Topic A: Settlement of Maritime Delimitation and Territorial Disputes in the Black Sea: The Case of Romania and Ukraine

INTERNATIONAL COURT OF JUSTICE

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Voices of a new era: youth facing global challenges

Introduction to the committee

We are pleased to welcome you to this edition of the Model United Nations of Universidad Anáhuac Querétaro (UAQMUN 2027). The School of International Relations and the organizing team sincerely thank you for your participation, and we wish you a formative, challenging, and enriching experience within this model.

The International Court of Justice (ICJ) was created in 1945 by the United Nations Charter as the principal judicial organ of the UN, succeeding the Permanent Court of International Justice (PCIJ) and officially beginning its operations in 1946. Its primary objective is to advance the peaceful settlement of international disputes in accordance with international law, serving as a pillar of global order. The Court possesses dual faculties: a contentious jurisdiction to adjudicate legally binding disputes submitted to it by sovereign States, and an advisory jurisdiction to deliver non-binding legal opinions on complex international law questions referred by authorized UN organs and specialized agencies. In the contemporary international system, the ICJ plays an indispensable role by clarifying norms of international law, promoting adherence to the rule of law, and providing a neutral judicial forum that prevents the escalation of inter-State conflicts (ICJ, 2017).

On this occasion, the committee will focus on the following debate:

"Settlement of Maritime Delimitation and Territorial Disputes in the Black Sea: The Case of Romania and Ukraine."

Following twenty-four rounds of unsuccessful negotiations after the dissolution of the Soviet Union, Romania initiated legal proceedings against Ukraine before the International Court of Justice (ICJ) in 2004 to establish a single maritime boundary for their Exclusive Economic Zones (EEZ) and continental shelves in the Black Sea. Although bilateral treaties in 1997 and 2003 settled territorial sovereignty over Serpents' Island (Snake Island), confirming it as Ukrainian territory, the core dispute shifted to the feature's legal classification due to strategic offshore oil and natural gas reserves.

The parties presented opposing interpretations under the United Nations Convention on the Law of the Sea (LOSC). Romania contended that Serpents' Island constituted a "rock" under Article 121(3), rendering it incapable of generating its own EEZ or continental shelf rights. Romania advocated using mainland base points, treating the 1997 Additional Agreement as binding *lex specialis*, and restricting the feature's effect to its 12-nautical-mile territorial sea. Conversely, Ukraine argued that Serpents' Island qualified as a full island under LOSC Article 121, entitling it to full maritime zones and serving as a base point for the provisional median line. Ukraine rejected non-binding negotiation frameworks, asserting that the Court was bound solely by general international law.

Ultimately, the ICJ delivered a judgment establishing a definitive boundary through an adjusted equidistance methodology. Beyond resolving this specific dispute, the case underscores the vital role of international legal frameworks in reconciling state interests, preventing territorial friction, and promoting long-term regional stability.

Topic “A”: Settlement of Maritime Delimitation and Territorial Disputes in the Black Sea: The Case of Romania and Ukraine.

In 2004, Romania initiated legal proceedings against Ukraine before the International Court of Justice (ICJ) to establish a single maritime boundary delimiting their respective Exclusive Economic Zones (EEZs) and continental shelves in the Black Sea. This case emerged after twenty-four rounds of unsuccessful bilateral negotiations between 1998 and 2004 following the dissolution of the Soviet Union. Moreover, the geographical core of the dispute focused on *Serpents' Island*, a rocky feature located approximately 20 nautical miles off the Danube Delta. Since the area holds strategic value and potential offshore oil and natural gas reserves, the legal classification of this feature became the central point of contention between the two coastal states (ICJ, 2017; JUS MUNDI, 2022).

Furthermore, the opposing parties presented contrasting legal interpretations under international maritime law, specifically the United Nations Convention on the Law of the Sea (LOSC). Romania argued that Serpents' Island should be classified as a "rock" under Article 121(3) of this law, which meant it could not generate its own EEZ or continental shelf rights. To calculate the midpoint position, Romania selected strategic places on its mainland, such as the landward end of the Sulina Dyke, while explicitly excluding Serpents' Island to avoid distorting the maritime boundary. Additionally, Romania contended that prior bilateral treaties (such as the 1997 Additional Agreement) constituted *lex specialis* (specific law), binding the ICJ to follow pre-agreed negotiation principles (ICJ, 2017; JUS MUNDI, 2022).

