

**ITLOS/8**  
**25 September 2018**

**INTERNATIONAL TRIBUNAL  
FOR THE LAW OF THE SEA**

**RULES OF THE TRIBUNAL**



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## **RULES OF THE TRIBUNAL**

**Adopted on 28 October 1997  
(amended on 15 March and 21 September 2001,  
on 17 March 2009 and on 25 September 2018)**

### PREAMBLE

*The Tribunal,*

*Acting pursuant to article 16 of the Statute of the International Tribunal for the Law of the Sea, Annex VI to the United Nations Convention on the Law of the Sea,*

*Adopts the following Rules of the Tribunal.*

## PART I

## USE OF TERMS

*Article 1*

For the purposes of these Rules:

- (a) “Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982, together with the Agreement of 28 July 1994 relating to the implementation of Part XI of the Convention;
- (b) “Statute” means the Statute of the International Tribunal for the Law of the Sea, Annex VI to the Convention;
- (c) “States Parties” has the meaning set out in article 1, paragraph 2, of the Convention and includes, for the purposes of Part XI of the Convention, States and entities which are members of the Authority on a provisional basis in accordance with section 1, paragraph 12, of the Annex to the Agreement relating to the implementation of Part XI;
- (d) “international organization” has the meaning set out in Annex IX, article 1, to the Convention, unless otherwise specified;
- (e) “Member” means an elected judge;
- (f) “judge” means a Member as well as a judge *ad hoc*;
- (g) “judge *ad hoc*” means a person chosen under article 17 of the Statute for the purposes of a particular case;
- (h) “Authority” means the International Seabed Authority;
- (i) “certified copy” means a copy of a document bearing an attestation by or on behalf of the custodian of the original or the party submitting it that it is a true and accurate copy thereof.

PART II

ORGANIZATION

Section A. The Tribunal

Subsection 1. The Members

*Article 2*

1. The term of office of Members elected at a triennial election shall begin to run from 1 October following the date of the election.
2. The term of office of a Member elected to replace a Member whose term of office has not expired shall run from the date of the election for the remainder of that term.

*Article 3*

The Members, in the exercise of their functions, are of equal status, irrespective of age, priority of election or length of service.

*Article 4*

1. The Members shall, except as provided in paragraphs 3 and 4, take precedence according to the date on which their respective terms of office began.
2. Members whose terms of office began on the same date shall take precedence in relation to one another according to seniority of age.
3. A Member who is re-elected to a new term of office which is continuous with his previous term shall retain his precedence.
4. The President and the Vice-President of the Tribunal, while holding these offices, shall take precedence over the other Members.
5. The Member who, in accordance with the foregoing paragraphs, takes precedence next after the President and the Vice-President of the Tribunal is in these Rules designated the "Senior Member". If that Member is unable to act, the Member who is next after him in precedence and able to act is considered as Senior Member.

*Article 5*

1. The solemn declaration to be made by every Member in accordance with article 11 of the Statute shall be as follows:

“I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously”.

2. This declaration shall be made at the first public sitting at which the Member is present. Such sitting shall be held as soon as practicable after his term of office begins and, if necessary, a special sitting shall be held for the purpose.

3. A Member who is re-elected shall make a new declaration only if his new term is not continuous with his previous one.

*Article 6*

1. In the case of the resignation of a Member, the letter of resignation shall be addressed to the President of the Tribunal. The place becomes vacant on the receipt of the letter.

2. In the case of the resignation of the President of the Tribunal, the letter of resignation shall be addressed to the Vice-President of the Tribunal or, failing him, the Senior Member. The place becomes vacant on the receipt of the letter.

*Article 7*

In any case in which the application of article 9 of the Statute is under consideration, the Member concerned shall be so informed by the President of the Tribunal or, if the circumstances so require, by the Vice-President of the Tribunal, in a written statement which shall include the grounds therefor and any relevant evidence. He shall subsequently, at a private meeting of the Tribunal specially convened for the purpose, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give and of supplying answers, orally or in writing, to any questions put to him. The Member concerned may be assisted or represented by counsel or any other person of his choice. At a further private meeting, at which the Member concerned shall not be present, the matter shall be discussed; each Member shall state his opinion, and if requested a vote shall be taken.

