

AMITY LAW SCHOOL, DELHI

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13<sup>TH</sup> AMITY MOOT COURT COMPETITION, 2014

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

BETWEEN THE KINGDOM OF VALYRIA (THE APPLICANT) AND THE  
CONFEDERATION OF DOTHRAKI (THE RESPONDENT) TO SUBMIT TO THE  
INTERNATIONAL COURT OF JUSTICE THE DIFFERENCES BETWEEN THE STATES  
CONCERNING THE VS CERCATROVA AND OTHER MATTERS

Jointly notified to the Court on 1 August, 2013

COMPROMIS

ENTRE LA REPUBLIQUE DE VALYRIA (DEMANDEUR) ET LA CONFEDERATION DE  
DOTHRAKI (DÉFENDEUR) VISANT À SOUMETTRE À LA COUR INTERNATIONALE  
DE JUSTICE LES DIFFÉRENDS QUI OPPOSENT LES DEUX ÉTATS EN CE QUI  
CONCERNE LA VS CERCATROVA ET AUTRE QUESTIONS

Notifié conjointement à la Cour le 1 Août 2013

JOINT NOTIFICATION  
ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 1 August 2013

On behalf of the Kingdom of Valyria ("the Applicant") and the Confederation of Dothraki ("the Respondent"), in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honor to transmit to you an original of the Compromis for submission to the International Court of Justice of the Differences between the Applicant and the Respondent concerning the VS Cercatrova, signed in The Hague, The Netherlands, on the first day of August in the year two thousand thirteen.

Tyrion Lannister

Ambassador of the Kingdom of Valyria  
to the Kingdom of The Netherlands

Daenerys Targaryen

Ambassador of the Confederation of Dothraki  
to the Kingdom of The Netherlands

COMPROMIS SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE  
BY  
THE KINGDOM OF VALYRIA  
AND  
THE CONFEDERATION OF DOTHRAKI  
ON THE DIFFERENCES BETWEEN THEM CONCERNING THE VS CERCATROVA  
AND OTHER MATTERS

The Kingdom of Valyria and the Confederation of Dothraki,

Considering that differences have arisen between them concerning the VS Cercatrova and other matters;

Recognizing that the Parties concerned have been unable to settle these differences by negotiation;

Desiring further to define the issues to be submitted to the International Court of Justice (hereinafter referred to as “the Court”) for settling this dispute;

In furtherance thereof the Parties have concluded the following Compromis:

Article 1

The Parties submit the questions contained in the Compromis (together with Corrections and Clarifications to follow) to the Court pursuant to Article 40(1) of the Statute of the Court. The parties reserve the right to raise additional questions in their written submission to the Court.

Article 2

It is agreed by the Parties that the Kingdom of Valyria shall act as Applicant and the Confederation of Dothraki as Respondent, but such agreement is without prejudice to any question of the burden of proof.

#### Article 3

(a) The Court is requested to decide the Case on the basis of the rules and principles of international law, including any applicable treaties as also the rules of equity.

(b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

#### Article 4

Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the 13<sup>th</sup> Amity Moot Court Competition, 2014.

#### Article 5

The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

In witness whereof, the undersigned, being duly authorized, have signed the present Compromis and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this first day of August in the year two thousand thirteen, in triplicate in the English language.

