

**IN THE INTERNATIONAL COURT OF JUSTICE
AT THE PEACE PALACE
THE HAGUE, THE NETHERLANDS**



**THE CASE CONCERNING
QUESTIONS RELATING TO REINTRODUCTION OF BEARS**

THE FEDERAL STATES OF ARCTOS

APPLICANT

v.

THE REPUBLIC OF RANVICORA

RESPONDENT

MEMORIAL FOR THE RESPONDENT

THE 2019-2020 STETSON INTERNATIONAL ENVIRONMENTAL MOOT COURT COMPETITION

NOVEMBER 2019

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Vienna Convention on the Law of Treaties, art. 26, May 23, 1969, 1155 U.N.T.S. 331	23, 24

U.N. DOCUMENTS AND OTHER INTERNATIONAL DOCUMENTS

Convention on Migratory Species, UNEP/CMS/Resolution, October 2017	29, 30
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European Commission, Compensation for Damage Caused by Bears and Wolves in the European Union, 1 (Directorate General XI, Environment, Nuclear Safety and Civil Protection ed.1999).	15
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IUCN Red List of Threatened Species (2019) https://www.iucn.org/resources/conservation-tools/iucn-red-list-threatened-species#RL_categories , accessed 11/10/2019	23
IUCN, Draft Covenant on Environment and Development, (4th edition, 2010)	14, 15, 16
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U.N. Doc. A/CONF.48/14/Rev.1 (1973)	18
United Nations Conference on the Human Environment, Declaration of the United Nations Conference on the Human Environment, U.N. Doc. A/CONF.48/14/Rev. 1 (June 16, 1972).....	12, 15, 16

United Nations General Assembly, Declaration on the Right to Development, A/RES/41/128 (Dec 1986) 12

United Nations Human Rights, United Nations Office of the High Commission, Frequently Asked Questions on the Right to Development, Fact Sheet No. 37 (2016)..... 14

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International Commission on the River Oder Case, (Denmark, Czechoslovakia, Fr, Ger, U.K, Swe v. Pol) PCIJ, Series A, No. 23 (1959) 17

Island of Palmas Arbitration, (Neth v. US) 2 R. Int’l. Arb. Awards, 829 (1928)..... 17

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Dana Clark & David Downes, What Price Biodiversity? (Center for International Environmental Law 1995)..... 16

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Edith Brown Weiss, In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity (1989)..... 15, 16

International Law Association (ILA) Study Group on Due Diligence in International Law, Second Report, July 2016 17, 18

Jacinthe Gosselin et al., The Relative Importance of Direct and Indirect Effects of Hunting Mortality on the Population Dynamics of the Brown Bears, Proc Biol Sci., Jan. 7, 2015, at 3 26

Jutta Brunnée, Procedure and Substance in International Environmental Law: Confused at a Higher Level. ESIL 5: 1–7 (2016)..... 19

Michael Glennon, Has International Law Failed the Elephant, 84 Am. J. Int’l L. 1 (1990)..... 15

Owen McIntyre, The World Court’s Ongoing Contribution to International Water Law: The Pulp Mills case between Argentina and Uruguay. Water Alternatives 4 (2011)..... 19

Peter B. Rutledge, Toward a Functional Approach to Sovereign Equality, 53 Va. J. Int’l L. 186 (2012)..... 23

Russell Buchan, Cyberspace, Non-State Actors and the Obligation to Prevent Transboundary Harm. *Journal of Conflict and Security Law* 21: 429–53 (2016). 18

Santiago Palazón, The Importance of Reintroducing Large Carnivores: The Brown Bear in the Pyrenees, in *The High Mountain Conservation in a Changing World*, *Advances in Global Change Research* 231, 233-34 (Jodi Catalan et al. eds., 2017)..... 13, 14, 15

Steven Reinhold, Good Faith in International Law, 2 *UCLJLJ* 58 (2013) 23

Ved Nanda & George (Rock) Pring, *International Environmental Law and Policy for the 21st Century* (2nd ed. 2013) 12, 14

W. Paul Gormley, The Codification of Pacta Sunt Servanda by the International Law Commission: the Preservation of Classical Norms of Moral Force and Good Faith, 14 *St. Louis U. L.J.* 385 (1970)..... 23

STATEMENT OF JURISDICTION

Pursuant to Article 40, paragraph 1, of the International Court of Justice Rules of Court (1978), the Republic of Ranvicora (“Respondent”) submits this memorial in answer to the questions contained in Annex A of the Special Agreement with the Federal States of Arctos (“Applicant”) signed in Barcelona, Spain on 11 July 2019. Both parties agree that the Court has jurisdiction to decide this matter pursuant to the Statute of International Court of Justice, Art. 38(1), T.S. No. 993 (1945).

QUESTIONS PRESENTED

1. WHETHER RANVICORA VIOLATED INTERNATIONAL LAW BY REINTRODUCING ENDEMIC AND ENDANGERED GREY BEARS.
2. WHETHER ARCTOS VIOLATED INTERNATIONAL LAW BY DECLARING AN EMERGENCY REGULATION, PROMOTING INDISCRIMINATE KILLING OF THE GREY BEARS.

STATEMENT OF FACTS

The grey bear is endemic to Suredia and listed as endangered on the IUCN List of Threatened Species.¹ The grey bear is native to Suredian countries including Ranvicora, Paddington, and Aloysius.² Tragically, in 1963, the grey bear became extinct in Ranvicora due to habitat destruction and overhunting.³ The extinction was a great tragedy to the people of Ranvicora because of the grey bear's cultural significance.⁴

After 45 years of no bears, a team of scientists and other professionals engaged in a careful five year planning process to reintroduce grey bears from other Suredian countries to Ranvicora.⁵ Based on an Environmental Impact Assessment (EIA), Ranvicora made the methodical choice to reintroduce 20 bears, many fitted with GPS collars.⁶

Ranvicora choicely released the bears near the northern Arctos-Ranvicora as it was the most suitable place for the grey bears.⁷ Likely, due to climate change, temperatures were rising and vegetation was shifting, thus causing grey bears to move poleward.⁸ Historically, the grey bear never crossed into the Arctos.⁹ Arctos was not a part of the grey bear reintroduction planning.¹⁰

Four years after the first reintroduction, a grey bear was spotted in Arctos near the Arctos-Ranvicora border.¹¹ Grey bear sightings and crossings of the Arctos-Ranvicora border

¹ R. at 9.

