

**Questions Relating to
Use of the Sargasso Sea and
the Protection of Eels
(Federal States of Alliguna v. Republic of Revels)**

RECORD



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23 – 25 November 2018



STETSON LAW

NOTIFICATION, DATED 6 JULY 2018, ADDRESSED TO
THE MINISTER OF FOREIGN AFFAIRS OF THE FEDERAL STATES OF ALLIGUNA

AND

THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF REVELS

The Hague, 6 July 2018.

On behalf of the International Court of Justice, and in accordance with Article 26 of the Rules of Court, I have the honor to acknowledge receipt of (1) the Application instituting proceedings against the Republic of Revels, submitted by the Federal States of Alliguna and dated 21 April 2018; and (2) the Preliminary Objections, submitted by the Republic of Revels and dated 5 May 2018. I have the further honor to inform you that the case of Questions Relating to Use of the Sargasso Sea and the Protection of Eels (Federal States of Alliguna v. Republic of Revels) has been entered as 2018 General List No. 237.

During a meeting with the President of the Court held on 4 June 2018, the Parties agreed that the questions regarding the Court's jurisdiction and state responsibility raised in the Preliminary Objections submitted by Revels are inextricably linked to the merits of the questions raised in the Application submitted by Alliguna and that the questions regarding the Court's jurisdiction and state responsibility should therefore be heard and determined within the framework of the merits. Pursuant to Article 79, paragraph 10, of the Rules of Court, the Court will give effect to the Parties' agreement, and the Court thus will consider the questions as to its jurisdiction and state responsibility simultaneously with the questions on the merits raised in the Application. The written proceedings shall consist of memorials to be submitted to the Court by 16 November 2018. Oral proceedings are scheduled for 11 – 13 April 2019.

/s/ _____

Registrar

International Court of Justice

JOINT WRITTEN STATEMENT OF THE FEDERAL STATES OF ALLIGUNA AND THE
REPUBLIC OF REVELS, DATED 16 JULY 2018, ADDRESSED TO THE REGISTRAR OF
THE INTERNATIONAL COURT OF JUSTICE

The Hague, 16 July 2018.

To the Registrar, International Court of Justice:

On behalf of the Federal States of Alliguna and the Republic of Revels, we have the honor to submit this Joint Written Statement regarding the facts in the case of Questions Relating to Use of the Sargasso Sea and the Protection of Eels (2018 General List No. 237). Without waiving any claims, counter-claims, objections, or rights, the Federal States of Alliguna and the Republic of Revels agree that the information provided in the attached Annex A accurately represents the factual background of this dispute and request the Court to decide this matter based on the facts contained in Annex A. In addition, a certified copy of

the Application instituting proceedings against the Republic of Revels, submitted by the Federal States of Alliguna and dated 21 April 2018, is attached as Annex B, and a certified copy of the Preliminary Objections, submitted by the Republic of Revels and dated 5 May 2018, is attached as Annex C. The Federal States of Alliguna and the Republic of Revels further agree as follows:

1. The Federal States of Alliguna and the Republic of Revels request the Court to decide the jurisdictional and state responsibility questions and the merits of this matter on the basis of the rules and principles of general international law, as well as any applicable treaties.
2. The Federal States of Alliguna and the Republic of Revels also 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.
3. The proceedings shall consist of written pleadings and oral arguments.
4. The written pleadings shall consist of memorials to be submitted simultaneously to the Court by the Parties.
5. The written pleadings shall be consistent with the Rules of the 2018–2019 Stetson International Environmental Moot Court Competition (International Finals).
6. No changes may be made to any written pleading once it has been submitted to a National or Regional Round. A written pleading submitted to the International Finals must be an exact copy of the written pleading submitted to the National or Regional Round.
7. The Federal States of Alliguna and the Republic of Revels shall accept the Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

For the Federal States of Alliguna:

/s/ _____

Cat A. Dromous

Minister of Foreign Affairs

For the Republic of Revels:

