

2026 CHINA INTERNATIONAL LAW OF THE SEA MOOT COURT COMPETITION

Case Concerning Seabed Activities in the Davis Rise
(The Republic of Santa Monica v. The Combined States of Vespucia)

1. The Combined States of Vespucia (hereinafter “Combined States” or “CSV”) is one of the leading global powers, exerting decisive influence over international politics, economics, security, and technological innovation. The Combined States is located in the northern part of the Vespucian continent and has a long coastline along the Great Western Ocean. The Combined States has only two maritime neighboring countries: Saint Lawrence to the north, and Anahuac to the south. The Combined States is not a party to the 1982 United Nations Convention on the Law of the Sea (“UNCLOS” or “the Convention”).

2. The Republic of Santa Monica, by contrast, is a small country with limited economic capacity and minimal geopolitical influence. It maintains a relatively modest international profile and rarely plays a decisive role in shaping global political, economic, or technological agendas. Santa Monica is a landlocked country located in the southern part of the Vespucian continent. Santa Monica is a party to UNCLOS.

3. Although the Combined States has neither signed nor acceded to UNCLOS, in late November 1982 the then President of the CSV, Ronald Dixon, noted that the UNCLOS negotiations had been a resounding success and that, with the exception of Part XI, the Convention was consistent with the interests of the CSV. Following the adoption of UNCLOS on 10 December 1982, all subsequent governments of the CSV reiterated the country’s broad support for UNCLOS as reflecting customary international law, with the exception of Part XI.

4. With regard to the implementing agreements of UNCLOS – namely the 1994 Agreement Relating to the Implementation of Part XI of UNCLOS, the 1995 Agreement for the Implementation of the Provisions of UNCLOS of 10 December 1982 relating to

the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (“Fish Stocks Agreement”), and the 2023 Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (“BBNJ Agreement”) – the Combined States signed all three instruments but ratified only the 1995 Fish Stocks Agreement.

5. In 2002, the Combined States launched the CSV Extended Continental Shelf Project, aimed at delineating its continental shelf in areas beyond 200 nautical miles in accordance with the rules set forth in Article 76, paragraphs 1–7, of UNCLOS, arguing that these provisions form part of customary international law.

6. On 6 December 2023, the government of the Combined States announced the geographic coordinates defining the outer limits of its continental shelf beyond 200 nautical miles. Since the CSV is not a party to UNCLOS, it did not submit the outer limits of its continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf. The CSV’s announcement included a 98-page Executive Summary, detailed maps, and digital data identifying the outer-limit points and lines. Nearly half of the 2023 Executive Summary consists of a list of 879 geographic coordinates of fixed points defining the outer limits of the continental shelf.

7. In March 2024, the newly elected President of the Combined States, Daniel J. Trumbell, delivered a speech before the Congress of the CSV, in which he stated that the Combined States has a core national security and economic interest in maintaining leadership in deep-sea science and technology. Moreover, President Trumbell emphasized that vast offshore seabed areas hold critical mineral and energy resources essential to strengthening the country’s economy, securing reliable supplies of critical minerals, and reducing foreign dependence.

8. Six months later, on 2 September 2024, President Trumbell issued Executive Order No. 115, directing the National Oceanic Agency (NOA) “to expedite the process of reviewing and issuing seabed mineral exploration licenses and commercial recovery permits in areas within and beyond national jurisdiction”. According to Executive Order

No. 115, mineral resources located in areas beyond national jurisdiction constitute *res nullius* and are therefore subject to the freedom of the high seas.

9. On 20 December 2024, following Executive Order No. 115, the Seabed Minerals Company (SMC) – headquartered in Franklin, the capital city of the CSV – announced that it had formally initiated a process with NOA to obtain exploration and exploitation licenses for seabed mining in the Davis Rise, a major seamount located approximately 1,000 kilometers (around 540 nautical miles) off the northern coast of the CSV. The Davis Rise lies in an area beyond national jurisdiction, as described in the 2023 Executive Summary.