² R. at 10.

³ *Id.*

⁴ R. at 11.

⁵ *Id.*

⁶ R. at 12, 14.

⁷ R. 13

⁸ *Id.*

⁹ R. at 10.

¹⁰ R. at 12.

¹¹ R. at 16.

became more frequent.¹² In 2018 reports from Arctos citizens alleged grey bears killing livestock and agriculture.¹³

On August 9, 2018, Arctos forwarded a diplomatic note to the Ranvicora alleging that the grey bear project violated international law demanding compensation, discontinuance of the reintroduction project, and recapture of the grey bears.¹⁴ Ranvicora invited Arctos to protect the grey bears and declined to provide any compensation.¹⁵ Arctos began laying traps of poisoned carcasses to harm the bears.¹⁶ In 2019 there was singular incident of Arctos children trying to play with a bear cub.¹⁷ The mother bear attacked the children, and unfortunately a child died.¹⁸ A swift two-days later, Arctos issued an emergency regulation granting killing of any grey bear at sight.¹⁹ Within a day, a pregnant grey bear was shot to death.²⁰

Negotiations between Ranvicora and Arctos failed and the countries entered into a Special Agreement to institute proceedings in the International Court of Justice.²¹

¹² *Id.*

¹³ *Id.*

¹⁴ R. at 18.

¹⁵ R. at 19.

¹⁶ R. at 20.

¹⁷ R. at 21

¹⁸ R. at 21

¹⁹R. at 21

²⁰ *Id.*

²¹ R. at 24

SUMMARY OF THE ARGUMENT

- I.** Ranvicora acted in compliance with customary international laws by using its sovereign rights and duty to preserve the endangered grey bear.
- II.** Ranvicora did not violate international law by reintroduction of bears because the Ranvicora did not cause transboundary harm, took precautionary measures, and conducted an Environmental Impact Assessment (EIA).
- III.** Arctos violated international law by failing to perform its obligations under various conservation conventions and by killing the endangered grey bear.

ARGUMENT

I. RANVICORA HAD A SOVEREIGN RIGHT AND DUTY TO REINTRODUCE AND PRESERVE GREY BEARS TO AVOID IRREPARABLE DAMAGES TO ITS CITIZENS AND FUTURE GENERATIONS.

In most situations, the tremendous power of sovereignty is used as an excuse to harm the environment and promote economic development.²² That is not the case here. Ranvicora instead used its sovereign power to protect the environment by preserving the grey bears, promoting biodiversity, and cultural development for the sake of future generations to come.²³

A. Ranvicora had sovereign rights including control over natural resources and a right to develop their culture.

Each state has sovereign rights over their biological resources.²⁴ Ranvicora had an affirmative right over their natural resources, including the rare, endemic, and endangered grey bear.²⁵ The inalienable right of a sovereign state to exercise their permanent sovereignty over their natural resources is to promote their national development.²⁶ Sovereign states have an inherent right to development, which includes development of culture.²⁷

The right to development entitles all people to participate in and contribute to cultural development.²⁸ The grey bear is of great cultural importance in Ranvicora and its extinction was

²² Ved Nanda & George (Rock) Pring, *International Environmental Law and Policy for the 21st Century* XX (2nd ed. 2013).

²³ *See id.*

²⁴ *E.g.* Convention on Biological Diversity, art. 15, May 6, 1992, 1760 U.N.T.S. 79; United Nations Conference on the Human Environment, Declaration of the United Nations Conference on the Human Environment, U.N. Doc. A/CONF.48/14/Rev. 1, Principle 21 (June 16, 1972); United Nations General Assembly, *Declaration on the Right to Development*, A/RES/41/128 (Dec 1986) [hereinafter Declaration on the Right to Development]; United Nations Office of the High Commission, *The Right to Development and The Sustainable Development Goals*, "<https://www.ohchr.org/EN/Issues/Development/Pages/InformationMaterials.aspx> (Last visited Oct 1, 2019).

²⁵ *See id.*

²⁶ G.A. Res. 2158 (XXI), at 29 (Nov. 25, 1966)

²⁷ Declaration on the Right to Development, *supra* note 33, at pmb., art. 1

²⁸ *Id.*

a national tragedy.²⁹ Creating conditions for the enjoyment of social and cultural rights is a key element of the right to development.³⁰ Ranvicora had a right to exercise its sovereignty to reintroduce the grey bears and respond to the call for all states to cooperate with biodiversity conservation and the urgent need to reduce biodiversity loss by preventing the extinction of a species.³¹

By reintroducing the grey bears, Ranvicora benefited its people, the people of Arctos, the world, and future generations to come. Conservation of biodiversity is a common concern of humankind.³² Safeguarding ecological balance is an “essential interest” of all states.³³ The harm resulting from potential complete extinction of the grey bears would surely affect all Suredian countries, including Arctos, as the grey bear is the sole large carnivore species on the continent. Large predators, like the grey bear, are keystone species for the ecosystems and have a wide impact on biodiversity and our ecosystems.³⁴ Large predators help control mesopredators, prey, and the reduction of primary resources.³⁵ An example of the importance of predators, like grey bears, was evidenced in the Aleutian archipelago.³⁶ When the population of the predatory sea otters began to increase, sea urchin numbers decreased, the kelp forest grew, and this resulted in an increase of fish.³⁷ Predators control the number of herbivores and reduce

²⁹ R. at 11

³⁰ United Nations Human Rights, United Nations Office of the High Commission, Frequently Asked Questions on the Right to Development, Fact Sheet No. 37, 1 (2016).