/s/ _____

John Sean Schmidt

Minister of Foreign Affairs

ANNEX A

1. The Federal States of Alliguna and the Republic of Revels are neighboring coastal sovereign states located on Ugani, a small continent located in the North Atlantic Ocean near the Sargasso Sea. Both countries' coasts are approximately 250 nautical miles from the Sargasso Sea.
2. Alliguna is a developed country with a diversified economy, including a strong industrial sector that relies heavily on manufacturing and energy. Alliguna has many rivers and dams, some of which are used to generate hydroelectric power. Revels is a developing country, and its economy is based largely on fishing and agriculture.
3. The European eel (*Anguilla anguilla*) is a facultatively catadromous migratory species that is listed as Critically Endangered on the IUCN Red List of Threatened Species. European eels are found in a variety of habitats, including estuaries, coastal waters, streams, rivers, and lakes in multiple continents and countries, including Alliguna and Revels. European eels migrate to the Sargasso Sea to spawn, and the leptocephali (larvae) migrate across the Atlantic Ocean to coastal waters. The eels eventually travel to inland waters and continue to develop and grow. Unfortunately, the species' recruitment, population, and escapement have exhibited pronounced declines over the past several decades.
4. The species is particularly important to Alliguna and its citizens. Historically, numerous European eels lived in Alliguna's waters, and the eels feature prominently in Alliguna's culture, religion, and history. In 1990, a small non-governmental organization, Friends of the Eels, was formed in Alliguna to raise awareness about the importance of conserving the species. The organization has grown over the years and now has approximately 20,000 members. In 2010, due in part to the lobbying and education efforts of Friends of the Eels, the Government of Alliguna passed strict domestic legislation to help protect and recover the species.
5. Alliguna and Revels are Members of the United Nations and are Parties to the Statute of the International Court of Justice (ICJ). Pursuant to Article 36, paragraphs 2 and 3, of the Statute of the ICJ, Alliguna has recognized the ICJ's jurisdiction as compulsory ipso facto but only on condition of reciprocity on the part of other states. Revels has not recognized the ICJ's jurisdiction as compulsory ipso facto.
6. Alliguna and Revels are Parties to the Vienna Convention on the Law of Treaties.
7. Alliguna and Revels are Contracting Parties to the Convention on Biological Diversity (CBD). In accordance with Article 27, paragraph 3, of the CBD, when Alliguna and Revels ratified the CBD, both countries declared in writing that they would submit to the jurisdiction of the ICJ to resolve disputes concerning the interpretation or application of the CBD.
8. Alliguna and Revels are Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS). The European eel is listed on Appendix II of CMS, and both countries are Range States for the species.

9. Alliguna and Revels are States Parties to the United Nations Convention on the Law of the Sea (UNCLOS). Pursuant to Article 287 of UNCLOS, when Alliguna and Revels signed UNCLOS, Alliguna made a written declaration and chose the ICJ for the settlement of disputes concerning the interpretation or application of UNCLOS, while Revels made a written declaration and chose the International Tribunal for the Law of the Sea for the settlement of disputes concerning the interpretation or application of UNCLOS.
10. Alliguna and Revels are Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and are Parties to the Paris Agreement. Pursuant to Article 24 of the Paris Agreement and Article 14 of the UNFCCC, both countries submitted written declarations stating that with respect to any dispute concerning the interpretation or application of the UNFCCC or the Paris Agreement, they would submit the dispute to the ICJ. On April 22, 2016, Alliguna and Revels submitted their first Nationally Determined Contributions (NDCs) in accordance with the Paris Agreement.
11. Alliguna and Revels are signatories to the Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea.
12. High-level representatives from Alliguna and Revels attended and fully participated in the 1972 United Nations Conference on the Human Environment at Stockholm; the 1992 United Nations Conference on Environment and Development at Rio de Janeiro; the 2002 World Summit on Sustainable Development at Johannesburg; and the 2012 Rio+20 Conference at Rio de Janeiro.
13. Seaweed Energy Alternatives, Inc. (known as the SEA Corporation) is a large, privately owned company in Revels that produces and sells renewable energy, particularly biofuels. In July 2016, the SEA Corporation launched its latest biofuels initiative and began harvesting Sargassum from the Sargasso Sea to use for biofuel production. The SEA Corporation used its vessel, the *Columbus*, to harvest Sargassum in the Sargasso Sea on the high seas beyond national jurisdiction. The *Columbus* sailed under the flag of Revels.
14. The SEA Corporation received a subsidy for the Sargassum initiative from the Government of Revels. The subsidy was funded as part the Government's recently launched program to reduce greenhouse gas emissions and expand the use of renewable energy in Revels. Under the program, the Government of Revels provided subsidies to select non-governmental entities or persons to implement renewable energy projects. The Government of Revels expected that the renewable energy projects would help Revels meet its NDC commitments under the Paris Agreement.
15. The SEA Corporation's initiative to harvest Sargassum was one of the first commercial projects of its kind, and the news media has covered it widely in Revels and other countries, including Alliguna.
16. At the end of 2016, the Government of Revels issued a press release and a report discussing the progress and success of the country's new renewable energy program. The press release and report highlighted the SEA Corporation's ongoing Sargassum initiative and a few of the other projects that had received subsidies through the program.