Conversely, Ukraine maintained that Serpents' Island met the criteria for a full "island" under LOSC Article 121, thereby entitling it to a full continental shelf and EEZ. Consequently, Ukraine insisted that the low-water mark of Serpents' Island should serve as a valid base point for drawing the median line due to its physical proximity to the mainland. After rejecting Romania's *lex specialis* claim, Ukraine argued that the ICJ was an autonomous judicial body bound only to apply general rules of international law under Article 38 of its Statute, rather than non-binding negotiation frameworks (JUS MUNDI, 2022; Kastory, 2024).

History of the topic

The history of Snake Island and the dispute surrounding its waters reflects a long evolution of geopolitical shifts, treaty negotiations, and legal arguments before the ICJ, starting during the Crimean War, following the 1856 Treaty of Paris and the 1857 protocols placed Snake Island under direct Ottoman rule as part of the Danube Delta, while entrusting the operation of its lighthouse to the European Danube Commission (EDC). Later, during the Russo-Turkish War, the 1878 Treaty of Berlin transferred Southern Bessarabia to Russia, while Romania acquired Dobrudja, the Sandžak of Tulcea, and Snake Island. Eventually, Romania officially took possession of the island in April 1879, though the EDC continued managing its lighthouse until the 1938 Sinaia Agreement restored Romania's full jurisdiction (Kastory, 2024).

However, the post-World War II period fundamentally altered the island's political status. Although the 1947 Paris Peace Treaty initially kept Snake Island within Romanian borders, a bilateral protocol signed on May 23, 1948, transferred the island to the Soviet Union. Then, Romania confirmed this border modification through subsequent treaties in 1949 and 1961. After the dissolution of the USSR in 1991, Snake Island became part of Ukraine's Odesa Oblast. Although Romania initially questioned the validity of the 1948 protocol, it officially recognized Ukrainian sovereignty over the island in the 1997 Treaty on Good Neighborly Relations and the 2003 Chernivtsi Border Treaty (Kastory, 2024; Varykasha, 2019).

Despite resolving territorial sovereignty, a major conflict persisted over the maritime boundary, continental shelf, and Exclusive Economic Zone (EEZ) in the Black Sea due to significant offshore oil and gas reserves. The dispute centered on how Snake Island should be treated when establishing maritime baselines. Romania argued that Snake Island was an uninhabited rock under Article 121(3) of the UN Convention on the Law of the Sea, incapable of generating its own shelf or EEZ, and demanded its exclusion from the baseline calculations. Conversely, Ukraine maintained that Snake Island was a proper island entitled to maritime spaces and proposed drawing a centerline between the Romanian coast, Crimea, and Snake Island. Furthermore, Ukraine asserted that the 12-nautical-mile zone previously established by the USSR had evolved into a territorial sea boundary rather than a limitation on maritime claims. Following twenty-four failed rounds of bilateral negotiations, Romania referred the maritime delimitation dispute to the ICJ on September 16, 2004, prompting both nations to present extensive legal and historical evidence to justify their positions (Kastory, 2024; Varykasha, 2019).

Discussion of the topic

The maritime delimitation dispute between Romania and Ukraine before the ICJ centered on establishing a single maritime boundary separating the continental shelf and EEZ of both nations in the Black Sea. At the center of the disagreement were fundamental differences regarding jurisdictional scope, delimitation methodology, and the legal classification and geographical weight to be accorded to Serpents' Island (also referred to as Snake Island) (ICJ, 2017).

Firstly, Romania's legal framework rested on a multi-stage delimitation process, an emphasis on pre-existing bilateral agreements, and a strict limitation of the legal effect of Serpents' Island (JUS MUNDI, 2022). Romania argued that the Court should begin by recognizing jurisdictional continuity based on prior bilateral treaties. Specifically, Romania requested the ICJ for confirmation about the initial segment of the boundary defined in its 2003 bilateral treaty, along with a 12-nautical-mile arc surrounding Serpents' Island, as already settled by earlier agreements. Romania further contended that the 1997 Additional Agreement functioned as lex specialis, creating legally binding principles that required the Court to follow previously agreed negotiation guidelines (JUS MUNDI, 2022; Varykasha, 2019).

Romania proposed a sequential, multi-segment boundary line, and in order to construct this line, Romania advocated dividing the coast into adjacent and opposing sectors. It selected base points along its mainland while explicitly excluding Serpents' Island from provisional baseline calculations (JUS MUNDI, 2022).