Tyrion Lannister

Ambassador of the Kingdom of Valyria  
to the Kingdom of The Netherlands

Daenerys Targaryen

Ambassador of the Confederation of Dothraki  
to the Kingdom of The Netherlands

1. The Kingdom of Valyria (hereinafter called Valyria) is a densely populated peninsula located south of the continent of Westeros. Valyria is bound by the Ionian sea, the Aegean sea and the Arabian sea on its eastern, western and southern borders respectively. The Valyrian Coastline extends to about 1700 Kms. on its East, 1500 Kms on its West and 400 Kms on the South. The language of the people of Valyria is High Valyrian. Valyria is an economic and military super power – last year its GDP accounted for about 7% of the world's total GDP. Valyria's economy is industry based in spite of the availability of vast extents of cultivable land. Valyrian industries are mainly powered by non-conventional energy sources for it lacks substantial deposits of oil within its territory. Valyria however continues to invest in oil and mineral exploration within its exclusive economic zone and adjacent high seas in order to reduce the oil imports to meet civilian demands for carbon fuel. The Valyria Royal Marine Exploration Company (hereinafter VARMECO), a company wholly owned by the Crown is solely responsible for marine exploration to locate off shore oil wells and other mineral deposits.
2. The Confederation of Dothraki (hereinafter called Dothraki) is a small island nation located about 150 nautical miles off the western shore line of Valyria. The Dothraki coastline extends to about 124 Kms. on its East, 130 on its West, 45 Kms. on its North and 170 Kms. on its South. The Dothraki economy is predominantly agrarian. The people are mostly farmers or fishermen and very few cities are industrialised. The people spoke the language Dothrakiya. Dothraki however has a thriving tourism industry which brings in valuable foreign exchange into the country. The Dothraki beaches are lined with coral reefs which are estimated to be about 45% of the total coral reefs in the world. These coral reefs host a rich and diverse ecosystem. One particular species of Cnidaria believed to be extinct until recently was discovered here in 1991. There are also several species of rare tunicates which flourish here that are not found anywhere else in the world. The

Grand Coral Reef which is found off the shoreline of the city of Qohor has religious significance to a section of the Dothraki people who believe that the Reef was the birth place of mythical sea creatures. The Government of Dothraki takes the preservation of these coral reefs very seriously. The Grand Coral Reef and a few other Reefs were declared as 'Biosphere Reserves' by the International Coordinating Council in accordance with Article 5 of the Statutory Framework of the World Network of Biosphere Reserves in the year 2000.

3. The Confederation of Dothraki was a part of the Kingdom of Valyria until the year 1948. In 1948, after a war of Independence called the 'War of the Roses', the then King of Valyria Robert Baratheon issued the proclamation of Independence. The maritime boundaries between Dothraki and Valyria have not been decided by any mutual agreement and there have been no disputes thus far. Fishermen from both nations have regularly fished in the waters between the two nations.
4. The VS Cercatrova is a Valyrian research ship commissioned into the Valyrian Navy in the year 1998. The VS Cercatrova was built as a SWATH (Small Waterplane Area Twin Hull) ship and is the largest research ship ever built. The VS Cercatrova is a multi-purpose research vessel capable of Oceanographic Research, Hydrographic Survey and Oil Exploration. The VS Cercatrova has dual engines – one Intelligent Diesel Engine (which are camshaftless engines patented by a Valyrian company named Brain Trust Inc.) and one engine powered by a Nuclear Reactor. The Nuclear Reactor is called 'Safe Haven-200' and is a revolutionary pressurised light water reactor capable of producing up to 200 MW of power. The ingenious design of the reactor is such that it is half the size of other similar reactors (the Brain Trust Inc. also holds the patent for the Safe Haven-200). The Reactor follows international safety standards and is ensconced by a concrete chamber and a steel chamber separated by water. The reactor has 90 sensors

monitoring its ambient radiation and its chain reaction can be stopped in 0.5 seconds by inserting safety rods.

5. In June 2012, the Managing Director of VARMECO was informed by his Exploration Department that there are several rich oil wells approximately 40 nautical miles off the coast of Qohor within a 20 sq.km. surface area on the seabed. The local sailors of Qohor informally called this area the 'decagon of despondency' because of the large number of ships that have sunk there. VARMECO planned a large scale research operation codenamed 'Archimède' in the area and accordingly sought permission from the King of Valyria. The King of Valyria granted them permission and also allowed VARMECO the use of the VS Cercatrova for this operation. The King appointed Rear Admiral Lord Eddard Stark to the command of the VS Cercatrova for the mission and also granted the ship a naval platoon to ensure its safety.
6. The VS Cercatrova set sail from Port Troy in Valyria at 06:00 hours on 15<sup>th</sup> August 2012. It arrived at the exploration site three days later at about 20:00 hours. The scientist set about configuring the vessel's exploration equipments. The ship's logs noted the date of commencement of the exploration as August 19, 2012 at 09:00 hours. The exploration continued for 11 days successfully when data received from the submersibles showed that the oil deposits were richer some 10 nautical miles further towards the shores of Qohor. Accordingly, the VS Cercatrova navigated the said distance and anchored there to conduct further research. The VS Cercatrova is a Catamaran with a large loading dock protected by a visor at the underside of the ship between its two hulls. This loading dock is used to deploy submersibles used in deep sea exploration.
7. On the morning of 2<sup>nd</sup> October, 2012 at about 04:00 hours, the sailors on patrol on board the VS Cercatrova found a small boat approaching the ship discretely. On