Subsection 2. Judges *ad hoc**Article 8*

1. Judges *ad hoc* shall participate in the case in which they sit on terms of complete equality with the other judges.
2. Judges *ad hoc* shall take precedence after the Members and in order of seniority of age.
3. In the case of the resignation of a judge *ad hoc*, the letter of resignation shall be addressed to the President of the Tribunal. The place becomes vacant on the receipt of the letter.

*Article 9*

1. The solemn declaration to be made by every judge *ad hoc* in accordance with articles 11 and 17, paragraph 6, of the Statute shall be as set out in article 5, paragraph 1, of these Rules.
2. This declaration shall be made at a public sitting in the case in which the judge *ad hoc* is participating.
3. Judges *ad hoc* shall make the declaration in relation to each case in which they are participating.

## Subsection 3. President and Vice-President

*Article 10*

1. The term of office of the President and that of the Vice-President of the Tribunal shall begin to run from the date on which the term of office of the Members elected at a triennial election begins.
2. The elections of the President and the Vice-President of the Tribunal shall be held on that date or shortly thereafter. The former President, if still a Member, shall continue to exercise the functions of President of the Tribunal until the election to this position has taken place.



*Article 11*

1. If, on the date of the election to the presidency, the former President of the Tribunal is still a Member, he shall conduct the election. If he has ceased to be a Member, or is unable to act, the election shall be conducted by the Member exercising the functions of the presidency.
2. The election shall take place by secret ballot, after the presiding Member has declared the number of affirmative votes necessary for election; there shall be no nominations. The Member obtaining the votes of the majority of the Members composing the Tribunal at the time of the election shall be declared elected and shall enter forthwith upon his functions.
3. The new President of the Tribunal shall conduct the election of the Vice-President of the Tribunal either at the same or at the following meeting. Paragraph 2 applies to this election.

*Article 12*

1. The President of the Tribunal shall preside at all meetings of the Tribunal. He shall direct the work and supervise the administration of the Tribunal.
2. He shall represent the Tribunal in its relations with States and other entities.

*Article 13*

1. In the event of a vacancy in the presidency or of the inability of the President of the Tribunal to exercise the functions of the presidency, these shall be exercised by the Vice-President of the Tribunal or, failing him, by the Senior Member.
2. When the President of the Tribunal is precluded by a provision of the Statute or of these Rules either from sitting or from presiding in a particular case, he shall continue to exercise the functions of the presidency for all purposes save in respect of that case.
3. The President of the Tribunal shall take the measures necessary in order to ensure the continuous exercise of the functions of the presidency at the seat of the Tribunal. In the event of his absence, he may, so far as is compatible with the Statute and these Rules, arrange for these functions to be exercised by the Vice-President of the Tribunal or, failing him, by the Senior Member.
4. If the President of the Tribunal decides to resign the presidency, he shall communicate his decision in writing to the Tribunal through the Vice-President of the Tribunal or, failing him, the Senior Member. If the Vice-President of the Tribunal decides to resign the vice-presidency, he shall communicate his decision in writing to the President of the Tribunal.

*Article 14*

If a vacancy in the presidency or the vice-presidency occurs before the date when the current term is due to expire, the Tribunal shall decide whether or not the vacancy shall be filled during the remainder of the term.

## Subsection 4. Experts appointed under article 289 of the Convention

*Article 15*

1. A request by a party for the selection by the Tribunal of scientific or technical experts under article 289 of the Convention shall, as a general rule, be made not later than the closure of the written proceedings. The Tribunal may consider a later request made prior to the closure of the oral proceedings, if appropriate in the circumstances of the case.
2. When the Tribunal decides to select experts, at the request of a party or *proprio motu*, it shall select such experts upon the proposal of the President of the Tribunal, who shall consult the parties before making such a proposal.
3. Experts shall be independent and enjoy the highest reputation for fairness, competence and integrity. An expert in a field mentioned in Annex VIII, article 2, to the Convention shall be chosen preferably from the relevant list prepared in accordance with that annex.
4. This article applies *mutatis mutandis* to any chamber and its President.
5. Before entering upon their duties, such experts shall make the following solemn declaration at a public sitting:

“I solemnly declare that I will perform my duties as an expert honourably, impartially and conscientiously and that I will faithfully observe all the provisions of the Statute and of the Rules of the Tribunal”.

