

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

**CASE CONCERNING THE LEGAL STATUS OF CERTAIN
MARITIME FEATURES AND LEGALITY OF CERTAIN
ACTIVITIES**

(DEMOCRATIC REPUBLIC OF AQUASTIN v.
REPUBLIC OF NEPTUNA)

ORDER OF 6 MARCH 2018

2018

TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

**AFFAIRE RELATIVE AU STATUT JURIDIQUE DE CERTAINS
OBJETS MARITIMES ET À LA LÉGALITÉ DE CERTAINES
ACTIVITÉS**

(République Démocratique d'Aquastin c.
République de Neptuna)

ORDONNANCE DU 6 MARS 2018

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

YEAR 2018

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CASE CONCERNING THE LEGAL STATUS OF CERTAIN MARITIME FEATURES AND LEGALITY OF CERTAIN ACTIVITIES

(DEMOCRATIC REPUBLIC OF AQUASTIN

v.

REPUBLIC OF NEPTUNA)

ORDER

The President of the International Tribunal for the Law of the Sea,

Having regard to articles 24 and 27 of the Statute of the Tribunal,

Having regard to articles 45, 46, 56, and 59 of the Rules of the Tribunal,

Makes the following Order:

Whereas the Application filed in the Registry of the Tribunal on 3 February 2018, whereby the Government of Republic of Neptuna instituted proceedings against the Democratic Republic of Aquastin with regard to disputes concerning the legal status of certain maritime features of the Capitar Islands and the legality of certain activities of Aquastin.

Whereas, in its declaration of 10 December 1988, Neptuna stated that “for the settlement of disputes concerning the application or interpretation of the Convention and of the Agreement adopted on 20 June 1994 relating to the Implementation of Part XI, it chooses the International Tribunal for the Law of the Sea and the International Court of Justice, without specifying that one has precedence over the other”;

Whereas, in its declaration of 7 December 1985, Aquastin stated that “In the absence of any other peaceful means to which it would give preference, the Government of the Democratic Republic of Aquastin hereby chooses one of the following means for the settlement of disputes concerning the interpretation or

application of the [United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea] in accordance with article 287 of the Convention on the Law of the Sea, in the following order:

1. The International Tribunal for the Law of the Sea established in accordance with Annex VI;
2. A special arbitral tribunal constituted in accordance with Annex VIII;
3. The International Court of Justice;

Whereas, on 15 February 2018, a certified copy of the application of Neptuna was communicated to Aquastin;

Whereas, Neptuna and Aquastin have appointed their respective Agents;

Whereas consultations were held by the President of the Tribunal with the representatives of the parties on 25 and 26 February 2018 at the premises of the Tribunal to ascertain the views of the parties with regard to questions of procedure in respect of the case concerning the legal status of certain maritime features and legality of certain activities;

Whereas, during these consultations, the Agent of Neptuna and the Deputy Agent of Aquastin agreed on the orders issued by the Tribunal in the proceedings and time-limits for the filing of the written pleadings;

THE PRESIDENT

Taking into account the opinions of the Parties;

Fixes the time-limits for the filing of the written Memorials and for the oral pleadings as the time-limits set forth in the Official Schedule of the 2018 Law of the Sea Moot Court Competition; and

Adopts the Official Rules of the 2018 Law of the Sea Moot Court Competition.

Reserves the subsequent procedure for further decision.

Done in English in Wuhan, Hubei Province, this first day of March, two thousand and eighteen, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Neptuna and the Government of Aquastin, respectively.

STATEMENT OF AGREED FACTS

CASE CONCERNING THE LEGAL STATUS OF CERTAIN MARITIME FEATURES AND LEGALITY OF CERTAIN ACTIVITIES

(Democratic Republic of Aquastin

v.