³¹ See e.g. Rio Declaration on Environment and Development, UN Doc. A/CONF.151/126, Principles 7, 8 (14 June 1992) [hereinafter Rio Declaration]; IUCN, Draft Covenant on Environment and Development, 39-41 (4th edition, 2010) prmb., U.N. Doc. FCCC/CP/2015/L.9/REV.1 (12 Dec. 2015); Decisions 14/7 Adopted by the Conference of the Parties to the Convention on Biological Diversity, U.N. Doc. CBD/COP/DEC/14/7, prmb.

³² Convention on Biological Diversity, prmb., May 6, 1992, 1760 U.N.T.S. 79 Paris Agreement, *supra* note 40, at prmb.

³³ *Gabčikovo-Nagymaros Project (Hung. v. Slov.)*, Judgment, 1997 I.C.J. Rep. 7, 38 (Sept. 25)

³⁴ See Santiago Palazón, *The Importance of Reintroducing Large Carnivores: The Brown Bear in the Pyrenees*, in *The High Mountain Conservation in a Changing World*, Advances in Global Chain Research 231, 233-34 (Jodi Catalan et al. eds., 2017)

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

pressure on plants.³⁸ Some European countries recognized the significance of predators on the environment.³⁹ France took a proactive approach, similar to Ranvicora, by reintroducing three brown bears from Slovenia.⁴⁰ The EU Court of Justice found that Member States had an obligation to implement concrete and specific strict measures of protection for protected animals, even those not native to the country.⁴¹

As a common concern, for all Suredian countries, including Arctos, Ranvicora rose to the need to protect the environment as a member of the international community.⁴² Humans have a right to a biodiverse ecosystem, and includes a world with grey bears.⁴³ Deterioration of any cultural and natural heritage is a harmful impoverishment of the heritage of all nations and should be preserved.⁴⁴

B. Ranvicora had a duty to future generations to prevent irreparable damage by preserving the grey bears.

Should the grey bear become extinct from the continent of Suredia, this damage would be irreparable. The “father of biodiversity,” Harvard professor E.O. Wilson explains that if species in an ecosystem go extinct, there is an adverse ripple effect which might cause destabilization of the whole ecosystem.⁴⁵ The risk of destabilization is especially significant for the continent of Suredia, as the grey bear is the only large carnivore.⁴⁶ There are no other large species that

³⁸ *Id.*

³⁹ European Commission, *Compensation for Damage Caused by Bears and Wolves in the European Union*, 1 (Directorate General XI, Environment, Nuclear Safety and Civil Protection ed.1999).

⁴⁰ *Id.* at 5.

⁴¹ Commission of the European Communities v. Ireland, 2007 E.C.R. I-137

⁴² See IUCN, *supra* note 40.

⁴³ National Environmental Policy Act, 42 USC § 4331(c).

⁴⁴ Convention Concerning the Protection of World Cultural and Natural Heritage, 2d Preamble, 27 UST 37, U.N. Doc. ST/LEG/SER.C/10US (Dec. 17, 1975)

⁴⁵ Nanda, *supra* note 23, at 274.

⁴⁶ See Palazón, *supra* note 35 at 233-34.

perform a similar function in the food chain and the harm resulting from grey bear extinction is difficult to fathom.⁴⁷

The prevention principle is favored over remedial approaches after harm occurred regarding species extinction.⁴⁸ Protection of endangered species became customary international law.⁴⁹ At the very least, Ranvicora had an obligation to minimize the detrimental consequences of the possible extinction of grey bears.⁵⁰

The preservation of the grey bear, as a vital species to the Suredia ecosystem is also an obligation “towards all.”⁵¹ The common concern of humankind implies that the international community had the right and duty to prevent environmental harm towards all or large segments of humanity.⁵² The view that global environmental protection is a matter of common concern is growing and finding its way into many environmental treaties.⁵³

The progress of global environmental protection and the prevention principle is largely in part because natural resources are finite and use of natural resources should be present and available for future generations.⁵⁴ States have a duty to maintain ecosystems, maximum biodiversity, and the preservation of rare, endemic, and/or endangered species like the grey bear.⁵⁵ The value of biodiversity is more than monetary and difficult to quantify. There is non-use value in seeing grey bears roam freely, existence value in knowing that grey bears exist even

⁴⁷ *See id.*

⁴⁸ *See* IUCN, Draft Covenant on Environment and Development *supra* note 40, at art. 3.

⁴⁹ Michael Glennon, *Has International Law Failed the Elephant*, 84 Am. J. Int'l L. 1, 10 (1990)

⁵⁰ Stockholm Declaration, *supra* note 33, Principles 6, 22.

⁵¹ Commentary to Article 3 of the International Union for the Conservation of Nature (IUCN), Draft Covenant on Environment and Development 36 (2004).

⁵² *Id.*

⁵³ *Id.* at 34 & n.2020

⁵⁴ Edith Brown Weiss, *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* 37–39 (1989).