17. Friends of the Eels learned that the SEA Corporation was harvesting Sargassum in the Sargasso Sea. Concerned about the potential negative impacts on European eels, Friends of the Eels informed the Government of Alliguna about the SEA Corporation's project, and after making inquiries to confirm the information, the Government of Alliguna decided to contact the Government of Revels about the situation.
18. On 13 January 2017, the following diplomatic note was forwarded to the Government of the Republic of Revels:

The Embassy of the Federal States of Alliguna presents its compliments to the Government of the Republic of Revels and wishes to inform Revels about the serious concerns Alliguna has regarding the harvesting of Sargassum that is taking place in the Sargasso Sea by a vessel, the *Columbus*, sailing under the flag of Revels. Alliguna urges Revels to put an end to the project. As Revels is no doubt aware, and especially given that Revels is a Signatory to the Hamilton Declaration, the Sargasso Sea is a unique and important ecosystem that plays an integral role in the life cycles of numerous species, many of which are threatened or endangered. One such species is the European eel, which spawns in the Sargasso Sea and is of great importance to Alliguna. Harvesting large amounts of Sargassum from the Sargasso Sea will negatively impact this precious ecosystem and could have devastating effects on the European eel, whose population is already in serious decline.

The likely harm to the European eel is a violation of customary international law, especially the precautionary principle and the duty to prevent transboundary harm. It also is a violation of the Convention on Biological Diversity (CBD), especially Articles 1, 3, 5, 8, and 10, among others, as well as CBD Decisions IX/20 and X/29 on marine and coastal biodiversity. Furthermore, the Sargasso Sea has been designated as an ecologically or biologically significant marine area (EBSA) under the CBD, which further emphasizes the importance of protecting the Sargasso Sea and avoiding the exploitation of its resources. Alliguna would appreciate the opportunity to send representatives to meet with representatives of the Government of Revels to discuss the situation and to allow Alliguna to explain further the urgency of putting an end to this harmful conduct.

Please accept the assurance of my highest consideration.

/s/ _____
Lee O. Welly
Ambassador

19. On 11 March 2017, the following diplomatic note was forwarded to the Government of the Federal States of Alliguna:

The Embassy of the Republic of Revels presents its compliments to the Government of Alliguna and has the honor to acknowledge receipt of the diplomatic note dated 13 January 2017.

The Government of Revels understands that Alliguna is concerned, but Revels believes that Alliguna's concerns are unwarranted. The importance of the Sargasso Sea cannot be overstated, especially today, on the anniversary of the signing of the Hamilton Declaration, but Revels is not

aware of any demonstrable negative impact from the biofuels project on the Sargasso Sea or the European eel. The SEA Corporation's initiative is an important step on behalf of the private sector toward the expanded use of renewable energy and a reduction in reliance on fossil fuels in Revels. The initiative also will help Revels to achieve its NDC commitments under the Paris Agreement.

Revels vehemently disagrees with Alliguna's assertion that Revels is somehow in violation of international law. In the first place, Revels is in no way responsible for the conduct of a private company on the high seas. Even if the SEA Corporation's actions were somehow violating international law, the company's actions are not attributable to Revels. In addition, harvesting Sargassum on the high seas is not a violation of customary international law or the CBD. The precautionary principle actually weighs in favor of continuing the renewable energy project to help mitigate climate change, and the project has not caused any transboundary harm to Alliguna or any other state. Nor has the project somehow harmed biodiversity in contravention of the CBD. Although the EBSA status of the Sargasso Sea is significant, the status is more of a scientific exercise and does not have legal import.

