



American Model United Nations

International Court of Justice

**The International Court of Justice
of the
American Model United Nations**

DECIDED: November 20, 2007

Spain v. Canada-Fisheries Jurisdiction Case

Present: President Gender, Justice Champagne, Justice Forsberg, Justice Vatan, Justice Vajpeyi, Justice O'Brien, Justice Chatel, Justice Bauer-Nilsen, Justice Stinyard, Justice Campbell

This court finds in favor of Spain deeming that the boarding of the Estai, the arrest and holding of the crew, and any other punitive measures levied by Canada against the Spanish vessel were illegal for the following reasons.

Canada has no substantive evidence that the Estai committed any violation of Canada's sovereign exclusive economic zone.

Our arguments rely on the international law set forth in the *United Nations Convention on the Law of the Sea, Article 21, Paragraph 1* which states:

"In any high seas area covered by a sub-regional or regional fisheries management organization or arrangement, a State Party, which is a member of such organization or a participant in such arrangement may, through its duly authorized inspectors, board and inspect, in accordance with paragraph 2, fishing vessels flying the flag of another State Party to this agreement..."

as well as the *Geneva Convention on the High Seas, Article 2* which states:

"The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under

the condition laid down by these articles and by the other rules of international law...” this Court asserts that Canada has the authority to enforce fisheries conservation regulations within its sovereign exclusive economic zone or other waters governed by international fisheries conventions to which it is a party.”

The waters in which the Estai were observed and boarded in were not covered by or part of the jurisdiction of any regional, sub-regional, or domestic fisheries statute jurisdiction.

While this Court recognizes the possibility of illegal of fishing violations, this is not the issue at contention and is a matter that should be addressed in a separate case.

President Gender

Justice Forsberg

Justice Chatel

Jusice Vatan

Justice Vajpeyi

Justice Champagne

Justice Bauer-Nilsen

Justice O’Brien

Justice Campbell

Justice Stinyard