Republic of Neptuna)

6 MARCH 2018

1. The Democratic Republic of Aquastin (hereinafter “Aquastin”) is a country comprising land and sea. Aquastin covers an area of approximately 2,400,000 square kilometers and has a population of 80,000,000, whose coastline is around 800 kilometers. In 1984, Aquastin signed the United Nations Convention on the Law of the Sea (hereinafter “the Convention” or “UNCLOS”) and made its declaration under Articles 287 and 298 of the Convention on December 7, 1985 and March 2, 1990 respectively (See Annexes 2 and 3). Aquastin issued a statement accepting the optional compulsory jurisdiction of the International Court of Justice in accordance with Article 36 of the Statute of the International Court of Justice (See Annex 1).
2. The Republic of Neptuna (hereinafter “Neptuna”) is a developing country with a territory of about 1,100,000 square kilometers and a population of about 2,000,000. Its coastline is about 400 kilometers. Neptuna ratified the Convention in 1988 and made a declaration under Article 287 of the Convention on December 10, 1988 (See Annex 5). Neptuna issued a statement expressing its acceptance of the optional compulsory jurisdiction of the International Court of Justice in 1966 (See Annex 4).
3. The coasts of Aquastin and Neptuna are opposite to each other and the closest distance between these two opposite coasts is 386 nautical miles. The Neptuna Trough lies roughly 120 nautical miles off the coast of Neptuna. The Capitar Islands locates in the sea area between the Neptuna Trough and Aquastin. It consists of a group of maritime features, including a high-tide feature, Sundai Reef, and other maritime features such as Lombard (hereinafter “L”), Tuvau (hereinafter “T”), Haleigha

(hereinafter “H”), and Nicodemus (hereinafter “N”). The shortest distance between Sundai Reef and Aquastin and Neptuna is 223 nautical miles and 163 nautical miles respectively. With regard to other features, L is situated closest to Aquastin at a distance of 210 nautical miles and it is also located farthest to Neptuna at 176 nautical miles. N is situated farthest to Aquastin at 244 nautical miles, and it is located closest to Neptuna at 142 nautical miles. The perennially uninhabited L, T, H and N are more than 12 nautical miles but shorter than 40 nautical miles away from Sundai Reef, respectively at 13 nautical miles, 14 nautical miles, 18 nautical miles and 21 nautical miles. Many-time oceanographic surveys indicate that L, T, H and N are low-tide elevations which are above water and surrounded by water at low tide but submerged at high tide.

4. In the middle of the 16th century, King of Aquastin ordered the General Capitar to execute an expedition against Neptuna. During the voyage, the fleet discovered the Capitar Islands and named it after the General Capitar. Afterwards, King of Aquastin ordered relevant departments to draw up a map which would merge the vast land including the Capitar Islands into state territory of Aquastin. Due to poor map-making skills and lagging measurement technology, the four low-tide elevations in the Capitar islands, L, T, H, and N, were not specifically stamped in this map. In 1649, Aquastin also enumerated the components of the Capitar Islands in its decree stipulating that “the Capitar Islands referred to in this Act include the Sundai Reef and the adjacent features.”
5. Since then, the successive Governments of Aquastin regarded the entire Capitar Islands as a part of its land territory. From 1660 to 1670, unknown dead bodies were found without causes in the Captiar Islands for many times. In 1671, the Government of Aquastin ordered the Governor-General in this district to visit the Capitar Islands and to periodically submit reports entitled as “Capitar Islands Public Management Operations”. Among them, the 1689 Report mentioned “...Lombard was submerged at high tide...”; the 1728 Report mentioned “...a large quantity of dead fish appeared near Tuvalu and Nicodemus on April 23, 1728”. In 1723, Government of Aquastin

issued an announcement which declared that fishing vessels were not allowed to dig the Phosphorus lime on the Capitar Islands without approval from the government. In 1780, with the increasing number of fishermen in the Capitar Islands, the Government of Aquastin established the Capitar Islands as a county and strengthened its public administration.

6. From the end of the 18th century to the middle of the 20th century, Aquastin and Neptuna successively became colonies of Togoba. The Capitar islands was subject to the administration of Togoba, and was placed under the jurisdiction of Neptuna's administrative division. In 1823, Togoba signed a Fishery Agreement (hereinafter "the Agreement") with Forya, one of Togoba's neighboring countries. Article 29 of the Agreement provided that "The Capitar Islands referred to in this Agreement includes Sundi Reef and its dependencies." In 1915, Togoba and Sagusa, one of its neighboring countries, signed a boundary treaty. Article III of the Treaty provided that "Sagusa acknowledges that Togoba enjoys full sovereignty over the Capitar Islands, including Sundai Reef and Haleigh." In 1897, the Capitar Islands and Sundai Reef were also marked in the official map published by Bossalonica.
7. Oceanographic researches were conducted by Great Britain and Japan in this area from 1880 to 1920. According to these records, L, T, H, N were all low-tide elevations. The British and Japanese maps marked the location of the Capitar Islands and respectively identified the aforementioned low-tide elevations, namely, L, T, H and N.
8. In 1915, Togoba conducted oceanographic researches in the Capitar Islands which showed that L, T, H, N were low-tide elevations. Notably, the four features and Capitar Islands were marked with their names on the maps and large-scale charts produced by the Government of Togoba.
9. In 1958, Aquastin and Neptuna gained independence. When withdrawing from Aquastin and Neptuna, Togoba declared that it did not hold any position on the sovereignty of Sundai Reef and its dependencies, and returned the power of administration over these features to Neptuna on account of administrative