board were seven men who appeared armed with rifles. Lt. Walder Frey, the senior-most amongst the patrol men issued a warning through a loudspeaker to the oncoming boat to halt. He saw that one man on the boat was lying down as if he was hurt and the others appeared agitated. He was unsure as to what he should do. He contacted the senior most officer on the bridge but got no response. Lt. Frey fired a warning shot which caused the occupants of the boat to panic and point their rifles at the VS Cercatrova. Lt. Walder Frey and the other patrol men opened fire at about 04:09 hours killing all the occupants of the boat. Unknown to the sailors, the boat carried explosives under cover of a plastic sheet. The sailors' gun fire caused these explosives to explode, momentarily destabilising the ship. The ship's first officer when informed of the incident immediately ordered the ship to turn around and set on course back to Port Troy. The first officer did not consult the Rear Admiral as he believed the situation needed immediate action. All the submersibles away from the ship were recalled.

8. At about 06:00 hours, the officers on the bridge of the VS Cercatrova heard a loud metallic clang followed by several similar noises. On inspection, it was found that visors between the hull had malfunctioned causing an incoming submersible to collide with them. At about 06:20 hours, both the visor doors completely broke off the ship's underside and the loading dock began to flood. The ship immediately began taking a starboard list as water flooded one compartment after the other. The RAdm. Lord Stark arrived at the bridge at about 06:30 hours and ordered a port side turn to compensate. This was of no real effect so he ordered Ballast water to be pumped into the port side cabins to stabilise the list. The officers had not noticed that as a result of the explosion of the boat earlier, there was extensive damage to the strut of the port side hull which did not show on their instrument panels. The pumping of ballast water into the port side cabins caused the ship to immediately pitch-pole. The leeward bow began rapidly sinking as the boat began to trip forward. The flooding had also caused several fires to break out. The

engines were immediately shut off and the ship was brought to a halt some 34 nautical miles off the coast of Qohor. The officers on board the ship estimated that the ship will sink within 30-35 days unless salvaged.

9. The RAdm. Lord Stark declared mayday over the radio at 08:00 hours and contacted the harbour at Qohor to request immediate tow and rescue. The harbour at Qohor was a small one, mainly used by the small tourist boats and did not have salvors of the required skill. They however dispatched Coast Guard vessels to aid in rescue of persons. The Rear Admiral also contacted the nearest Maritime Rescue Co-ordination Centre setup under the Convention on Maritime Search and Rescue. The MRCC sent all available rescue boats and helicopters.
10. VARMECO meanwhile contacted a private salvage company called Loss Offsetters Ltd. (hereinafter 'LOL') to salvage the rapidly sinking ship. Due to the urgency of the situation, no formal contract was entered into between LOL and VARMECO. The boats of LOL arrived at the scene at about 23:45 hours on 2<sup>nd</sup> October and began efforts to recover the ship. In order to protect the environment of the coast and the reefs from the ship's fuel, the salvors began efforts to pump out the fuel. The ship had approximately 2000 tonnes of heavy fuel oil in 10 tanks. The salvors used a method called 'hot tapping' whereby two valves are affixed on the fuel tank – one on the top and one on the bottom. Hoses are attached to the valves and the oil is heated to make it less viscous. The fuel is then sucked out from the bottom while simultaneously sea water is pumped in from the top so as to not affect the ship's balance. The salvors estimated that the process will take about 5 days to be completed. Meanwhile the salvors began constructing containment booms which they expected to complete in 10 days.
11. Meanwhile, the rescue operations were on in the decks of the ship. By the morning of 4<sup>th</sup> October, all the 787 people on board the VS Cercatrova were

successfully evacuated to Qohor. Midway during the evacuation process, the officers of the Dothraki Coast Guard decided to de-water some parts of the ship so as to enable better mobility within the cabins so as to increase the pace of the search and rescue. When the salvors from LOL heard of their plan to de-water the ship, they vehemently protested and warned Commodore Renly, the commanding officer of the Dothraki Coast Guard that if the ship was de-watered before the fuel is pumped out, it will capsize. The Dothraki Coast Guard did not stop pumping out the water and on the morning of the 5<sup>th</sup> October at about 11:00 hours, the VS Cercatrova's leeward bow sank and within two hours, the entire ship had capsized. There was an estimated 1150 tonnes of fuel still on board the VS Cercatrova.