Revels appreciates the invitation to meet with representatives of Alliguna, but it is the position of Revels that such a meeting is unnecessary. If Alliguna is genuinely concerned about the European eel, Alliguna would do well to consider how it actually may be negatively affecting the species itself (e.g., by its many hydropower facilities).

Please accept the assurance of my highest consideration.

/s/

Carl A. Omage
Ambassador

20. On 9 April 2017, the Government of Alliguna sent a diplomatic note to the Government of Revels that stated in part:

The Government of Alliguna is dismayed that Revels fails to appreciate the severity of this situation and the devastating effects it could have, and likely already has had, on European eels (and probably other species as well). Harvesting Sargassum removes part of this delicate ecosystem on which the eels rely, and harming the species is a violation of international law. Although Alliguna has yet to obtain direct evidence that the biofuels project has harmed the European eel, it is easy to infer that destroying part of its spawning habitat certainly will harm the species. Because European eels are a migratory species, Alliguna and other states will be adversely affected if the species continues to decline. The European eel is protected by, and has been the focus of much attention under, the Convention on Migratory Species (CMS), which even has approved a Concerted Action for the species; therefore, harvesting Sargassum in the Sargasso Sea is a violation of CMS, including, *inter alia*, Articles II and IV and Resolutions 11.27 and 12.21.

As explained by Principle 2 of the Rio Declaration and the Articles on Responsibility of States for internationally wrongful acts—in particular Articles 1, 2, 5, 8, and 11—the SEA Corporation's

detrimental conduct is attributable to Revels so as to entail the international responsibility of Revels. This proposition is supported further by the judgment in the Corfu Channel Case (United Kingdom of Great Britain and Northern Ireland v. Albania), dated 9 April 1949 and issued by the ICJ; the Advisory Opinion on the Request for Advisory Opinion submitted by the Sub-Regional Fisheries Commission, dated 2 April 2015 and issued by the International Tribunal for the Law of the Sea (ITLOS) under UNCLOS; and the Advisory Opinion on Responsibilities and obligations of States with respect to activities in the Area, dated 1 February 2011 and issued by the Seabed Disputes Chamber of the ITLOS.

21. On 22 May 2017, the Government of Revels sent a diplomatic note to the Government of Alliguna that stated in part:

Contrary to Alliguna's claims, the biofuels initiative is not in violation of CMS; Articles II and IV contain limiting language and are not applicable to this situation, and the resolutions are non-binding. With respect to state responsibility, the Articles on Responsibility of States for internationally wrongful acts do not lend support to Alliguna's position and instead demonstrate that Revels is not responsible for the SEA Corporation's private conduct. Further, the situations addressed in the ICJ and ITLOS opinions to which Alliguna has referred are vastly different from this situation.

Apart from the matter of state responsibility, Alliguna seems to ignore that under Article 87 of the United Nations Convention on the Law of the Sea (UNCLOS), Revels and all states have freedom of the high seas. The SEA Corporation is harvesting Sargassum entirely on the high seas and has the right to do so.

22. On 7 July 2017, the Government of Alliguna sent a diplomatic note to the Government of Revels that stated in part:

Although UNCLOS Article 87 may provide for freedom of the high seas, there are limits, and damaging the marine resources and biodiversity of the Sargasso Sea, which Revels is subsidizing monetarily, goes beyond what is permitted on the high seas and violates UNCLOS Articles 117, 118, 192, and 300, among others.

Additionally, harming the Sargasso Sea and European eels contravenes the Hamilton Declaration, Rio Declaration, Stockholm Declaration, Rio+20 outcome document "The future we want," and the United Nations General Assembly's annual resolutions on oceans and the law of the sea. This project also flouts the efforts being made to develop an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

23. On 14 September 2017, the Government of Revels sent a diplomatic note to the Government of Alliguna that stated in part:

Revels has acted in accordance with the mandates of UNCLOS to conserve living resources on the high seas and cooperate with other states. Indeed, by working to expand its use of renewable

energy and meet its NDC commitments under the Paris Agreement, Revels is doing its part to mitigate climate change and help conserve biodiversity.