10. Covering an area of roughly 100,000 square kilometers, the Davis Rise is an aseismic elevation that rises from depths of about 5,500 meters to as shallow as 180 meters below sea level. NOA described the Davis Rise as one of the most promising seabed areas in the world for mining, due to the presence of cobalt-rich ferromanganese crusts, notable for their high concentration of rare-earth elements.

11. On 5 July 2025, after SMC had obtained the required environmental impact assessment from the relevant domestic authorities, NOA issued seabed mining exploration and commercial recovery permits for activities within the Davis Rise to SMC. In its statement, NOA further declared that “the freedom to mine the deep seabed is a freedom of the high seas enjoyed by all States, whether parties or non-parties to UNCLOS”. On the following day, SMC announced that its first activities in the Davis Rise would be launched in the second half of 2026.

12. On 9 July 2025, in response to NOA’s statement and SMC’s announcement, the International Seabed Authority (“Authority”), with the support of its Council and a majority of its member States, issued a formal statement stating that:

The Authority remains the sole organization through which States Parties shall, in accordance with Part XI of the United Nations Convention on the Law of the Sea and the 1994 Agreement, organize and control activities in the Area, particularly in administering its resources.

The Area and its resources are proclaimed the Common Heritage of Humankind under UNCLOS, which serves as the Constitution for the Oceans. All exploration and exploitation activities in the Area must be carried out under the Authority's control. This remains the only universally recognized legitimate framework.

13. Despite the reaction of the Authority and widespread international condemnation – including from allied countries – the government of the Combined States, together with NOA and SMC, resolved to proceed with their plans to explore and exploit the mineral resources of the Davis Rise.

14. Nonetheless, on 2 March 2026, NOA issued and publicized a new Executive Summary concerning the outer limits of the Combined States' continental shelf beyond 200 nautical miles, accompanied by maps, digital data, and a list of geographical coordinates of the fixed points defining the outer limits of the continental shelf. According to this new Executive Summary, “after detailed and in-depth analysis based on recently collected seismic data from the Davis Rise, new scientific information provides conclusive evidence that the Davis Rise forms part of the same continental crust that constitutes the continental margin of the Combined States”.

15. Following the release of the new Executive Summary, President Trumbell posted on his social media account that “the Davis Rise is no longer an international area (whatever that means); recent studies have proved that this geological feature forms part of the continental shelf of the Combined States. It is part of our land, and we are going to mine there soon!”. Both President Trumbell and NOA remained silent regarding the payments and contributions provided for under Article 82 of UNCLOS.

16. On 10 March 2026, the Ministry of Foreign Affairs of Santa Monica sent a diplomatic note of protest to its counterpart in the Combined States – the State Department – asserting that “there is nothing in customary international law that renders the outer limits of the extended continental shelf of a non-State party final and binding status in the same sense as Article 76, paragraph 8, of UNCLOS, for State parties to the

Convention”. Furthermore, Santa Monica asserted that “the principle of the common heritage of humankind, as applied to the Area, is a cornerstone of general international law and a fundamental pillar of ocean governance, widely upheld by the international community”. No comment was issued by President Trumbell or the State Department in response to Santa Monica’s diplomatic note.

17. A week later, the Ministry of Foreign Affairs of Santa Monica renewed its efforts and delivered a further note of protest to the competent authorities of the Combined States expressing its grave concerns regarding unauthorized seabed activities in the Davis Rise and raising the possibility of submitting the dispute to an international tribunal. This time, the State Department of the CSV replied to Santa Monica’s note, asserting, in summary, that: first, the Combined States has indisputable sovereign rights over the Davis Rise under customary international law as reflected in relevant provisions of UNCLOS; and second, any attempt by Santa Monica to resort to an international court or tribunal for the settlement of this dispute is manifestly inconsistent with international law, given that neither the Authority nor Santa Monica has the legal standing to institute proceedings “on behalf of humankind” in respect of this matter.

