



GOVERNMENT LAW COLLEGE, MUMBAI

Students for Promotion of International Law (SPIL),

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JUDGMENT DELIBERATION COMPETITION, 2020

MODULE

CASE CONCERNING THE HUNTING OF WHALES IN THE REGION OF CENTAURUS

1. The region of Centaurus, situated in the Southern Hemisphere, comprises of The Republic of Asgard (hereinafter referred as '*Asgard*'), The Kingdom of Riverdale, (hereinafter referred as '*Riverdale*'), The United Nations of Winterfell (hereinafter referred as '*Winterfell*') and The Atlantis Republic (hereinafter referred as '*Atlantis*'). All the countries in the Centaurus region are island countries, abundant with natural resources. Over the years, Asgard has emerged to be the financial hub of the Centaurus region attracting investments from across the globe, while the other countries in the region shelter a majority of indigenous population with vast ethnic diversity.
2. With a view to keep peace and harmony and to foster mutual growth and development, the countries of the Centaurus region had entered into a treaty in 1957, known as the '**Centaurus Pact**'. Few of the important provisions of the Centaurus Pact are:
 - Article 1: All contracting parties acknowledge the sovereignty and territorial integrity of the contracting parties.
 - Article 4: All contracting parties shall abide by the rules of international law governing conduct in seas.
 - Article 6: All contracting parties shall secure to everyone within their jurisdiction core civil, political rights and basic human rights.
 - Article 8: All contracting parties shall strive to uphold mechanisms to ensure free and fair regional trade and commerce.

- Article 9: All contracting parties shall refrain from the threat of or use of force against the territorial integrity or political independence of the contracting parties.
 - Article 11: Any dispute between the contracting parties arising out any provision of the Centaurus Pact shall be submitted to the International Court of Justice for resolution.
3. In the last decade, aided by their free market system and lenient tax provisions, Asgard has developed a strong flourishing economy. As of today, Asgard houses some of the finest universities, hospitals and companies not just in the Centaurus region, but in the world. This has also made Asgard the most densely populated country in the Centaurus region. On the contrary, the rest of the countries in the Centaurus region are predominantly inhabited by their native population who are majorly involved in indigenous industries like hunting, farming, fishing etc. The economy of these countries heavily relies upon tourism and exports to Asgard. A significant contribution to the Centaurus region's economy comes from tourists visiting the region to explore the expansive and scenic wilderness. Whale meat, cooked in traditional forms, is a delicacy that draws tourists from around the world.
4. Atlantis's population has primarily been engaged in hunting of different aquatic species, but whales in particular, for its bone, meat, oil, and blubber in parts of the Pacific Ocean and the Atlantic Ocean. Traditionally, whale hunting in Atlantis has been carried out sustainably - on a small scale and with traditional tools such as harpoons. Currently, whale meat and oil is regularly consumed by about 80 percent of Atlantis's

population. Riverdale and Winterfell are also primarily involved in whale hunting activities. However, owing to the sparse population of these countries, whale hunting is carried out on a much smaller scale in comparison to Atlantis.

5. In recent years, whale hunting has considerably increased in Atlantis with the growing popularity of whale meat amongst tourists. This has resulted in hunting being carried out with the use of advanced machinery, leading to an increase by over 100 percent in whale hunting as opposed to hunting with the use of traditional means alone. Various countries across the globe have found the whale hunting program of Atlantis controversial and have raised their concerns over its sustainability and the long term effects. In the Centaurus region itself, there have been dialogues amongst the countries *inter se* in relation to the increased whale hunting activities in the recent times, keeping in mind its effect on the Centaurus region, especially on Riverdale and Winterfell. However, Atlantis has been firm on its stance that the whale hunting carried out in Atlantis is within sustainable limits.
6. Atlantis's failure to pay heed to the global apprehensions and its continued whale hunting activities has led to a drastic depletion of the whale population in the Centaurus region. In a recent study conducted by Asgard, it was reported that the population of blue whale and grey whale has reduced by over 35 percent in the last five years. Pertinently, the International Union for Conservation of Nature, a global authority on the status of natural world, also observed a significant decrease in the whale population in the Centaurus region.

7. Atlantis's whale hunting activities has in turn had a significant adverse impact on Riverdale and Winterfell, which heavily rely upon whale hunting to keep their economy going. Asgard, on the other hand, has not been directly affected by it.
8. As Atlantis continued in its expansive whale hunting program and refused to enter into any further dialogue, Asgard approached the International Court of Justice under the Centaurus Pact. Asgard, *inter alia*, submitted before the Court that the whale hunting program of Atlantis is in contravention to the Article 4 of Centaurus Pact as well as the established principles of International Law relating to hunting of whales. Atlantis, on the other hand, contested the admissibility of the claims of Asgard owing to it not being directly affected by the whale hunting program. Atlantis further argued that they are not in contravention of any of the provisions of the Centaurus Treaty as the Treaty does not govern the laws relating to hunting of sea animals. Atlantis lastly submitted that the whale hunting in Atlantis is primarily for indigenous purposes and thus does not violate general principles of International Law, if any, in this regard.
9. The International Court of Justice is confronted with the following issues:
- i. Whether the Court has jurisdiction to adjudicate the present case and if so, whether the present dispute is admissible?
 - ii. Whether the Centaurus Pact regulates the laws governing whale hunting?
 - iii. Whether Atlantis's whale hunting program violates the Centaurus Pact?

All the countries of the Centaurus region are members of United Nations. They are not parties to any instrument of relevance to the case at hand.