Notably, Alliguna has not presented any evidence to Revels to demonstrate how the biofuels initiative has negatively impacted the Sargasso Sea ecosystem or European eels. In the case of the European eel, unfortunately, the species has been in decline for years, and Alliguna has failed to describe any causal link between the SEA Corporation's initiative and any detriment to the species. The decline of the species is regrettable, but it is not due to the SEA Corporation's biofuels initiative and is in no way attributable to Revels.

24. For the next several months, the Federal States of Alliguna and the Republic of Revels engaged in additional negotiations, followed by mediation, but the negotiations and mediation failed to resolve the dispute regarding the harvesting of Sargassum in the Sargasso Sea and its effects on European eels. In February 2018, Alliguna asked Revels to agree to submit the matter to the ICJ, but Revels refused.
25. Alliguna submitted an Application instituting proceedings against Revels, dated 21 April 2018 (Annex B), and Revels submitted its Preliminary Objections, dated 5 May 2018, contesting the ICJ's jurisdiction and arguing that the conduct of the SEA Corporation is not attributable to Revels so as to entail the international responsibility of Revels (Annex C).
26. The Federal States of Alliguna seeks an order from the ICJ declaring that (1) the ICJ has jurisdiction to determine the matter and that the Republic of Revels is responsible for the conduct at issue; and (2) the Republic of Revels violated international law by negatively impacting the European eel through the Sargassum harvesting project in the Sargasso Sea.
27. The Republic of Revels opposes the claims in paragraph 26 above and seeks an order from the ICJ declaring that (1) the ICJ does not have jurisdiction to determine the matter and that the conduct at issue is not attributable to the Republic of Revels; and (2) even if the ICJ has jurisdiction, the Republic of Revels has not violated international law with respect to the harvesting of Sargassum in the Sargasso Sea.
28. The SEA Corporation has continued to harvest Sargassum in the Sargasso Sea.

ANNEX B

APPLICATION INSTITUTING PROCEEDINGS, DATED 21 APRIL 2018, ADDRESSED TO
THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

The Hague, 21 April 2018.

To the Registrar, International Court of Justice:

On behalf of the Federal States of Alliguna and pursuant to Articles 36 and 40 of the Statute of the International Court of Justice and Article 38 of the Rules of Court, the undersigned, being duly authorized by the Government of the Federal States of Alliguna, have the honor to submit to the International Court of Justice the present Application instituting proceedings against the Republic of Revels.

I. Subject of the Dispute

The present Application concerns the harvesting of Sargassum in the Sargasso Sea by the *Columbus*, a vessel flying under the flag of the Republic of Revels, which is in breach of its obligations under international law, including, but not limited to, violations of customary international law and several multilateral environmental agreements. By harvesting Sargassum, Revels is damaging the marine biodiversity that depends on the Sargasso Sea, especially the European eel (*Anguilla anguilla*), which spawns in the Sargasso Sea. Revels has violated customary international law, including, *inter alia*, the precautionary principle and the duty to prevent transboundary harm. Revels has also acted in direct contravention of the Convention on Biological Diversity (CBD), the United Nations Convention on the Law of the Sea (UNCLOS), the Convention on Migratory Species of Wild Animals (CMS), and the Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea, as well as other international agreements, principles, and declarations.

* * *

II. Jurisdiction of the Court

Alliguna has recognized the Court's jurisdiction as compulsory ipso facto. Furthermore, the Court has jurisdiction over this dispute in accordance with Article 27 of the CBD, as well as Article 14 of the UNFCCC and Article 24 of the Paris Agreement. Revels has submitted to the jurisdiction of the ICJ under the CBD, the UNFCCC, and the Paris Agreement, and this dispute arises directly under the CBD, the UNFCCC, and the Paris Agreement. Alliguna's primary concern is the negative impacts on the European eel, and the purpose of the CBD is to conserve biological diversity, which includes the European eel, as well as the rest of the marine biodiversity in the Sargasso Sea. The UNFCCC and the Paris Agreement are also relevant because Revels has provided subsidies for the harvesting of Sargassum to help achieve its NDC commitments under the Paris Agreement.