18. On 30 March 2026, Santa Monica, taking the view that all avenues for cooperation and dialogue with the Combined States had been exhausted, initiated proceedings against the Combined States before the International Tribunal for the Law of the Sea (“ITLOS” or “the Tribunal”). In its Application, Santa Monica contends that the principle of the common heritage of humankind reflects obligations owed to the international community as a whole, and that the Tribunal has jurisdiction pursuant to Article 31 of the Vespuccian Treaty on Pacific Settlement, signed on 30 April 1996, to which both Santa Monica and the Combined States are parties.

19. Santa Monica respectfully requests the ITLOS to adjudge and declare that:

First, as a State Party to UNCLOS, Santa Monica has a legal interest in the protection of the rights and obligations enshrined therein, in particular those governing the protection of the global commons and the regime of the Area, and is accordingly

entitled to invoke the international responsibility of the Combined States in respect of breaches of the Convention;

Second, the Combined States has failed to comply with the principle of the common heritage of humankind, as reflected in Article 136 of UNCLOS, the Preamble of the Implementation Agreement relating to Part XI of UNCLOS, and Article 7 of the BBNJ Agreement, which forms part of customary international law;

Third, the Combined States is not entitled to establish the outer limits of an extended continental shelf beyond 200 nautical miles pursuant to Article 76, paragraphs 1–7, of UNCLOS. Any such limits unilaterally established by the Combined States shall not be final, binding, or opposable to other States Parties to UNCLOS or third States;

Fourth, the Combined States shall immediately revoke all existing exploration and exploitation licenses issued for mining activities in the Davis Rise, located beyond 200 nautical miles from its coast, and shall refrain from granting any new licenses for such mining activities in the said area, as such activities are not conducted in accordance with the framework established by UNCLOS and fail to conform to the international regulatory regime governing the Area.

20. The Combined States respectfully requests the ITLOS to adjudge and declare that:

First, Santa Monica lacks *locus standi* and the Tribunal has no jurisdiction over the present dispute;

Second, none of the submissions made by Santa Monica is admissible; or in the alternative,

Third, each of the submissions advanced by Santa Monica shall be rejected.

ANNEX 1: RELEVANT TREATIES AND CONVENTIONS

Santa Monica is a party to the following treaties and conventions:

- 1958 Convention on the Territorial Sea and the Contiguous Zone
- 1958 Convention on the High Seas
- 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas
- 1958 Convention on the Continental Shelf
- 1969 Vienna Convention on the Law of Treaties (VCLT)
- 1982 United Nations Convention on the Law of the Sea (UNCLOS)
- 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982
- 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement)
- 2023 Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement)

The Combined States of Vespuicia is a party to the following treaties and conventions:

- 1958 Convention on the Territorial Sea and the Contiguous Zone
- 1958 Convention on the High Seas
- 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas
- 1958 Convention on the Continental Shelf
- 1969 Vienna Convention on the Law of Treaties (VCLT)
- 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement)

ANNEX 2: ARTICLE 31 OF THE VESPUCIAN TREATY ON PACIFIC SETTLEMENT

Article 31

1. The High Contracting Parties declare that they recognize, in relation to any other Vespuccian State, as compulsory *ipso facto* and without the necessity of any special agreement, so long as the present Treaty remains in force, the jurisdiction of the International Court of Justice or the International Tribunal for the Law of the Sea in all disputes of a juridical nature that may arise among them concerning:

- a) The interpretation of a treaty;
- b) Any question of international law;
- c) The existence of any fact which, if established, would constitute the breach of an international obligation;
- d) The nature or extent of the reparation to be made for the breach of an international obligation.

2. Disputes submitted to the International Tribunal for the Law of the Sea shall be limited to those concerning the interpretation or application of the United Nations Convention on the Law of the Sea, its implementing agreements, or other rules of international law relating to the law of the sea.