12. The salvors of LOL immediately communicated the situation to VARMECO and the Government of Valyria. They thanked LOL for their service and communicated that the Valyrian Navy will handle the salvage from thereon.
13. The local police of Qohor had by then discovered that seven men had been killed by the sailors on board the VS Cercatrova. These seven were in fact persons suspected of a bank robbery in Qohor. The Qohor Police Department therefore placed the entire naval platoon under arrest and charged Lt. Walder Frey and the fifteen other men who were on patrol with culpable homicide amounting to murder. RAdm. Lord Stark was charged with negligence. The remaining crew, scientists and staff were transported back to Valyria. The local courts rejected the bail applications of the accused and also denied them any functional immunity.
14. On the morning of 25<sup>th</sup> October 2012, at about 05:00 hours a few tourists noticed a thick black sheet of oil like substance on the surface of the water at the Qohor beach. They immediately reported the matter to the authorities. Marine scientists of the Dothraki Navy ascertained that the substance was indeed oil and upon further investigation it was discovered that the oil was from the VS Cercatrova's

fuel tanks. The oil had completely covered the Grand Coral Reef and by even optimistic scientific estimates, about 40% of the reef's ecosystem was destroyed. There were protests by Dothraki citizens many of whom were outraged that an Underwater Cultural Heritage site was destroyed by a foreign nation's actions. The Government was immediately called upon to act on the issue, remedy the harm and claim restitution from Valyria. Dothraki requested Valyria to engage in remedial measures but Valyria stalled and did not take any action. Amidst growing domestic pressure, the Dothraki Government immediately ordered a naval blockade of the decagon of despondency and ordered its navy to break down the VS Cercatrova and remove the shipwreck from the waters. It also initiated measures to clean up the oil spill.

15. On October 26<sup>th</sup>, His Majesty's Government of Valyria sent a note verbale to the Government of Dothraki stating that the VS Cercatrova and all the equipments on board were sovereign property of the Crown and that the Government of Dothraki had no right of salvage over them. The two Governments then entered into parleys to resolve the situation without success.
16. Meanwhile, the trial of RAdm. Lord Stark, Lt. Walder Frey and the naval platoon was being conducted at the criminal Court of Qohor. RAdm. Lord Stark was further charged under the draconian Protection of Cultural Heritage Sites Act of Dothraki. The Government of Valyria filed an application before the Confederation Court of Dothraki wherein Valyria invoked the doctrine of functional immunity for its sailors. The Government further argued that the offence took place outside the territorial waters of Dothraki and therefore the Courts of Qohor had no criminal jurisdiction over the incident. The Confederation Court dismissed the application.

17. On 29<sup>th</sup> November, 2012, the Criminal Court at Qohor found Lt. Walder Frey and the 15 other sailors of the platoon guilty of murder. They were sentenced to death in accordance with Dothraki laws. The remaining men of the platoon were discharged and sent back to Valyria. The RAdm. Lord Stark was also found guilty of his crimes and sentenced to death. The Dothraki Constitution provides a 'right of last wish' to any person sentenced to death. The seventeen convicts requested a chance to visit their homeland of Valyria for the last time to celebrate Dies Natalis Solis Invicti, a Valyrian festival before their execution. The Qohor Courts denied this request but the Confederation Court of Dothraki allowed them their last wish on humanitarian considerations. The Royal Ambassador of the King of Valyria to the Confederation of Dothraki, Lady Cersei Lannister gave a solemn written undertaking to the Government of Dothraki as well as to the Confederation Court that she will personally see to the return of the seventeen convicts. On 31<sup>st</sup> December, the day the convicts were due to return to Dothraki, the King of Valyria proclaimed a Royal Pardon for his sailors and the Rear Admiral who was also given a promotion to the rank of Vice Admiral. His Majesty's Government of Valyria communicated to the Government of Dothraki that Dothrakian Courts had no criminal jurisdiction over the waters in the Exclusive Economic Zone and in any case since the borders of the EEZ and the CS were not demarcated, the VS Cercatrova cannot be said to be within Dothraki's EEZ.

18. On 1<sup>st</sup> January 2013, when this note verbale was received by the Government of Dothraki, they placed the same before the Confederation Court of Dothraki. The Court in accordance with the domestic contempt laws of Dothraki sentenced the Royal Ambassador of Valyria to three years in prison and ordered her immediate arrest. Lady Cersei Lannister attempted to flee the country but she was detained at the airport and lodged with a Confederal prison. The two governments unsuccessfully sent interlocutors to engage in negotiations over this issue.