considerations. In 1959, Aquastin made the Constitution whose provisions concerning its territory elucidated that “The entire territory of Aquastin, including the Aquastin continent...the Capitar Islands...” In 1960, Aquastin announced the Capitar Islands’ components, locations and names, and L, T, H, N were all contained therein. In 1961, Aquastin published its first official map after its independence, where L, T, H, N were clearly marked as low-tide elevations forming parts of the Capitar Islands. In 1962, the official large-scale charts published by Aquastin showed that L, T, H, N were all low-tide elevations, and these descriptions were followed afterwards. Consequently, Aquastin’s actions caused a strong protest from Government of Neptuna which claimed that Sundai Reef should formed part of Neptuna on the basis of administrative divisions in the past colonial era.

10. Fishery resources were abundant in the Capitar Islands in accordance with historical records of Aquastin. At least since the 16th century, there has been the consistent presence of fishermen from the coastal provinces of Aquastin who carried out fishing activities and stopped over in Sundai Reef and L. In the 1850s, the British Navy voyaged here and recorded in the logbook, “...some fishermen from Aquastin live in the Sundai Reef where they have been fishing for a long time, and some people even have lived there for several years. Fishing boats from Aquastin periodically supply rice and other necessities for those fishermen who use trepang and sea turtles as exchange.”
11. Controlled effectively by Aquastin for a long period, Sundai Reef is a total land area of 0.6 square kilometers, which is 1.5 kilometers in length and 0.5 kilometers in width, elliptical in the south-northern direction. The area above water at high tide is around 0.4 square kilometers, and the average altitude is 3-5 meters. Sundai Reef has flourishing plants, covered with small trees and high bushes which naturally grow up. A long and narrow sandy beach is located in the west. The middle and eastern parts of the land on Sundai Reef are broad and flat, piled up with sand bed. In addition, the rich accumulation of guano covers the surface of Sundai Reef. The layers of guano dated back to more than 1,000 years ago and gradually turn into rotten and fertile

humus soil which assist crops to grow. During the ruling period of Togoba, guano was mined and exported as fertilizer to other areas. According to voyaging records of the British Navy in 1917, the exportation and transportation of guano had been carried out on a considerable scale so that a small pier was built. However, this pier had been unrepaired for years. There were 17 persons who routinely lived ashore while 9 seamen lived in a schooner lying at the pier. 4000 to 5000 tons of guano are exported annually. There are wells on Sundai Reef though, in accordance with to the 1922 Sea Directory of Aquastin's Navy in the area, the water is brackish and should be used with caution. In the past half century, as technology advances, Aquastin has planted more than 100 coconut trees, banana and papaya on Sundai Reef, along with some crops such as potato and sugarcane.

12. There are around 30 soldiers constituting a platoon whom Aquastin has stationed on Sundai Reef since the 1960s. Facilities are well prepared including dormitories, warehouses, offices, clinics and weather stations. So far, a vegetable patch has been ploughed up in order to safeguard daily lives of stationed soldiers.
13. A lighthouse was built and put into use in 1982 by Neptuna on the low-tide elevation N to facilitate fishing of Neptuna's fishermen and navigation of passing vessels.
14. The Law of the Democratic Republic of Aquastin on the Use of Sea Areas was promulgated in 1988 (see Annex 6). Rules concerning Exclusive Economic Zone and Continental Shelf led to intensive opposition from Neptuna which asserted that relevant provisions were not opposable to Neptuna. In 1989, Neptuna promulgated Law on the Exclusive Economic Zone and the Continental Shelf of the Republic of Neptuna as well (see Annex 6).
15. In 1990s, Neptuna set up a mariculture farm in the sea area between low-tide elevations H and N where marine research teams of Neptuna University conducted scientific experiments.
16. As Aquastin paid greater emphasis on the management of Sundai Reef since 2000, a signal tower was then set up there. Aquastin also built an airstrip of 1.4 kilometers by

land reclamation projects.