* * *

[REMAINDER OF APPLICATION INTENTIONALLY OMITTED]

For the Federal States of Alliguna:

/s/ _____

Cat A. Dromous
Co-Agent of the Federal States of
Alliguna and Minister of Foreign Affairs
of the Federal States of Alliguna

/s/ _____

Sam S. Sugar
Co-Agent of the Federal States of
Alliguna

ANNEX C

PRELIMINARY OBJECTIONS OF THE REPUBLIC OF REVELS, DATED 5 MAY 2018,
ADDRESSED TO THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

The Hague, 5 May 2018.

To the Registrar, International Court of Justice:

On 21 April 2018, the Federal States of Alliguna lodged with the Registrar of the International Court of Justice an Application by which Alliguna instituted proceedings before the Court against the Republic of Revels regarding the SEA Corporation's project to harvest Sargassum on the high seas in the Sargasso Sea. Pursuant to Article 79, paragraph 1, of the Rules of Court, the Republic of Revels has the honor to submit the present Preliminary Objections, which relate to the jurisdiction of the Court and whether the conduct of a private company is attributable to Revels so as to entail the international responsibility of Revels. The Republic of Revels respectfully requests the Court to declare itself to be without jurisdiction to hear the matter submitted by Alliguna and to declare that the conduct at issue in this matter is not attributable to Revels for purposes of state responsibility.

In its Application instituting proceedings, Alliguna alleged that "the Court has jurisdiction over this dispute in accordance with Article 27 of the CBD, as well as Article 14 of the UNFCCC and Article 24 of the Paris Agreement." Revels submits these Preliminary Objections because the Court does not have jurisdiction to hear this matter as Alliguna has alleged. Respectfully, as an initial matter, Revels has not recognized the Court's jurisdiction as compulsory ipso facto. While it is true that Revels has submitted to the Court's jurisdiction to resolve disputes concerning the interpretation or application of the CBD, the UNFCCC, or the Paris Agreement, those are not the relevant international agreements governing this matter.

Rather, because Alliguna's concerns are premised on alleged harm to the European eel, the issues in this matter arise primarily under the CMS, which specifically addresses migratory species, including the European eel, which is listed on Appendix II of CMS. To the extent that the dispute is about the European eel, CMS is *lex specialis* and should govern. The Court, however, does not have jurisdiction under CMS;

instead, if CMS governs, this dispute should be settled through arbitration, or Alliguna could seek assistance through the treaty's new review mechanism adopted at CMS COP12. Alliguna's allegations also seem to focus on the high seas, which means UNCLOS would be relevant. To the extent that this dispute is about the high seas, UNCLOS is *lex specialis* and should govern. Again, however, Revels has not agreed to submit to the Court's jurisdiction under UNCLOS and instead chose the International Tribunal for the Law of the Sea (ITLOS) for the settlement of disputes concerning the interpretation or application of UNCLOS. Accordingly, Revels submits that the Court does not have jurisdiction over this matter.

The Award on Jurisdiction and Admissibility in the Southern Bluefin Tuna Case between Australia and Japan and between New Zealand and Japan, dated 4 August 2000 and issued by the Arbitral Tribunal constituted under UNCLOS, and the Court's judgment in the Fisheries Jurisdiction Case (Spain v. Canada), dated 4 December 1998, provide additional support for Revels's position that the Court does not have jurisdiction over this matter.

Additionally, even if the Court determines that it has jurisdiction, Revels requests the Court to dismiss these proceedings because the conduct of a private company (the SEA Corporation) is not attributable to Revels such that Revels would be responsible for any alleged violations of international law. Under the Articles on Responsibility of States for internationally wrongful acts (and as further explained by the International Law Commission's commentaries on the Articles), in order for there to be an internationally wrongful act, the action or omission must be attributable to the State, which is not the case here. The SEA Corporation is a privately owned corporation that has been harvesting Sargassum in the Sargasso Sea as part of its commercial operations. The SEA Corporation is not an organ of the Republic of Revels and is not exercising any governmental authority. As such, the conduct of this private entity is not attributable to Revels, and Revels has no international responsibility for the alleged violations.

* * *

[REMAINDER OF PRELIMINARY OBJECTIONS INTENTIONALLY OMITTED]

For the Republic of Revels:

/s/

John Sean Schmidt

Co-Agent for the Republic of Revels
and Minister of Foreign Affairs for
the Republic of Revels

/s/

Sal Segel

Co-Agent for the Republic of Revels