## Subsection 5. The composition of the Tribunal for particular cases

*Article 16*

1. No Member who is a national of a party in a case, a national of a State member of an international organization which is a party in a case or a national of a sponsoring State of an entity other than a State which is a party in a case, shall exercise the functions of the presidency in respect of the case.

2. The Member who is presiding in a case on the date on which the Tribunal meets in accordance with article 68 shall continue to preside in that case until completion of the current phase of the case, notwithstanding the election in the meantime of a new President or Vice-President of the Tribunal. If he should become unable to act, the presidency for the case shall be determined in accordance with article 13 and on the basis of the composition of the Tribunal on the date on which it met in accordance with article 68.

#### *Article 17*

Members who have been replaced following the expiration of their terms of office shall continue to sit in a case until the completion of any phase in respect of which the Tribunal has met in accordance with article 68.

#### *Article 18*

1. Whenever doubt arises on any point in article 8 of the Statute, the President of the Tribunal shall inform the other Members. The Member concerned shall be afforded an opportunity of furnishing any information or explanations.

2. If a party desires to bring to the attention of the Tribunal facts which it considers to be of possible relevance to the application of article 8 of the Statute, but which it believes may not be known to the Tribunal, that party shall communicate confidentially such facts to the President of the Tribunal in writing.

#### *Article 19*

1. If a party intends to choose a judge *ad hoc* in a case, it shall notify the Tribunal of its intention as soon as possible. It shall inform the Tribunal of the name, nationality and brief biographical details of the person chosen, preferably at the same time but in any event not later than two months before the time-limit fixed for the filing of the counter-memorial. The judge *ad hoc* may be of a nationality other than that of the party which chooses him.

2. If a party proposes to abstain from choosing a judge *ad hoc*, on condition of a like abstention by the other party, it shall so notify the Tribunal, which shall inform the other party. If the other party thereafter gives notice of its intention to choose, or chooses, a judge *ad hoc*, the time-limit for the party which had previously abstained from choosing a judge may be extended up to 30 days by the President of the Tribunal.

3. A copy of any notification relating to the choice of a judge *ad hoc* shall be communicated by the Registrar to the other party, which shall be requested to furnish, within a time-limit not exceeding 30 days to be fixed by the President of the Tribunal, such observations as it may wish to make. If within the said time-limit no objection is raised by the other party, and if none appears to the Tribunal itself, the parties shall be so informed. In the event of any objection or doubt, the matter shall be decided by the Tribunal, if necessary after hearing the parties.

4. A judge *ad hoc* who becomes unable to sit may be replaced.
5. If the Tribunal finds that the reasons for the participation of a judge *ad hoc* no longer exist, that judge shall cease to sit on the bench.

#### *Article 20*

1. If the Tribunal finds that two or more parties are in the same interest and are therefore to be considered as one party only, and that there is no Member of the nationality of any one of these parties upon the bench, the Tribunal shall fix a time-limit within which they may jointly choose a judge *ad hoc*.
2. Should any party among those found by the Tribunal to be in the same interest allege the existence of a separate interest of its own or put forward any other objection, the matter shall be decided by the Tribunal, if necessary after hearing the parties.

#### *Article 21*

1. If a Member having the nationality of one of the parties is or becomes unable to sit in any phase of a case, that party is entitled to choose a judge *ad hoc* within a time-limit to be fixed by the Tribunal, or by the President of the Tribunal if the Tribunal is not sitting.
2. Parties in the same interest shall be deemed not to have a Member of one of their nationalities upon the bench if every Member having one of their nationalities is or becomes unable to sit in any phase of the case.
3. If a Member having the nationality of one of the parties becomes able to sit not later than the closure of the written proceedings in that phase of the case, that Member shall resume the seat on the bench in the case.