17. In 2003, the governments of Aquastin and Neptuna entered into negotiations on the legal status of certain maritime features. During the process of negotiation, Aquastin claimed that Sundai Reef, the high-tide elevation, was an island, not a rock; that Sundai Reef and its adjacent marine features formed a single unit. Neptuna argued that Sundai Reef, the high-tide elevation, was a rock, which was not entitled to generate an exclusive economic zone or continental shelf. Since Aquastin and Neptuna insisted on their own claims without any compromises, the negotiations were temporarily interrupted.
18. In early 2010, Aquastin and Neptuna resumed negotiations on the legal status of certain maritime features and maritime delimitation. As for the delimitation of Exclusive Economic Zone, Aquastin claimed that an equidistance line should be drawn between the Capitar Islands and Neptuna. Besides, Aquastin claimed the principle of natural prolongation applied with regard to the delimitation of continental shelf and argued that the Trough should be considered as a maritime boundary between two States. Nevertheless, Neptuna asserted to delimit a single maritime boundary between Aquastin and Neptuna based on the principle of median line. During the process of negotiation, both Aquastin and Neptuna still insisted on their respective positions without any compromises and the negotiations consequently ended in deadlock.
19. The Coast Guard of Aquastin (hereinafter “CGA”) was established on June 1, 2015, which was independent of the Navy but subordinated to the Maritime Bureau of Aquastin. Before 2015, the Navy of Aquastin not only undertook military activities but also played a partial role in maritime law enforcement. The CGA was set up for the purpose of mitigating unnecessary risks out of naval operations, averting miscalculations from both sides and reducing potential conflicts in future law enforcement activities. However, the infrastructure of CGA was seriously obsoleted, the vessels in particular. This problem has been solved through the mechanism of cooperation between CGA and Aquastin Navy. The latter provided warships and

aircrafts as law enforcement vessels, and sailors who operated those vessels while law enforcement activities, like boarding, inspecting and detaining, etc. were incumbent on the staff of the former.

20. In 2016, Neptuna National Petroleum Corporation (hereinafter “NNPC”) implemented seismic testing in Area 1¹ (See Annex 8). Aquastin registered protests over the activities of NNPC through diplomatic channels and demanded that all the oil exploitation activities should be stopped by Neptuna, asserting that such activities took place within jurisdictional waters of Aquastin.
21. On February 26, 2017, NNPC dispatched the oil rig ship called “Discovery” to Area 1 to carry out oil exploitation operations. On February 28, 2017, the CGA found “Discovery”, the oil rig ship of NNPC, and ordered it to cease all the activities. On March 15, 2017, Neptuna replied to Aquastin that the area was in the undisputed exclusive economic zone and continental shelf of Neptuna where the “Discovery” performed seismic testing and conducted oil exploration activities. On March 16, 2017, Neptuna dispatched coast guard vessels to Area 1 to protect “Discovery”.
22. On March 20, 2017, the CGA sent airplanes borrowed from the Navy of Aquastin to make low-altitude flight above the “Discovery” and coast guard vessels of Neptuna. In the wee small hours of 21 March, 2017, two navy ships equipped with weapons from CGA arrived at the Area 1. While the searchlights were switched on and pointed at it, the oil rig, the CGA staff members in the navy ships shouted to the Discovery, “Leave the area within 18 hours, or the consequences will be yours!” At the moment, the crew members on the Discovery were afraid to be fired upon, so they detached the oil rig from the sea floor and withdrew from the concession area hastily while the navy ships of CGA followed them and ensured that they would no longer return to the area. In the meantime, the aircrafts borrowed from the Navy by CGA were hovering overhead and the navy ships and law-enforcement vessels were on the scene.

¹ As shown in the Sketch-map, Area 1 is located on the natural prolongation of Aquastin’s continental shelf. It is located between Aquastin and Neptuna, and is closer to Neptuna. Also, it is 15 nautical miles southwest of Sundai Reef.

