record, what does "attended and fully participated" in the conferences mean?
A2. It means that they were part of the consensus of any documents adopted at those conferences.
- Q3. The Record mentions that the Republic of Redonda asserts a claim over the "presential sea." Does this assertion amount to claiming sovereignty over the presential sea?
A3. That may be a matter of discussion.
- Q4. Has Redonda ratified the ILO 169 Convention?
A4. No.
- Q5. Are there any relevant commercial relations between Atterac and Redonda?
A5. Atterac and Redonda have normal trade relations.
- Q6. According to paragraph 24 of the Record, why does Atterac claim that there is "an introduction from the sea" when CITES does not prohibit "introduction from the sea"?
A6. Whether there is an introduction from the sea and any legal implications arising from that situation is a matter of discussion.
- Q7. According to paragraph 25 of the Record, Redonda said in the diplomatic note that its "Scientific and Management Authorities have not taken any action with respect to the Maroons' hunting of the Kilpkonn sea turtle because CITES is inapplicable." Why is CITES inapplicable in this case when Atterac and Redonda are both parties of this convention?
A7. Redonda is a party to CITES, but asserts that the Maroons' activities are not covered by CITES.

Questions related to the Chelonia Sea Agreement for the Protection and Conservation of Sea Turtles (CSA)

- Q8. Is the CSA treaty regional customary law?
A8. That may be a matter of discussion.
- Q9. The CSA came into force in 1997. How many states had signed the CSA by 1997? How many states have ratified it? When did Redonda sign the CSA?
A9. All twelve states in the region signed the CSA in 1995 or 1996. Redonda signed the CSA in 1996. All the states except for Redonda have ratified it.
- Q10. Has Redonda altered national laws or made changes to its objectives and goals to reflect the objectives of the CSA?
A10. Redonda's domestic law prohibits the killing or capturing of sea turtles and the collection of sea turtle eggs, but has an exception for Maroon communities.
- Q11. Do Redondan laws permit citizens, other than Maroons, to hunt or capture sea turtles or collect sea turtle eggs?
A11. No.
- Q12. Paragraph 14 of the Record mentions that Redonda has not ratified the CSA because of the concern of the potential impact on the Maroons. Has this been followed by Redonda making its intention (formally) clear not to be bound by the CSA ever?
A12. The Record contains all the official relevant statements made by Redonda regarding the CSA.
- Q13. Did the Republic of Redonda make any reservations to the Chelonia Sea Agreement when signing it?
A13. No.

Questions about the Maroons

- Q14. The Record in paragraph 3 mentions that the population of Redonda consists of indigenous people (the Redondans), immigrants, and the Maroons. Does the term "indigenous" here refer to the Maroons?
A14. No.
- Q15. Are the Maroons considered a protected minority under International Law?
A15. That may be a matter of discussion.
- Q16. Are the teams allowed to take into account real facts of Maroon communities, or should arguments be limited to facts stated in the Record?
A16. You may refer to other specific Maroon communities or Maroon communities in general, but any discussion about Maroons in Redonda must be based on the Record.

Q17. Do the Maroons' activities regarding the Kilpkonn sea turtle affect Atterac's economic interests or significantly affect revenue from ecotourism?

A17. No.

Q18. By what method do the Maroons capture Kilpkonn sea turtles so far from shore?

A18. In addition to tracking Kilpkonn sea turtles as described in paragraph 19 of the Record, the Maroons engage in limited longline fishing in the area Redonda claims as its presential sea. The longlines catch, snag, or entangle Kilpkonn sea turtles. The captured turtles are then brought on board the vessel, and if still living, are killed in accordance with the rite of adulthood. Redonda only permits Maroons to engage in longline fishing, and they may only do so for subsistence purposes.

Q19. Does "subsistence harvesting" by the Maroons include hunting of Kilpkonn turtles or species that directly affect the survival of the turtles?

A19. Although the Maroons eat turtle meat and eggs as part of their rituals, these items are not part of their daily or regular diet. The Maroons' regular harvesting practices do not have any secondary impacts on the survival of sea turtles.

Q20. Do members of the Maroon communities hunt turtles apart from the coming of age ritual?

A20. No.

Q21. Are the vessels used by the Maroons (mentioned in paragraph 19 of the Record) registered in the Republic of Redonda?

A21. Yes.

Q22. Have the Scientific and Management Authorities of Redonda granted any permission or certificate for the transportation of Kilpkonn sea turtles from the presential sea to the territory of Redonda?

A22. No.

Q23. Have the Maroons been party to the negotiations between the Atterac and Redonda?

A23. The Redondan government has negotiated on behalf of all of its citizens, including Maroons.

Q24. Where exactly in the Redondan territory did the egg collection occur?

A24. The collection occurred on the nesting beaches.

Q25. How many turtles are supposed to be killed by each Maroon male and how many eggs were supposed to be collected by each Maroon female for the purpose of completion of their rites?

A25. Each male Maroon is expected to kill one turtle. Each female Maroon is expected to collect a minimum of one hundred eggs, which may require excavating more than one nest.

Q26. Are the Kilpkonn sea turtles hunted for subsistence purposes or only for the purpose of the unique rite of adulthood of the Maroons?

A26. They are only hunted as part of the rite of adulthood. Although the Maroons eat turtle meat and eggs on Redondan territory as part of their rituals, these items are not part of their daily or regular diet.

Q27. Has Redonda prepared any environmental impact assessment report with regard to the activities of the Maroons?

A27. No.

Questions about the Kilpkonn sea turtle

Q28. What are the characteristics and breeding habits of the Kilpkonn sea turtle?

A28. The Kilpkonn sea turtle has similar characteristics to and the breeding habits of the Pacific leatherback sea turtle (*Dermochelys coriacea*).

Q29. What duration of its life cycle does the Kilpkonn sea turtle spend in Atterac's seas?

A29. The duration is uncertain.

Q30. Has there been any scientific study/empirical research showing that the hunting and capturing of the turtles by the Maroons has reduced the number of turtles in the Chelonia Sea?

A30. It is uncontroverted that each death of an individual turtle reduces the population.

Q31. Is the Kilpkonn Sea Turtle endangered or critically endangered species?

A31. It is identified as critically endangered in the IUCN's Red List.

Q32. Does the habit of Kilpkonn sea turtles cause harm to other species, as well as to the biodiversity of the region?

A32. No.

Q33. Are the tracking devices used for scientific purposes?

A33. Yes, the devices serve dual purposes. The data regarding migration patterns are shared with the states in the region.

Q34. How many sea turtles are there in the Chelonia Sea region?

A34. It is estimated that there are between 3,000 and 5,000 Kilpkonn sea turtles in existence.