⁵⁵ *See* Experts Group on Environmental Law of the World Commission on Environment and Development, Legal Principles for Environmental Protection and Sustainable Development, U.N. Doc. WCED/86/23/Add. 1, art. 2 (1986)

though one may never see one in person, and bequest value in knowing that future generations will live in a world with grey bears.⁵⁶

Man has a solemn responsibility to protect and improve the environment, and safeguard natural resources and ecosystems for future generations.⁵⁷ Professor Edith Brown Weiss, a scholar of intergenerational equity, explained that the current generation has a duty towards future generations to pass on natural and cultural resources of the planet in a no worse condition than received.⁵⁸ Ranvicora not only fulfilled a duty to their people, international neighbors, but also to future generations by ensuring that the planet to be inherited included grey bears.⁵⁹

II. RANVICORA, ACTING IN GOOD FAITH AND WITH DUE DILIGENCE, DID NOT VIOLATE CUSTOMARY INTERNATIONAL LAW AND TREATIES.

Ranvicora did not violate international law by introducing grey bears. While there were no identifiable threats of serious or irreversible damage to Arctos, Ranvicora, as a good neighbor acting in good faith, Ranvicora observed due diligence, performed a duty to cooperate by taking precautionary measures and anticipatory actions to avoid environmental harm by conducting an EIA.⁶⁰

A. Ranvicora did not violate the duty to prevent transboundary harm because it acted in good faith and performed with due diligence.

States have the sovereign right to exploit their own resources in accordance with the Charter of the United Nations and the principles of international law⁶¹ and the obligation to not

⁵⁶ Dana Clark & David Downes, *What Price Biodiversity?* 5–6 (Center for International Environmental Law 1995).

⁵⁷ Stockholm Declaration, *supra* note 33, at Principles 2 and 3.

⁵⁸ Weiss, *supra* note 63, at 37-39.

⁵⁹ *See id.*

⁶⁰ R. *supra* note 7, 5, 6

⁶¹ Stockholm Declaration, *supra* note 33.

cause harm to other states.⁶² The duty to not cause transboundary harm is a principle stipulated under customary international laws⁶³ and treaty laws.⁶⁴

The principle of “good neighbourliness” states that no state has the right to use or permit the use of its territory in such a manner as to cause injury to the territory of another or the properties or person therein.⁶⁵

The obligation to prevent significant transboundary harm is recognized as due diligence, which Ranvicora met by responsible planning, consultation with experts, and an EIA.⁶⁶ This obligation requires states to take measures to protect persons or activities beyond their respective territories in order to prevent harmful events and outcomes.⁶⁷ In 1949, the International Court of Justice (ICJ) confirmed the customary nature of this principle in Corfu Channel⁶⁸ when referring to a state’s obligation to unknowingly allow its territory to be used for acts contrary to the rights of other states. Ranvicora used its territory to perform its duty to protect endangered species endemic to the State, promote its right to cultural development, and protect the rights of its citizens and the future generation.⁶⁹

⁶² Rio Declaration, *supra* note 40, *supra* note 33; Articles on Preventing Transboundary Harm from Hazardous Activities, art. 2, U.N. GAOR, 53rd Sess., Supp. No. 10, U.N. Doc. A/56/10 (2001).

⁶³ Pulp Mills on the River Uruguay (Arg. v. Uru.), 2010 I.C.J. 14, 55 ¶101 (Apr. 20).

⁶⁴ CBD, *supra* note 33, art. 27.

⁶⁵ International Commission on the River Oder Case, (Denmark, Czechoslovakia, Fr, Ger, U.K, Swe; Island of Palmas Arbitration, Neth v. US) 2 R. Int’l. Arb. Awards, 829, 831 (1928); Malcolm N Shaw, *International Law* 760 (Cambridge University Press 5th ed., 2003);

⁶⁶ R. at 12-13; *see* International Law Association (ILA) Study Group on Due Diligence in International Law, Second Report, July 2016, p. 47.

⁶⁷ Draft Articles on Prevention of Transboundary Harm from Hazardous Activities, with commentaries, UN 2001, Commentary to Art 3, 154, para (7). In addition, the Convention on the Law of the Non-Navigational Uses of International Watercourses Adopted by the General Assembly of the United Nations on 21 May 1997, Article 7—Obligation Not to Cause Significant Harm, and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), adopted in Helsinki on 17 March 1992, the United Nations Economic Commission for Europe, Article 3 Prevention, Control and Reduction.

⁶⁸ Corfu Channel Case (United Kingdom v Albania) (Merits) [1949] ICJ Rep. 4.

⁶⁹ *See id.*

States have a duty to prevent and provide an assessment of significant transboundary harm.⁷⁰ The Genocide⁷¹ case made it clear that the due diligence obligation is one of conduct rather than an obligation to achieve a result.⁷² If a state fails to take “all reasonable or necessary measures to prevent” harm, then the states are liable for their conduct, not the result of harm.⁷³ In order to demonstrate its best possible effort, the state of origin is requested to prevent foreseeable significant damage, or minimize the risk of such harm.⁷⁴ Ranvicora, conducted an EIA to determine future risks and harm that may be caused by the reintroduction program. Ranvicora took a lengthy evaluation and consulted with scientists before finally reintroducing the grey bears which exemplifies responsible conduct in minimizing the risk of harm and preventing foreseeable significant damage.⁷⁵

Ranvicora demonstrated due diligence and appropriate action proportional to the risk of harm. Given the bear’s limited migratory behavior in the past, it was not foreseeable that grey bears would migrate to Arctos, causing harm to Arctos’ people or environment. In fact, after the grey bears were introduced in 2013, it took four-years before the bears crossed into Arctos. It is hypothesized that the gradual four-year migration is a result of gradual increase in temperature induced climate change. Climate change is fairly new territory. All humans contribute, all are polluters, and it would be unfair for Ranvicora to bear the burden of compensation when all

⁷⁰ Draft articles on Prevention of Transboundary Harm from Hazardous Activities, *supra* note 80, at art 3, 7

⁷¹ Application of the Convention on the Protection and Punishment of the Crime of Genocide (Bosnia v Serbia) (Judgment) [2007] ICJ Rep. 1, para 430.

⁷² Kulesza, Joanna. *supra* note 79.

⁷³ Russell Buchan, Cyberspace, Non-State Actors and the Obligation to Prevent Transboundary Harm. *Journal of Conflict and Security Law* 21: 429–53 (2016)..

⁷⁴ ILA *supra* note 78, at 2.