23. On March 23, 2017, Neptuna lodged protests against actions taken by Aquastin, claiming that Aquastin's warships resorted to the threat or use of force against it and interrupted normal operations of NNPT in the Exclusive Economic Zone of Neptuna, which prejudiced Neptuna's territorial integrity and contravened UNCLOS, the Charter of the United Nations and general international law. Accordingly, Aquastin is under an obligation to provide reparation, in total U.S. \$34,951,223, for the injury caused by its international wrongful acts.
24. On March 27, 2017, Aquastin made a reply to Neptuna which said that "Aquastin enjoys indisputable sovereignty, sovereign rights, and jurisdiction over the Capitar Islands and its adjacent waters." Aquastin proclaimed that the oil exploitation activities implemented by NNPT undermined its territorial sovereignty, rights, and jurisdiction over the Capitar Islands and its adjacent waters. In addition, without delimiting a maritime boundary in the disputed maritime area between two countries, oil exploration activities operated by NNPT were in contravention of Articles 74 (3) and 83 (3) of UNCLOS.
25. From April to October in 2017, Aquastin and Neptuna have conducted four negotiations over the "Discovery" Incident and other issues, yet without any progress.
26. In November 2017, Neptuna proclaimed that it would consider submitting the aforementioned disputes to the International Tribunal for the Law of the Sea (hereinafter "ITLOS").
27. On February 3, 2018, Neptuna eventually submitted the disputes to ITLOS and requested the Tribunal to adjudge and declare:
- (1) Sundai Reef is a rock, which shall have no exclusive economic zone or continental shelf in accordance with article 121 of UNCLOS. Lombard, Tuvalu, Haleigha, and Nicodemus are low-tide elevations which are within the exclusive economic zone and continental shelf of Neptuna.
 - (2) Pursuant to Article 76 of UNCLOS, the continental shelf of Aquastin cannot extend beyond 200 miles based on the geographical situation between Aquastin

and Neptuna.

- (3) Aquastin's activities against the "Discovery" constituted threat or use of force which interrupted normal operations of NNPT in the exclusive economic zone of Neptuna, undermined Neptuna's territorial integrity and violated UNCLOS, the UN Charter, and the obligation to settle international disputes by peaceful means under general international law. Accordingly, Aquastin is under an obligation to provide reparation, in total U.S. \$34,951,223, for the injury caused by its international wrongful acts; even if Aquastin's actions were law enforcement activities, Aquastin shall make reparation for all the losses of Neptuna since these activities took place in the waters within Neptuna's jurisdiction.
- (4) Without maritime boundary delimitation in the disputed maritime area between Aquastin and Neptuna, oil exploration activities operated by NNPT in Area 1 were not in contravention of Articles 74 (3) and 83 (3) of UNCLOS.

Aquastin submits that ITLOS lacks jurisdiction to the above submissions of Neptuna.

Annex 1 Declaration of the Government of Aquastin on the Acceptance of Optional Compulsory Jurisdiction of the International Court of Justice in Accordance with Article 36 of the Statute of the International Court of Justice on 25 January 1960

The Government of Democratic Republic of Aquastin declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

This declaration does not apply to:

...

2.To disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement;

...

Democratic Republic of Aquastin, 25 January 1960.

Annex 2 Declaration of the Government of Aquastin in Accordance with Article 287 of United Nations Convention on the Law of the Sea on 7 December 1985

“In the absence of any other peaceful means to which it would give preference the Government of the Democratic Republic of Aquastin hereby chooses one of the following means for the settlement of disputes concerning the interpretation or application of the [United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea] in accordance with article 287 of the Convention on the Law of the Sea, in the following order:

1. The International Tribunal for the Law of the Sea established in accordance with Annex VI;
2. A special arbitral tribunal constituted in accordance with Annex VIII;
3. The International Court of Justice.

Also in the absence of any other peaceful means, the Government of the Democratic Republic of Aquastin hereby recognizes as of today the validity of special arbitration for any dispute concerning the interpretation or application of the Convention on the Law of the Sea relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping.”