#### *Article 22*

1. An entity other than a State may choose a judge *ad hoc* only if:
  - (a) one of the other parties is a State Party and there is upon the bench a judge of its nationality or, where such party is an international organization, there is upon the bench a judge of the nationality of one of its member States or the State Party has itself chosen a judge *ad hoc*; or
  - (b) there is upon the bench a judge of the nationality of the sponsoring State of one of the other parties.
2. However, an international organization or a natural or juridical person or state enterprise is not entitled to choose a judge *ad hoc* if there is upon the bench a judge of the nationality of one of the member States of the international organization or a judge of the nationality of the sponsoring State of such natural or juridical person or state enterprise.

3. Where an international organization is a party to a case and there is upon the bench a judge of the nationality of a member State of the organization, the other party may choose a judge *ad hoc*.
4. Where two or more judges on the bench are nationals of member States of the international organization concerned or of the sponsoring States of a party, the President may, after consulting the parties, request one or more of such judges to withdraw from the bench.

## Section B. The Seabed Disputes Chamber

### Subsection 1. The members and judges *ad hoc*

#### *Article 23*

The members of the Seabed Disputes Chamber shall be selected following each triennial election to the Tribunal as soon as possible after the term of office of Members elected at such election begins. The term of office of members of the Chamber shall begin to run from the date of their selection. The term of office of members selected at the first selection shall expire on 30 September 1999; the terms of office of members selected at subsequent triennial selections shall expire on 30 September every three years thereafter. Members of the Chamber who remain on the Tribunal after the expiry of their term of office shall continue to serve on the Chamber until the next selection.

#### *Article 24*

The President of the Chamber, while holding that office, takes precedence over the other members of the Chamber. The other members take precedence according to their precedence in the Tribunal in the case where the President and Vice-President of the Tribunal are not exercising the functions of those offices.

#### *Article 25*

Articles 8 and 9 apply *mutatis mutandis* to the judges *ad hoc* of the Chamber.

## Subsection 2. The presidency

*Article 26*

1. The Chamber shall elect its President by secret ballot and by a majority vote of its members.
2. The President shall preside at all meetings of the Chamber.
3. In the event of a vacancy in the presidency or of the inability of the President of the Chamber to exercise the functions of the presidency, these shall be exercised by the member of the Chamber who is senior in precedence and able to act.
4. In other respects, articles 10 to 14 apply *mutatis mutandis*.

Subsection 3. *Ad hoc* chambers of the Seabed Disputes Chamber*Article 27*

1. Any request for the formation of an *ad hoc* chamber of the Seabed Disputes Chamber in accordance with article 188, paragraph 1 (b), of the Convention shall be made within three months from the date of the institution of proceedings.
2. If, within a time-limit fixed by the President of the Seabed Disputes Chamber, the parties do not agree on the composition of the chamber, the President shall establish time-limits for the parties to make the necessary appointments.

## Section C. Special chambers

*Article 28*

1. The Chamber of Summary Procedure shall be composed of the President and Vice-President of the Tribunal, acting *ex officio*, and three other Members. In addition, two Members shall be selected to act as alternates.
2. The members and alternates of the Chamber shall be selected by the Tribunal upon the proposal of the President of the Tribunal.

3. The selection of members and alternates of the Chamber shall be made as soon as possible after 1 October in each year. The members of the Chamber and the alternates shall enter upon their functions on their selection and serve until 30 September of the following year. Members of the Chamber and alternates who remain on the Tribunal after that date shall continue to serve on the Chamber until the next selection.
4. If a member of the Chamber is unable, for whatever reason, to sit in a given case, that member shall be replaced for the purposes of that case by the senior in precedence of the two alternates.
5. If a member of the Chamber resigns or otherwise ceases to be a member, the place of that member shall be taken by the senior in precedence of the two alternates, who shall thereupon become a full member of the Chamber and be replaced by the selection of another alternate.
6. The quorum for meetings of the Chamber is three members.

#### *Article 29*

1. Whenever the Tribunal decides to form a standing special chamber provided for in article 15, paragraph 1, of the Statute, it shall determine the particular category of disputes for which it is formed, the number of its members, the period for which they will serve, the date when they will enter upon their duties and the quorum for meetings.
2. The members of such chamber shall be selected by the Tribunal upon the proposal of the President of the Tribunal from among the Members, having regard to any special knowledge, expertise or previous experience which any of the Members may have in relation to the category of disputes the chamber deals with.
3. The Tribunal may decide to dissolve a standing special chamber. The chamber shall finish any cases pending before it.