⁷⁵ See Application of the Convention on the Protection and Punishment of the Crime of Genocide (Bosnia v Serbia) *supra* note 85.

contributed to the harm, all drove the grey bears into extinction, and all now drive them poleward into Arctos.

B. Ranvicora did not create significant transboundary harm that warrants prior notification and consultation.

Prevention of transboundary harm in customary international environmental law is not only a matter of due diligence but of procedural obligations.⁷⁶ States may meet their due diligence obligations by establishing domestic and transboundary procedures to prevent significant transboundary damage. Procedural obligations include duties to notify, warn, inform, or consult states potentially affected by transboundary impacts, and to undertake (transboundary) EIA.⁷⁷ The principle of prior notification obliges states planning an activity to transmit to potentially affected states all necessary information sufficiently in advance so that the latter can prevent damage to its territory. Ranvicora's inability to foresee harm precluded Ranvicora from a these procedural obligations.⁷⁸

Pulp Mills clarifies the relationship between procedural and substantive rules of international environmental law under the customary duty to prevent transboundary harm.⁷⁹ In Pulp Mills, Argentina alleged that Uruguay had breached both substantive and procedural obligations under an agreement pertaining to the River Uruguay. The ICJ engaged at length with the relationship between procedural duties, including a new EIA requirement⁸⁰ and the

⁷⁶ Jutta Brunnée, Procedure and Substance in International Environmental Law: Confused at a Higher Level. *ESIL* 5: 1–7 (2016)

⁷⁷ *Id. supra* note 91.

⁷⁸ See Rio Declaration, *supra* note 40, at Principle 2, 31 I.L.M. 876.

⁷⁹ Owen McIntyre, The World Court's Ongoing Contribution to International Water Law: The Pulp Mills case between Argentina and Uruguay. *Water Alternatives* 4: 493–94 (2011).

⁸⁰ Pulp Mills, *supra* note 75, para 204

substantive obligation to prevent significant transboundary harm under customary law.⁸¹ In *Pulp Mills*, the Court confirmed that states must ensure ‘not only the adoption of appropriate rules and measures, but also a certain level of vigilance in their enforcement, and the exercise of administrative control applicable to public and private operators.’⁸² Furthermore, due diligence requires appropriate procedural steps to avert transboundary impacts, such as an EIA, notifying, informing or consulting potentially affected states.⁸³

Accordingly, Ranvicora ensured the adoption of appropriate rules and measures with vigilance by taking procedural steps to avert transboundary impact by conducting an EIA and consulting with scientific professionals.⁸⁴ Ranvicora responsibly reintroduced the grey bears into within the territory of the state and thoughtfully planned multiphases. Given that reintroduction programs of endangered species require tremendous investment of time, effort, and finances, adequate planning is vital for Ranvicora’s success in reintroducing the bears.⁸⁵ However, beyond the administration of the EIA, Ranvicora did not have a duty to notify, inform, or consult other states due to the lack of risk or harm that could potentially affect others.

A violation of procedural step is not an absolute violation of the duty to prevent transboundary harm.⁸⁶ The Court also held that, if the assessment confirmed the risk, due diligence may require the state planning the activity ‘to notify and consult in good faith with the potentially affected State.’⁸⁷ However, given the absence of the requisite risk, ‘Nicaragua was not

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.* at para 204

⁸⁴ *See id.*

⁸⁵ Dominique Keller & Hartup Barry. Reintroduction of Endangered Animals. World Small Animal Veterinary Association World Congress Proceedings (2011).

⁸⁶ *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v Costa Rica) (Judgment) 2015.*

⁸⁷ *Id.*

under an obligation to carry out an environmental impact assessment ... [and so also] was not required to notify, or consult with, Costa Rica' regarding its plans.⁸⁸ Absent evidence of significant transboundary harm, there was no violation of the 'no harm' rule.⁸⁹ Similarly, Ranvicora's EIA did not trigger signs of risk of harm, there could be no violation of the 'no harm' rule. The reintroduction of the grey bears did not come with risks of harm to neighboring states. The bears have never migrated outside of the state, there existed low-to-no-ascertainable risks of harm nor evidence of significant transboundary harm. Ranvicora did not breach any duty to prevent transboundary harm as it was not under any obligation to carry out an environmental impact assessment and had no duty to notify, or consult with, Arctos. Ranvicora executed the EIA and planned the reintroduction of grey bears in good faith for the success of the bears.

C. Ranvicora is not responsible for the harm caused by the grey bears to the citizens of the Arctos due to lack of jurisdiction, nexus and foreseeability of the harm.

State responsibility is the extent to which the conduct of non-State actors can be attributed to the State under international law.⁹⁰ In the Trail Smelter case, Canada agreed to be held responsible for the injury caused by its private industry.⁹¹

According to the ILC Draft Articles of the State Responsibility, Ranvicora cannot be held liable for the harm caused by the grey bears as they are not considered organs or actors of the state. While Ranvicora reintroduced the grey bears into its territory, its ownership of wild animals, in this case the grey bears, ended once the wild animals escaped onto another territory or jurisdiction. Similarly, wild animals such as grey bears in their natural states, are unowned;

⁸⁸ Id., at para 108.

⁸⁹ Id. at 105, paras 196, 207, 213, 216-217.

⁹⁰ Corfu Channel Case, *supra* note 79 at 20.

⁹¹ Trail Smelter Case *supra* note 79.

therefore, relieving Ranvicora of ownership and liability to damages the wild animals may cause in another state. In *McCall v. Hillis*, the court referred to the doctrine of *ferae naturae*, and determined that a landowner is not liable for the acts of wild animals occurring on the owner's property unless the landowner actually reduced indigenous wild animals to possession or control or introduced nonindigenous animals into the area.⁹² Under the doctrine of *ferae naturae*, a property owner is not generally liable for harm caused by indigenous wild animals on his property because they are not predictable or controllable.⁹³ In our case, Ranvicora introduced the grey bears in its territory utilizing precautionary measures; however, the harm caused by the grey bears was outside the jurisdiction of the state, which relieves Ranvicora of potential damages.