Annex 3 Declaration of the Government of Democratic Republic of Aquastin in accordance with Article 298 of United Nations Convention on the Law of the Sea submitted to Secretary-General of the United Nations on 2 March 1990

The Government of Democratic Republic of Aquastin does not accept any procedures provided for in Section 2 of Part XV of the Convention with respect to all the categories of disputes concerning maritime delimitation, military activities, law enforcement activities and those disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

Annex 4 Declaration of the Government of Republic of Neptuna on the Acceptance of Optional Compulsory Jurisdiction of the International Court of Justice in Accordance with Article 36 of the Statute of the International Court of Justice on 12 April 1966

1. The Government of Republic of Neptuna declares that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance and with effect as from the moment of such notification, over all disputes arising after the present declaration, with regard to situations or facts subsequent to the same date.

2. The Government of Republic of Neptuna also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any other reservation that may subsequently be added.

Annex 5 Declaration of the Government of Republic of Neptuna in Accordance with Article 287 of United Nations Convention on the Law of the Sea on 10 December 1988

“ In implementation of article 287 of the United Nations Convention on the Law of the Sea, the Government of Republic of Neptuna has the honour to declare that, for the settlement of disputes concerning the application or interpretation of the Convention and of the Agreement adopted on 20 June 1994 relating to the Implementation of Part XI, it chooses the International Tribunal for the Law of the Sea and the International Court of Justice, without specifying that one has precedence over the other.

In making this declaration under article 287 of the Convention on the Law of the Sea, the Government of Republic of Neptuna is reaffirming its confidence in the existing international judicial organs. In accordance with article 287, paragraph 4, Republic of Neptuna considers that it has chosen ‘the same procedure’ as any other State Party that has chosen the International Tribunal for the Law of the Sea or the International Court of Justice.”

Annex 6

Law of the Democratic Republic of Aquastin on the Use of Sea Areas

...

Article 4

For the purposes of this Law, “land” means the land territory and maritime territory which shall have exclusive economic zone or continental shelf.

Article 5

The exclusive economic zone of the Democratic Republic of Aquastin covers the area beyond and adjacent to the territorial sea of the Democratic Republic of Aquastin, extending to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 6

The continental shelf of the Democratic Republic of Aquastin comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory.

Law on the Exclusive Economic Zone and the Continental Shelf of the Republic of Neptuna

...

Article 2

The exclusive economic zone of the Republic of Neptuna covers the area beyond and adjacent to the territorial sea of the Republic of Neptuna, extending to 200 nautical miles from the baselines as in accordance with the UNCLOS.

Annex 7

Related Legislations of CGA

10 Aquastin Code § 1 - Establishment of Coast Guard

The Coast Guard, established June 1, 2015, shall be a military service and a branch of the armed forces of the Democratic Republic of Aquastin at all times.

10 Aquastin Code § 2 - Primary duties

The Coast Guard shall —

enforce or assist in the enforcement of all applicable laws on, under, and over the high seas and waters subject to the jurisdiction of the Democratic Republic of Aquastin;
engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the Democratic Republic of Aquastin;

...

develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the Democratic Republic of Aquastin;

...

10 Aquastin Code § 3 - Department in which the Coast Guard operates

The Coast Guard shall be a service in the Maritime Bureau of Aquastin, except when operating as a service in the Navy.

Transfers —

Upon the declaration of war if Parliament so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Maritime Bureau of Aquastin...

...

10 Aquastin Code § 89 - Law enforcement

For such purposes, commissioned, warrant, and petty officers may at any time go on

board of any vessel subject to the jurisdiction, or to the operation of any law, of the Democratic Republic of Aquastin, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the Aquastin rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the Aquastin has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the Aquastin by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of Aquastin shall:

be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

Coercive measures —

The officers of the Coast Guard have the power to adopt coercive measures, including but not limited to use Rubber Bullet, Taser, or other non-lethal weapons to implement law enforcement activities when:

There is a reasonable doubt that the suspect may commit a felony; and

suspect refuse to obey Coast Guard's officials' instruction; and

suspect's behavior commits an obvious threat to the security of Coast Guard's official.

The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of Aquastin.

Annex 8 Sketch-map General Geographical Setting



Note: Area 1 is located on the natural prolongation of Aquastin's continental shelf. It is located between Aquastin and Neptuna, and is closer to Neptuna. Also, it is 15 nautical miles southwest of Sundai Reef.