#### *Article 30*

1. A request for the formation of a special chamber to deal with a particular dispute, as provided for in article 15, paragraph 2, of the Statute, shall be made within two months from the date of the institution of proceedings. Upon receipt of a request made by one party, the President of the Tribunal shall ascertain whether the other party assents.
2. When the parties have agreed, the President of the Tribunal shall ascertain their views regarding the composition of the chamber and shall report to the Tribunal accordingly.
3. The Tribunal shall determine, with the approval of the parties, the Members who are to constitute the chamber. The same procedure shall be followed in filling any vacancy. The Tribunal shall also determine the quorum for meetings of the chamber.

4. Members of a chamber formed under this article who have been replaced, in accordance with article 5 of the Statute, following the expiration of their terms of office, shall continue to sit in all phases of the case, whatever the stage it has then reached.

#### *Article 31*

1. If a chamber when formed includes the President of the Tribunal, the President shall preside over the chamber. If it does not include the President but includes the Vice-President, the Vice-President shall preside. In any other event, the chamber shall elect its own President by secret ballot and by a majority of votes of its members. The member who, under this paragraph, presides over the chamber at the time of its formation shall continue to preside so long as he remains a member of that chamber.

2. Subject to paragraph 3, the President of a chamber shall exercise, in relation to cases being dealt with by that chamber and from the time it begins dealing with the case, the functions of the President of the Tribunal in relation to cases before the Tribunal.

3. The President of the Tribunal shall take such steps as may be necessary to give effect to article 17, paragraph 4, of the Statute.

4. If the President of a chamber is prevented from sitting or acting as President of the chamber, the functions of the presidency of the chamber shall be assumed by the member of the chamber who is the senior in precedence and able to act.

#### Section D. The Registry

#### *Article 32*

1. The Tribunal shall elect its Registrar by secret ballot from among candidates nominated by Members. The Registrar shall be elected for a term of five years and may be re-elected.

2. The President of the Tribunal shall give notice of a vacancy or impending vacancy to Members, either forthwith upon the vacancy arising or, where the vacancy will arise on the expiration of the term of office of the Registrar, not less than three months prior thereto. The President of the Tribunal shall fix a date for the closure of the list of candidates so as to enable nominations and information concerning the candidates to be received in sufficient time.

3. Nominations shall be accompanied by the relevant information concerning the candidates, in particular information as to age, nationality, present occupation, academic and other qualifications, knowledge of languages and any previous experience in law, especially the law of the sea, diplomacy or the work of international organizations.



4. The candidate obtaining the votes of the majority of the Members composing the Tribunal at the time of the election shall be declared elected.

*Article 33*

The Tribunal shall elect a Deputy Registrar; it may also elect an Assistant Registrar. Article 32 applies to their election and terms of office.

*Article 34*

Before taking up their duties, the Registrar, the Deputy Registrar and the Assistant Registrar shall make the following solemn declaration at a meeting of the Tribunal:

“I solemnly declare that I will perform my duties as Registrar (Deputy Registrar or Assistant Registrar as the case may be) of the International Tribunal for the Law of the Sea in all loyalty, discretion and good conscience and that I will faithfully observe all the provisions of the Statute and of the Rules of the Tribunal”.

*Article 35*

1. The staff of the Registry, other than the Registrar, the Deputy Registrar and the Assistant Registrar, shall be appointed by the Tribunal on proposals submitted by the Registrar. Appointments to such posts as the Tribunal shall determine may, however, be made by the Registrar with the approval of the President of the Tribunal.
2. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.
3. Before taking up their duties, the staff shall make the following solemn declaration before the President of the Tribunal, the Registrar being present:

“I solemnly declare that I will perform my duties as an official of the International Tribunal for the Law of the Sea in all loyalty, discretion and good conscience and that I will faithfully observe all the provisions of the Statute and of the Rules of the Tribunal”.