Moreover, as previously stated, to prevent an artificial expansion of Ukraine's maritime zone, Romania's primary argument was that Serpents' Island should be classified as a "rock" under Article 121(3) of the United Nations LOSC, rendering it incapable of generating its own EEZ or continental shelf. Alternatively, Romania maintained that even if classified as an island, judicial precedent required omitting such small geographical features to avoid distorting the equidistance line between mainland coasts. Therefore, Romania argued that treating the island's 12-nautical-mile territorial sea as its sole maritime entitlement was sufficient. Historically, Romania noted that the feature was treated as part of the Danube Delta rather than part of the continental shelf, while noting that its 1948 transfer to the Soviet Union was an illegitimate act executed under political pressure (JUS MUNDI, 2022; Varykasha, 2019).

On the other hand, Ukraine advanced a contrasting position that sought full maritime entitlements for Serpents' Island, emphasized an alternative geodetic methodology, and maintained a strict interpretation of the Court's jurisdiction.

Ukraine rejected Romania's claim of a pre-settled initial boundary segment. Citing paragraph 4(h) of the Additional Agreement, Ukraine argued that the ICJ's jurisdiction was strictly confined to delimiting areas where both parties held overlapping continental shelf and EEZ claims (Varykasha, 2019). Consequently, Ukraine asserted that the Court lacked jurisdiction to define a boundary separating Ukraine's territorial sea surrounding Serpents' Island from Romania's continental shelf and EEZ. Ukraine maintained that the delimitation must begin

strictly at the outer limit of the territorial seas where overlapping claims existed, while also rejecting the lex specialis argument, asserting that the ICJ was an autonomous tribunal bound to apply general international law under Article 38 of its Statute and the LOSC, rather than non-binding negotiation guidelines (JUS MUNDI, 2022).

Rejecting Romania's multi-segment sector proposal as inherently unfair, Ukraine submitted a unified angle-based border, specifying that all boundary lines should be coordinate-based navigational lines. Alternatively, Ukraine suggested establishing the border using a centerline constructed between the Romanian coast, Serpents' Island, and the coast of Crimea, incorporating a proportionality principle based on coastal length. Ukraine also argued that the 12-nautical-mile zone established during the Soviet era had evolved into a recognized territorial sea boundary rather than a maximum limit on its broader maritime entitlements (JUS MUNDI, 2022; Varykasha, 2019).

In summary, Ukraine argued that Serpents' Island met all legal requirements of a full "island" under Article 121 of the LOSC, entitling it to generate both an EEZ and a continental shelf. Ukraine insisted that the low-water mark of Serpents' Island must serve as a key base point for drawing the provisional equidistance line. Ukraine pointed out that Romania had designated base points on man-made structures (Sulina Dam) and uninhabited natural features (Sacalin Peninsula), justifying the inclusion of Serpents' Island as a valid baseline point (Varykasha, 2019).

While the Court's ruling established a definitive equitable boundary using the equidistance-adjusted principle, the underlying principles of sovereignty, resource access, and maritime entitlement remain pivotal points of diplomatic discussion.

The International Court of Justice urges all international lawyers to engage in constructive dialogue, look beyond narrow national positions, and work collaboratively toward comprehensive resolutions that uphold international law while serving the shared economic and security interests of all nations involved, not only to litigate past decisions but also to examine how established legal frameworks can prevent future territorial friction and promote regional stability.

Guiding Questions

1. Does the International Court of Justice (ICJ) have clear jurisdiction over all aspects of this dispute, or are there jurisdictional limits set by previous treaties?
2. How do existing bilateral treaties between the involved states align with modern principles of international maritime law?
3. Which articles of the United Nations Convention on the Law of the Sea (UNCLOS) apply most directly to this case?
4. How should the coastline of each nation be measured to ensure a fair starting point for boundary delimitation?
5. Does the presence of small islands, rocks, or coastal features significantly alter where the maritime boundary should be drawn?
6. What special or relevant circumstances (geography, historical rights, navigation routes) justify adjusting a standard equidistance line?
7. How can the ICJ ensure that the proposed boundary results in an "equitable solution" for both parties as required by international law?
8. How will the proposed boundary affect each country's rights to offshore natural resources, such as oil, gas, and fisheries?
9. What bilateral or multilateral agreements could be established to maintain open maritime trade and navigation routes in the area?

List of participants

- Prosecutor 1
- Prosecutor 2
- Prosecutor 3
- Prosecutor 4
- Prosecutor 5
- Prosecutor 6
- Defendant 1
- Defendant 2
- Defendant 3
- Defendant 4
- Defendant 5
- Defendant 6
- Judge 1
- Judge 2
- Judge 3
- Judge 3
- Judge 4
- Judge 5
- Judge 6

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