Principle 21 of the Stockholm Declaration affirms that Ranvicora is not liable for the harm caused by the bears beyond the territory when it escaped.⁹⁴ We argue that the grey bears, as wild animals in their natural state, that have crossed boundaries to climate change and are not under Ranvicora's jurisdiction. Assuming *arguendo* that the grey bears are the property of Ranvicora, it will still not be held responsible under applicable international rules and standards since it has taken the necessary and practicable measures, such as the EIA.

III. ARCTOS VIOLATED THE DUTY OF GOOD FAITH WHEN IT KILLED THE ENDANGERED GREY BEARS.

The grey bear is listed on the IUCN Red List of Threatened species,⁹⁵ which is the most comprehensive inventory of global conservation status of plant and animal species and is

⁹² *McCall v. Hillis*, 562 S.W.3d 98, 2018.Tex.App.

⁹³ *See id.*

⁹⁴ Stockholm Declaration, *supra* note 33, at Principle 21.

⁹⁵ R. at 9.

recognized as the most authoritative guide to the status of biological diversity.⁹⁶ Aside from being listed on the IUCN Red List, the grey bear is also listed on Appendix I of the CMS and on Appendix II of the Bern Convention giving it special status, requiring protection.⁹⁷

Both Ranvicora and Arctos are parties to numerous conventions aimed at the conservation of endangered species and are bound to perform in good faith the obligations set forth in those treaties.⁹⁸ Arctos' indiscriminate killing an endangered species (grey bear) through poison and state sanctioned killing violated its duty to honor their obligations in the CMS, CBD, and Bern Convention in good faith.⁹⁹ In international law, states enjoy sovereign equality.¹⁰⁰ Sovereign equality focuses on the sovereignty of a state (unfettered exercise of jurisdiction within its boundaries) and equality (states as relevant agents at international).¹⁰¹ Sovereign equality enables States to consent to matters (treaties).¹⁰² Article 2(1) of the UN Charter states the UN is based upon the principle of sovereign equality of all of its members.¹⁰³ A party's consent to a treaty or convention makes the treaty and the obligations and principles contained.¹⁰⁴

The principle of good faith is fundamental principles of international law.¹⁰⁵ Without good faith, treaties would be ineffective since good faith is required at every step of the

⁹⁶ IUCN Red List of Threatened Species (2019) https://www.iucn.org/resources/conservation-tools/iucn-red-list-threatened-species#RL_categories, accessed 11/10/2019

⁹⁷ R. at 9.

⁹⁸R. at 3-9.

⁹⁹ R. at 20-21, Vienna Convention on the Law of Treaties, art. 26, May 23, 1969, 1155 U.N.T.S. 331 [hereinafter Vienna Convention].

¹⁰⁰ Peter B. Rutledge, Toward a Functional Approach to Sovereign Equality, 53 Va. J. Int'l L. 186 (2012).

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ U.N. Charter art. 2, ¶ 1 [hereinafter U.N. Charter].

¹⁰⁴ Steven Reinhold, Good Faith in International Law, 2 UCLJLJ 58 (2013)

¹⁰⁵W. Paul Gormley, The Codification of Pacta Sunt Servanda by the International Law Commission: the Preservation of Classical Norms of Moral Force and Good Faith, 14 St. Louis U. L.J. 385 (1970); Reinhold, *supra* note 130, at 40.

treaty/convention process (i.e. negotiation, signature, ratification, and application).¹⁰⁶ *Pacta sunt servanda* is the principle that parties are required to execute in good faith the obligations set forth under any treaty.¹⁰⁷

Good faith and *pacta sunt servanda* are codified in Article 2(2) of the UN Charter and Article 26 of the Vienna Convention of the Law of Treaties.¹⁰⁸ Article 2(2) of the UN Charter states that “All members...shall fulfill good faith the obligations assumed by them in accordance in the present Charter.”¹⁰⁹ Article 26 of the Vienna Convention, states “A treaty in force is binding upon the parties to it and must be performed in good faith.”¹¹⁰ (Art. 26, Vienna Convention) Thus, members of the United Nations and as parties to the Vienna Convention, are obligated to perform their obligations in good faith.¹¹¹ Since Arctos is a sovereign state that enjoys sovereign equality, Arctos must perform the obligations and principles of the CMS, CBD, and the Bern Convention. Here, Arctos, failed to perform its obligations in good faith by indiscriminately killing the endangered grey bear.¹¹²

A. Arctos violated several agreements when Arctos indiscriminately killed the grey bears.

Parties to the CMS are required to conserve species that have “unfavorable” conservation status,¹¹³ while the Bern Convention also requires contracting parties to “conserve wild flora and

¹⁰⁶ Gormley, *supra* note 127 at 385.

¹⁰⁷ Vienna Convention, *supra* note 100 at Art. 26.

¹⁰⁸ U.N. Charter, *supra* note 104, at art. 2 ¶2; Vienna Convention, *supra* note 100, at art. 26.

¹⁰⁹ U.N. Charter *supra* note 104, at 2 ¶2

¹¹⁰ *Vienna Convention supra* note 100, at art. 26.

¹¹¹ *Id*; U.N. Charter, *supra* note 104, at art. 2 ¶ 2

¹¹² *See on the Conservation of European Wildlife and Natural Habitats*, art. 6(c), 8, Sept. 19, 1979, E.T.S. No. 104 [hereinafter Bern Convention].