*Article 36*

1. The Registrar, in the discharge of his functions, shall:

(a) be the regular channel of communications to and from the Tribunal and in particular shall effect all communications, notifications and transmission of documents required by the Convention, the Statute, these Rules or any other relevant international agreement and ensure that the date of dispatch and receipt thereof may be readily verified;

(b) keep, under the supervision of the President of the Tribunal, and in such form as may be laid down by the Tribunal, a List of cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry;

(c) keep copies of declarations and notices of revocation or withdrawal thereof deposited with the Secretary-General of the United Nations under articles 287 and 298 of the Convention or Annex IX, article 7, to the Convention;

(d) keep copies of agreements conferring jurisdiction on the Tribunal;

(e) keep notifications received under article 110, paragraph 2;

(f) transmit to the parties certified copies of pleadings and annexes upon receipt thereof in the Registry;

(g) communicate to the Government of the State in which the Tribunal or a chamber is sitting, or is to sit, and any other Governments which may be concerned, the necessary information as to the persons from time to time entitled, under the Statute and the relevant agreements, to privileges, immunities or facilities;

(h) be present in person or represented by the Deputy Registrar, the Assistant Registrar or in their absence by a senior official of the Registry designated by him, at meetings of the Tribunal, and of the chambers, and be responsible for preparing records of such meetings;

(i) make arrangements for such provision or verification of translations and interpretations into the Tribunal's official languages as the Tribunal may require;

(j) sign all judgments, advisory opinions and orders of the Tribunal and the records referred to in subparagraph (h);

(k) be responsible for the reproduction, printing and publication of the Tribunal's judgments, advisory opinions and orders, the pleadings and statements and the minutes of public sittings in cases and of such other documents as the Tribunal may direct to be published;

(l) be responsible for all administrative work and in particular for the accounts and financial administration in accordance with the financial procedures of the Tribunal;

(m) deal with inquiries concerning the Tribunal and its work;

(n) assist in maintaining relations between the Tribunal and the Authority, the International Court of Justice and the other organs of the United Nations, its related agencies, the arbitral and special arbitral tribunals referred to in article 287 of the Convention and international bodies and conferences concerned with the codification and progressive development of international law, in particular the law of the sea;

(o) ensure that information concerning the Tribunal and its activities is accessible to Governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law and public information media;

(p) have custody of the seals and stamps of the Tribunal, of the archives of the Tribunal and of such other archives as may be entrusted to the Tribunal.

2. The Tribunal may at any time entrust additional functions to the Registrar.
3. In the discharge of his functions the Registrar shall be responsible to the Tribunal.

#### *Article 37*

1. The Deputy Registrar shall assist the Registrar, act as Registrar in the latter's absence and, in the event of the office becoming vacant, exercise the functions of Registrar until the office has been filled.
2. If the Registrar, the Deputy Registrar and the Assistant Registrar are unable to carry out the duties of Registrar, the President of the Tribunal shall appoint an official of the Registry to discharge those duties for such time as may be necessary. If the three offices are vacant at the same time, the President, after consulting the Members, shall appoint an official of the Registry to discharge the duties of Registrar pending an election to that office.

#### *Article 38*

1. The Registry consists of the Registrar, the Deputy Registrar, the Assistant Registrar and such other staff as required for the efficient discharge of its functions.
2. The Tribunal shall determine the organization of the Registry and shall for this purpose request the Registrar to make proposals.
3. Instructions for the Registry shall be drawn up by the Registrar and approved by the Tribunal.
4. The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar and approved by the Tribunal.

*Article 39*

1. The Registrar may resign from office with two months' notice tendered in writing to the President of the Tribunal. The Deputy Registrar and the Assistant Registrar may resign from office with one month's notice tendered in writing to the President of the Tribunal through the Registrar.
2. The Registrar may be removed from office only if, in the opinion of two thirds of the Members, he has either committed a serious breach of his duties or become permanently incapacitated from exercising his functions. Before a decision to remove him is taken under this paragraph, he shall be informed by the President of the Tribunal of the action contemplated, in a written statement which shall include the grounds therefor and any relevant evidence. When the action contemplated concerns permanent incapacity, relevant medical information shall be included. The Registrar shall subsequently, at a private meeting of the Tribunal, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give and of supplying answers, orally or in writing, to any questions put to him. He may be assisted or represented at such meeting by counsel or any other person of his choice.
3. The Deputy Registrar and the Assistant Registrar may be removed from office only on the same grounds and by the same procedure as specified in paragraph 2.

