

International Court of Justice – Research Report II

Maritime Delimitation in the Black Sea (Romania v. Ukraine)

GROUP B – Romania (Prosecution)

GROUP A – Ukraine (Defendants)

All members of the court should be aware that the starting date of the mock court is the September 16, 2004,, consequently any material or evidence brought to the court that is subsequent to the starting date must be pre-approved by the presidency to account as presentable, otherwise will be dismissed. All applicable events and timeline of the court case are up to the presidency's judgement.

Introduction to the topic:

In 2004, Romania initiated the Maritime Delimitation in the Black Sea dispute by bringing a case against Ukraine before the International Court of Justice (ICJ). The focus of the dispute is the Black Sea's maritime borders and resource rights, specifically with regards to the Serpent's Island, a strategically significant landmass. The lawsuit centres on the division of exclusive economic zones (EEZs) and continental shelf between the two nations.



Figure 1.1 - Exclusive Economic Zones in the Black Sea (Grant, M. (2019, April). Bulgaria: sea-level change and submerged village settlements on the Black Sea. Retrieved from: https://www.researchgate.net/figure/General-map-of-the-Black-Sea-showing-distribution-of-underwater-sites-simplified_fig1_332495592)

Under political pressure during the post-World War II rebuilding of Eastern Europe, Romania gave over Serpent's Island, the primary point of dispute, to the Soviet Union in 1948. Negotiations over the maritime border became even more difficult after Ukraine seized the island in the aftermath of the dismantlement of the Soviet Union in 1991. Ukraine argues that

the strategic significance of the island supports its claims, while Romania bases its maritime boundary claims on its need to acquire possible hydrocarbon resources in the disputed region.



Figure 1.2 – Snake island | battle for the black sea.
(Johny, S. (2022, July 2). Snake Island | Battle for the Black Sea. Retrieved from:
<https://www.thehindu.com/news/international/snake-island-battle-for-the-black-sea/article65590899.ece>



Figure 1.3 – the Map of the Black Sea Region. (Görçün, O. (2020, July). ResearchGate.
https://www.researchgate.net/figure/The-Map-of-the-Black-Sea-Region_fig1_342608742

Background information:

As part of larger post-war territorial adjustments imposed by Soviet domination in Eastern Europe, Romania gave up Serpent's Island to the Soviet Union in 1948. Following the fall of the Soviet Union, the island subsequently joined Ukraine. After failed negotiations with Ukraine, Romania took the case to the International Court of Justice (ICJ), in 2004, due to ongoing disagreements over the definition of maritime boundaries.

This conflict serves as an example of more general issues facing the Black Sea region, such as rivalry for resources and disputes over post-Soviet borders. Ukraine highlights the island's strategic and historical importance, while Romania focuses on fair access to maritime areas and hydrocarbon potential.

It is crucial to settle such issues in accordance with international law because of the Black Sea's geopolitical importance and economic potential, especially with regards to oil and gas deposits.

Focus of the debate:

To address this case, advocates in the discussion should concentrate on several related topics. Given that the region is still unstable due to territorial disputes and military actions, attempts to resolve conflicts and hold peace negotiations should be prioritised. Dealing with tensions and clearing the road for long-term solutions are necessary. Since the Black Sea is an essential centre for international trade, especially for agricultural exports like grain, the effects on the world economy should also be pondered when drafting potential solutions. To reduce the impact on food security and international markets, advocates should discuss how blockades, naval conflicts, and sanctions have disrupted global supply chains and offer solutions including other transportation routes and increased use of Romanian ports.

Parties involved:

Romania: According to Romania, the island's size does not justify significant marine rights. It makes the case for a boundary line that would allow it to access the disputed territories' hydrocarbon resources.

Ukraine: argues that Serpent's Island's claims over the disputing maritime zones are justified by its historical background and strategic location. Ukraine highlights how the island's access to its EEZ protects its territorial integrity and guarantees the security of its resources.

Russia: Preserving influence and control over area marine activity is vital to Russia's interests as a dominant power in the Black Sea region. It keeps a careful eye on conflicts like this one to see how they affect its own resource access and territorial goals.

Turkey: Turkey is indirectly affected by maritime delimitation issues because of its command of the Bosphorus Strait and its naval presence in the Black Sea. Trade routes and geopolitical strategies are impacted by regional stability.

Moldova: Despite not being directly involved in the maritime conflict, Moldova has a stake in maintaining regional peace because to its close proximity and historical links to Romania.

The European Union and NATO: two global organisations with a role in preserving peace and upholding international law in the Black Sea region, are also crucial to Romania and Ukraine.

Past UN actions and Possible Solutions:

Under the United Nations Convention on the Law of the Sea (UNCLOS), in particular, the UN has continuously emphasised the peaceful settlement of maritime conflicts through international law and diplomacy. Previous acts consist of:

- Encouraging respect for UNCLOS to guarantee fair maritime boundary delineation.
- promoting arbitration and negotiations in territory issues.

The following are some possible solutions in this case:

- Creating a cooperative resource management area to distribute hydrocarbon resources fairly.
- Creating a framework for the Black Sea's sustainable resource extraction and environmental preservation.
- Promoting communication between Ukraine and Romania in order to get to an a mutually beneficial solution.

Glossary and Key Terms:

Exclusive economic zone (EEZ): An exclusive economic zone (EEZ) is a section of the ocean over which a state has specific authority to explore and use the marine resources.

Serpent's Island: Serpent's Island is a small island in the Black Sea that is at the reason for the conflict over maritime boundaries.

UNCLOS: The United Nations Convention on the Law of the Sea, or UNCLOS, is a convention that establishes rules for maritime operations.

Rocky outcrop: Visible exposures of bedrock or other geologic formations at the surface of the Earth.

Continental shelf: The large region around each continent that is covered by shallow waters and where governments are free to take advantage of resources.

Hydrocarbon resources: Natural resources located beneath geological formations, such as oil and gas, are referred to as hydrocarbon resources.

Geopolitical importance: The region's significance in relation to global politics, the economy, and security.

Arbitration: A process for resolving disputes in which a neutral third party makes a judgment based on the arguments and supporting documentation put forward by the parties.

NATO (North Atlantic Treaty Organisation): The North Atlantic Treaty Organization, or NATO, is a military and political association of nations dedicated to collective defence and member state security.

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