¹¹³ Convention on the Conservation of Migratory Species of Wild Animals, art. II(1), 8, June 23, 1979, 1651 U.N.T.S. 333 [hereinafter CMS].

fauna” with particular emphasis to endangered, vulnerable migratory species.¹¹⁴ In addition, the CBD expressly states that the purpose of the CBD is on the conservation of biodiversity.¹¹⁵ In order to achieve the fundamental purpose of conserving endangered species and biodiversity, each convention requires its contracting parties take “requisite,” and “appropriate and necessary legislative and administrative measures” for the “protection of threatened species and populations” (i.e. the grey bear).¹¹⁶

More specifically, contracting parties to the CMS and the Bern Convention are prohibited from the “deliberate” and “indiscriminate” killing of endangered species, especially during the period of breeding, rearing, and hibernation.¹¹⁷

Here, not only did Arctos completely disregard the CMS, CBD, and Bern Convention’s fundamental principle of conservation of endangered species and biodiversity, but it also directly violated Articles I and II of the CMS and Articles 6 and 8 of the Bern Convention by indiscriminately and deliberately poisoning the bears and sanctioning its citizens to kill grey bears through an emergency resolution.¹¹⁸ Furthermore, the bears that Arctos killed were rearing cubs and/or pregnant, which the Bern Convention explicitly prohibits.¹¹⁹ Thus, Arctos’ actions are in clear violation of international law because it failed to perform its obligations under the CMS, Bern Convention, and CBD in good faith.

B. Arctos violated its obligation to consider other solutions before poisoning and encouraging its citizens to kill grey bears.

¹¹⁴Bern Convention, *supra* note 113, at Art. 1 ¶1.

¹¹⁵ CBD, *supra* note 33 at art. 1.

¹¹⁶ Bern Convention, *supra* note 113, at art. 1;1; CMS, *supra* note 114 at art. 4 ¶1; CBD, *supra* at note 33, art. 8 ¶ k. 4 ¶1; CBD, *supra* at note 33, art. 8 ¶ k.

¹¹⁷ CMS, *supra* note 114, at art. I and III ¶ 5; Bern Convention, *supra* note 113, at art. 6 ¶c.

¹¹⁸ R. at 22; CMS, *supra* note 114, at art. I and II; Bern Convention, *supra* note 113 at art. 6 and 8.

¹¹⁹ R. at 21-22.

Arctos will argue that its response was justified under Article 9 of the CMS since the killing of the grey bears were to maintain the interest of public health and safety of its citizens.¹²⁰ However, Article 9(1) of the Bern Convention also states that these exceptions will apply only if there is “no other satisfactory solution.”¹²¹ Arctos will argue that the CMS only allows a “taking” (taking, hunting, fishing, capturing, harassing, deliberate killing, or attempting to engage in any such conduct) of an endangered species under certain circumstances.¹²² The CMS will only allow a “taking” or a “deliberate killing if the taking is for scientific purposes, the purpose of enhancing the propagation or survival of the affected species, accommodate the needs of traditional subsistence users of such species; or extraordinary circumstances so require.”¹²³ These exceptions would only apply if the deliberate killings would not be “detrimental to the survival of the population concerned.”¹²⁴

Arctos’ killing of the grey bears was not justified because some of the bears killed by Arctos were either mothers, pregnant, or cubs. The killing of young and/or pregnant bears is detrimental to the population because it reduces the capacity of the grey bear as a species to reproduce.¹²⁵

Furthermore, Arctos did not entertain any other “viable solutions” other than to kill the grey bears and remove them completely from the wild.¹²⁶ Neither of the solutions presented by

¹²⁰R. 23; Bern Convention, *supra* note 113, at art. 9.

¹²¹Bern Convention, *supra* note 113 at art. 9(1).

¹²²CMS, *supra* note 114 at art. 3 ¶5.

CMS *supra* note 114 at art. 3 ¶5.

¹²³ *Id.*

¹²⁴ Bern Convention, *supra* note 113, at art. 9.

¹²⁵

Jacinthe Gosselin et al., *The Relative Importance of Direct and Indirect Effects of Hunting Mortality on the Population Dynamics of the Brown Bears*, Proc Biol Sci., Jan. 7, 2015, at 3.

¹²⁶ R. at 18, 20, 21; See Bern Convention, *supra* note 113, at 9 ¶1.

Arctos were intended to benefit the propagation of the grey bear population.¹²⁷ Moreover, Arctos violated the CBD by failing to even consider forming protected areas where there were grey bear sightings or educating their citizens about the possible dangers of a wild carnivore despite having notice of the presence of the grey bears within their borders.¹²⁸

Article 8(i) of the CBD requires parties to endeavor to provide the conditions need for the compatibility between present uses and conservation.¹²⁹ Instead of attempting to endeavor and find solutions that would promote the conservation of grey bears and protect its citizens, the only solution Arctos saw fit was to kill the grey bears by poisoning or sanctioning its citizens to kill grey bears on sight.¹³⁰ As a party to the CBD and the Bern Convention, Arctos should have at least cautioned and educated its citizens about the dangers presented by grey bears.¹³¹

Moreover, the first sighting of the grey bear within its borders occurred in 2017, and it was not until April of 2018 that grey bears attacked farm animals.¹³² There was a gap in time between the first bear was sighting in September 2017 to the April 2019 incident where the grey bear attacked children after being provoked. Arctos could have fulfilled its obligations outlined in Article 8(a) by establishing its protected area thereby minimizing the contacts the grey bears had between its citizens and the grey bear.¹³³ Had Arctos properly performed its obligations under the CBD, it is likely that the damage from the grey bears against the citizens of Arctos would have been mitigated.

¹²⁷ R. 20-21; CMS, *supra* note 114, at art. I and III ¶5.

¹²⁸ CBD, *supra* note 33, at art. 8 ¶ a.

¹²⁹ *Id.* at art. 8 ¶ i.

¹³⁰ R. at 18, 23, *Id.*

¹³¹ CBD, *supra* note 33 at art. 13.

¹³² R. at 16-17.

¹³³ CBD, *supra* note 33 at art. 8 ¶ a.