## Section E. Internal functioning of the Tribunal

*Article 40*

The internal judicial practice of the Tribunal shall, subject to the Convention, the Statute and these Rules, be governed by any resolutions on the subject adopted by the Tribunal.

*Article 41*

1. The quorum specified by article 13, paragraph 1, of the Statute applies to all meetings of the Tribunal. The quorum specified in article 35, paragraph 7, of the Statute applies to all meetings of the Seabed Disputes Chamber. The quorum specified for a special chamber applies to all meetings of that chamber.
2. Members shall hold themselves permanently available to exercise their functions and shall attend all such meetings, unless they are absent on leave as provided for in paragraph 4 or prevented from attending by illness or for other serious reasons duly explained to the President of the Tribunal, who shall inform the Tribunal.

3. Judges *ad hoc* are likewise bound to hold themselves at the disposal of the Tribunal and to attend all meetings held in the case in which they are participating unless they are prevented from attending by illness or for other serious reasons duly explained to the President of the Tribunal, who shall inform the Tribunal. They shall not be taken into account for the calculation of the quorum.
4. The Tribunal shall fix the dates and duration of the judicial vacations and the periods and conditions of leave to be accorded to individual Members, having regard in both cases to the state of the List of cases and to the requirements of its current work.
5. Subject to the same considerations, the Tribunal shall observe the public holidays customary at the place where the Tribunal is sitting.
6. In case of urgency the President of the Tribunal may convene the Tribunal at any time.

#### *Article 42*

1. The deliberations of the Tribunal shall take place in private and remain secret. The Tribunal may, however, at any time decide in respect of its deliberations on other than judicial matters to publish or allow publication of any part of them.
2. Only judges and any experts appointed in accordance with article 289 of the Convention take part in the Tribunal's judicial deliberations. The Registrar, or his Deputy, and other members of the staff of the Registry as may be required shall be present. No other person shall be present except by permission of the Tribunal.
3. The records of the Tribunal's judicial deliberations shall contain only the title or nature of the subjects or matters discussed and the results of any vote taken. They shall not contain any details of the discussions nor the views expressed, provided however that any judge is entitled to require that a statement made by him be inserted in the records.

#### Section F. Official languages

#### *Article 43*

The official languages of the Tribunal are English and French.

## PART III

## PROCEDURE

## Section A. General provisions

*Article 44*

1. The proceedings consist of two parts: written and oral.
2. The written proceedings shall consist of the communication to the Tribunal and to the parties of memorials, counter-memorials and, if the Tribunal so authorizes, replies and rejoinders, as well as all documents in support.
3. The oral proceedings shall consist of the hearing by the Tribunal of agents, counsel, advocates, witnesses and experts.

*Article 45*

In every case submitted to the Tribunal, the President shall ascertain the views of the parties with regard to questions of procedure. For this purpose, he may summon the agents of the parties to meet him as soon as possible after their appointment and whenever necessary thereafter, or use other appropriate means of communication.

*Article 46*

Time-limits for the completion of steps in the proceedings may be fixed by assigning a specified period but shall always indicate definite dates. Such time-limits shall be as short as the character of the case permits.

*Article 47*

The Tribunal may at any time direct that the proceedings in two or more cases be joined. It may also direct that the written or oral proceedings, including the calling of witnesses, be in common; or the Tribunal may, without effecting any formal joinder, direct common action in any of these respects.

*Article 48*

The parties may jointly propose particular modifications or additions to the Rules contained in this Part, which may be applied by the Tribunal or by a chamber if the Tribunal or the chamber considers them appropriate in the circumstances of the case.

*Article 49*

The proceedings before the Tribunal shall be conducted without unnecessary delay or expense.

*Article 50*

The Tribunal may issue guidelines consistent with these Rules concerning any aspect of its proceedings, including the length, format and presentation of written and oral pleadings and the use of electronic means of communication.