19. The Dothraki Navy in March 2013 completed the salvage of the VS Cercatrova and transmitted all salvaged equipments to the Government of Dothraki. The Government of Dothraki allowed their scientists access to these equipments, the Intelligent Diesel Engine and Safe Haven-200 which were salvaged intact from the VS Cercatrova. The designs of these machines were sold by Dothraki to the highest bidders from other countries and the money was utilised for the cleaning up of the Grand Coral Reef. The Valyrian Government was greatly infuriated by this action of the Dothrakian Government and sent a communiqué demanding the entire amount of money gained from the auction and the return of the equipments and the engines of the VS Cercatrova.
20. Meanwhile, the representatives of LOL met VARMECO officials and requested payment for their efforts to salvage the VS Cercatrova. VARMECO dismissed them stating that they are entitled to no payment as the governing principle of salvage law is ‘no cure, no pay’. The LOL moved Valyrian Courts but their suits were dismissed in limine. In March 2013, LOL moved the civil court at Myr, the capital of Dothraki. The Government of Valyria on behalf of VARMECO communicated to the Court that VARMECO refuses to enter appearance in these proceedings as they believed they are protected by jurisdictional immunity. LOL pressed the suit ex parte and the civil court in June 2013 found in favour of LOL and awarded a sum of One Million Oreikhalkos (Oreos).<sup>1</sup> The Foreign Ministry of the Government of Dothraki sent a communiqué to Valyria notifying them of the Court’s order and requesting them to ensure payment at the earliest. The Government of Valyria refused to recognise the Court’s order as they had already invoked jurisdictional immunity for VARMECO.
21. On 1<sup>st</sup> July 2013, the Governments of both nations entered into a composite dialogue process to resolve all outstanding issues. No progress was made in these

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<sup>1</sup> Oreikhalkos is the currency of Dothraki. 1 GBP = 100 Oreikhalkos.

composite dialogues and it was decided by the Governments to submit the disputes to the International Court of Justice for a full and final adjudication.

22. Valyria and Dothraki have been parties to the United Nations Convention on the Law of the Sea, 1982 since 1990; Vienna Conventions on Diplomatic and Consular Relations since 1966; to the Vienna Convention on the Law of Treaties since 1970; and to the World Heritage Convention since 1983. In addition, they have been parties to the International Convention on Salvage, 1989, the International Convention on Search and Rescue (SAR), 1978 since 2002, the International Convention for the Safety of Life at Sea (SOLAS), 1974 and the International Convention for the Prevention of Pollution from Ships (MARPOL) since their coming into force. Both States were admitted to the United Nations in 1961. Both nations have signed the 2004 United Nations Convention on Jurisdictional Immunities of States and Their Property. They are not parties to any other relevant bilateral or multilateral treaties. The domestic laws of Valyria are *pari materia* to the laws of the United States of America and the domestic laws of Dothraki resemble the laws of the Republic of India except where inconsistent to the extent described above.

23. The Kingdom of Valyria requests the Court to adjudge and declare that:

- (a) the VS Cercatrova was within the Exclusive Economic Zone of Valyria;
- (b) Dothraki has no salvage rights over the VS Cercatrova and consequently the sale of the designs of the equipments, the Safe Haven-200 reactor and the Intelligent Diesel Engine by the Dothraki is illegal and that Valyria is entitled to the sale proceeds;
- (c) the LOL is not entitled to any remuneration for the unsuccessful salvage of the VS Cercatrova and notwithstanding, VARMECO enjoys jurisdictional immunity before the domestic Courts of Dothraki;

(d) Dothraki cannot exercise criminal jurisdiction over the seventeen sailors in the instant case; and

(e) the arrest and detention of the Royal Ambassador of Valyria is illegal.

24. The Confederation of Dothraki requests the Court to adjudge and declare that:

(a) the VS Cercatrova was within the Exclusive Economic Zone of Dothraki;

(b) Dothraki is entitled by International Law to salvage rights of the VS Cercatrova;

(c) LOL is entitled to the decreed amount for the salvage of the VS Cercatrova;

(d) Dothraki is competent to exercise criminal jurisdiction in the instant case; and

(e) Valyria is liable to pay compensation and damages to Dothraki for the environmental harm caused by the VS Cercatrova.