Here, Arctos was obligated to develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.¹³⁴ Arctos clearly violated Article 8(k) of the CBD since the only regulatory provision it forth that had anything to do with the grey bears was its emergency regulation condoning its citizens to kill bears on sight, which achieves a result opposite of what the CBD intended.¹³⁵ In sum, Arctos intentionally disobeyed Article 9(1) of the Bern Convention, Article 3(5) of the CMS, and Article 8 of the CBD by failing to consider viable solutions despite being a party to all three conventions.¹³⁶

C. Arctos, as a “Range State” violated its duty to protect the grey bear.

Historically, the grey bear was not known to migrate into Arctos and generally stayed within the borders of Ranvicora.¹³⁷ CMS Resolution 12.21 recognizes that due to climate change, the ranges of migratory species have been changing.¹³⁸ Article 1(a) defines a migratory species as a species whose members “cyclically and predictably cross one or more national jurisdictional boundaries.”¹³⁹ Moreover, Article 10 of the Bern Convention requires parties to coordinate protection of migratory species whose range extends into their territories.¹⁴⁰

According to Article I(f) of the CMS, a “Range State” is a state that exercises jurisdiction over any part of the range of a migratory species.¹⁴¹ Since the grey bears are now migrating into the territory of Arctos, Arctos is now considered a Range State and has special obligations to

¹³⁴ CBD, *supra* note 33 at art. 8 ¶ k.

¹³⁵ *Id.*

¹³⁶ Bern Convention, *supra* note 113, at art. 9 ¶ 1; CMS, *supra* note 114, at III ¶ 5; CBD, *supra* note 33 at art. 8.

¹³⁷ R. at 10, 12.

¹³⁸ Convention on Migratory Species, UNEP/CMS/Resolution 12.21, ¶2-3, October 2017 [hereinafter CMS Res. 12.21]. ¶

Convention on Migratory Species, UNEP/CMS/Resolution 12.21, ¶2-3, October 2017 [hereinafter CMS Res. 12.21].

¹³⁹ CMS, *supra* note 114, at art. I ¶a.

¹⁴⁰ Bern Convention, *supra* note 113, at art. 10.

¹⁴¹ CMS, *supra* note 114, at art. I ¶ f. CMS, art. I(f), June 23, 1979, 1651 U.N.T.S. 333.

conserve and protect the grey bears. As a Range State, Arctos is obligated to “conserve” and “prevent, reduce or control factors that are endangering or are likely to further endanger the species.”¹⁴² Thus, as a Range State, Arctos is in direct violation of CMS Article III(4)(a) since it further endangered the population by poisoning the grey bears and enacting the resolution encouraging its citizens to kill grey bears on sight.¹⁴³ Arctos is obligated to effectuate the fundamental purpose of the CMS and the Bern Convention by endeavoring to provide protection for the grey bears.¹⁴⁴ Arctos, by its consent to the CMS and the Bern Convention as a party, acknowledges the recognition that the ranges of migratory species have been changing.¹⁴⁵ As a “Range State,” Arctos is also required to coordinate efforts for the protection of migratory species, like the grey bear, whose range extends into its territories.¹⁴⁶

It is hypothesized that the range of the grey bears expanded into Arctos because of global warming.¹⁴⁷ Arctos is emitting greenhouse gasses and contributing to climate change. Thus, Arctos is partially to blame for the cause in the grey bear’s expansion into its territory.

Arctos will argue that the grey bears are not migratory species but “invasive species.”¹⁴⁸ CMS Resolution 11.28 states that a migratory species may become invasive themselves if translocated and/or introduced outside of their natural range.¹⁴⁹ The resolution further requires that risk assessments including any future climate change scenarios for any movement of animals be taken into account before moving species.

¹⁴² CMS, *supra* note 114, art. III ¶4(a).

¹⁴³ *Id.*

¹⁴⁴ CMS, *supra* note 114, at art. 3 ¶b; Bern Convention, *supra* note 113, at art. 3 ¶b. .

¹⁴⁵ R. at 10; CMS Res. 12.21, ¶4, (Oct. 2017).

¹⁴⁶ Bern Convention, *supra* note 113, at art. 10.

¹⁴⁷ R. at 13.

¹⁴⁸ See CMS Res. 28, ¶4, (November 4-9, 2014).

¹⁴⁹ *Id.*

Here, the grey bear's historic range was within the borders of Ranvicora, and the expansion into Arctos' territory was due to climate change.¹⁵⁰ Recommendation No. 142 (2009) of the Standing Committee to the Bern Convention notes, invasive species should not be interpreted to include "native species naturally extending their range in response to climate change."¹⁵¹ Thus, the grey bear is not an alien species, but a migratory species that has expanded its range, and is therefore entitled to protection from Arctos, not state-sanctioned indiscriminate killing. The response of Arctos is therefore unjustified under the CMS, Bern Convention, and the CBD.

¹⁵⁰ R. at 13.

¹⁵¹ Recommendation No. 142 (2009) on the Bern Convention's Contribution to the Implementation of Relevant CBD Decisions at European Level, available at <https://www.coe.int/en/web/bern-convention/standard-settings>.

CONCLUSION AND PRAYER FOR RELIEF

Ranvicora exercised its sovereign right to reintroduce grey bears into the wild the benefit of the rest of humanity and future generations. In so doing, Ranvicora did not violate international laws and treaties and promoted the fundamental principles of conservation of an endangered species. Finally, Arctos' response to the migration of the grey bears in its territory was unjustified and violated international law.

Based on the foregoing, Ranvicora of Ravicora requests an Order confirming that the grey bear reintroduction project did not violate the international law and that the Arctos violated international law with its indiscriminate killing. Ranvicora further requests this Court to enjoin the Arctos from killing any more grey bears.

RESPECTFULLY SUBMITTED,

AGENTS OF RESPONDENT