

**THE PHILIP C. JESSUP INTERNATIONAL LAW MOOT
COURT COMPETITION**

1969

**Case Concerning the Construction
of an Artificial Island in the
Pacifica v. Oceana, 1969.**

Problem

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

1969 COMPETITION PROBLEM

Oceania and Pacifica, two states with long coastlines on opposite sides of the Pacific Ocean, have both ratified the 1958 Geneva Conventions on the Law of the Sea.* Late in 1968, following the discovery of a sea shallow in the high seas (approximately 25 metres under the surface, and one mile in circumference, at a distance of 45 miles from the coast of Oceania), Pacifica proceeds to construct an artificial island on top of the sea shallow. After completion, the flag of Pacifica is hoisted and a small garrison left on the island, over which Pacifica proclaims sovereignty. The seabed surrounding the shallow gradually descends to a maximum depth of 180 metres between the sea shallow and Oceania.

Following the proclamation of sovereignty over the island, the government of Pacifica, (a) constructs a dock adjacent to the island (b) licenses a broadcasting company, registered in the Bahamas, in which the government of Pacifica holds 51% of the shares, and (c) issues a license for the exploration and exploitation of oil and other minerals to a British company, which has begun drilling operations at a distance of 15 miles from the island and a depth of 150 metres. The broadcasting company, in its daily political broadcasts, frequently attacks the government of Oceania.

In the spring of 1969, Oceania sends a naval task force which occupies the island, seizes the garrison (which is sent back to Pacifica), and destroys the dock, the drilling equipment, and the broadcasting installations.

Pacifica, in a strong protest to Oceania, claims that the whole Oceanian operation is an illegal invasion of her sovereign rights. Pacifica asks for restoration of all the destroyed facilities (or, alternatively, full and prompt reparation) and compensation for the seizure and deportation of the garrison. Pacifica also demands recognition by Oceania of Pacifica's sovereignty over the island. Oceania contends that Pacifica's occupation of the island and subsequent actions are an illegal violation of the freedom of the seas, and that the broadcasting and drilling operations are piratical, entitling Oceania to act on behalf of the family of nations in vindication of international law.

After unsuccessful attempts to settle the matter by negotiation, the parties agree to submit the dispute to the International Court of Justice. Pacifica appears as applicant, Oceania as respondent. The parties have stipulated the above facts and waived preliminary objections.

* Convention on the Territorial Sea and the Contiguous Zone, Convention on the High Seas, Convention on Fishing and Conservation of the Living Resources of the High Seas, Convention on the Continental Shelf, and Optional Protocol on Settlement of Disputes.