*Article 51*

All communications to the Tribunal under these Rules shall be addressed to the Registrar unless otherwise stated. Any request made by a party shall likewise be addressed to the Registrar unless made in open court in the course of the oral proceedings.

*Article 52*

1. All communications to the parties shall be sent to their agents.
2. The communications to a party before it has appointed an agent and to an entity other than a party shall be sent as follows:
  - (a) in the case of a State, the Tribunal shall direct all communications to its Government;
  - (b) in the case of the International Seabed Authority or the Enterprise, any international organization and any other intergovernmental organization, the Tribunal shall direct all communications to the competent body or executive head of such organization at its headquarters location;
  - (c) in the case of state enterprises or natural or juridical persons referred to in article 153, paragraph 2 (b), of the Convention, the Tribunal shall direct all communications through the Government of the sponsoring or certifying State, as the case may be;
  - (d) in the case of a group of States, state enterprises or natural or juridical persons referred to in article 153, paragraph 2 (b), of the Convention, the Tribunal shall direct all communications to each member of the group according to subparagraphs (a) and (c) above;
  - (e) in the case of other natural or juridical persons, the Tribunal shall direct all communications through the Government of the State in whose territory the communication has to be received.
3. The same provisions apply whenever steps are to be taken to procure evidence on the spot.

*Article 53*

1. The parties shall be represented by agents.
2. The parties may have the assistance of counsel or advocates before the Tribunal.

## Section B. Proceedings before the Tribunal

## Subsection 1. Institution of proceedings

*Article 54*

1. When proceedings before the Tribunal are instituted by means of an application, the application shall indicate the party making it, the party against which the claim is brought and the subject of the dispute.
2. The application shall specify as far as possible the legal grounds upon which the jurisdiction of the Tribunal is said to be based; it shall also specify the precise nature of the claim, together with a succinct statement of the facts and grounds on which the claim is based.
3. The original of the application shall be signed by the agent of the party submitting it or by the diplomatic representative of that party in the country in which the Tribunal has its seat or by some other duly authorized person. If the application bears the signature of someone other than such diplomatic representative, the signature must be authenticated by the latter or by the competent governmental authority.
4. The Registrar shall forthwith transmit to the respondent a certified copy of the application.
5. When the applicant proposes to found the jurisdiction of the Tribunal upon a consent thereto yet to be given or manifested by the party against which the application is made, the application shall be transmitted to that party. It shall not however be entered in the List of cases, nor any action be taken in the proceedings, unless and until the party against which such application is made consents to the jurisdiction of the Tribunal for the purposes of the case.

*Article 55*

1. When proceedings are brought before the Tribunal by the notification of a special agreement, the notification may be effected by the parties jointly or by any one or more of them. If the notification is not a joint one, a certified copy of it shall forthwith be communicated by the Registrar to any other party.



2. In each case the notification shall be accompanied by an original or certified copy of the special agreement. The notification shall also, insofar as this is not already apparent from the agreement, indicate the precise subject of the dispute and identify the parties to it.

#### *Article 56*

1. Except in the circumstances contemplated by article 54, paragraph 5, all steps on behalf of the parties after proceedings have been instituted shall be taken by agents. Agents shall have an address for service at the seat of the Tribunal or in the capital of the country where the seat is located, to which all communications concerning the case are to be sent.

2. When proceedings are instituted by means of an application, the name of the agent for the applicant shall be stated. The respondent, upon receipt of the certified copy of the application, or as soon as possible thereafter, shall inform the Tribunal of the name of its agent.

3. When proceedings are brought by notification of a special agreement, the party or parties making the notification shall state the name of its agent or the names of their agents, as the case may be. Any other party to the special agreement, upon receiving from the Registrar a certified copy of such notification, or as soon as possible thereafter, shall inform the Tribunal of the name of its agent if it has not already done so.

#### *Article 57*

1. Whenever proceedings are instituted on the basis of an agreement other than the Convention, the application or the notification shall be accompanied by a certified copy of the agreement in question.

2. In a dispute to which an international organization is a party, the Tribunal may, at the request of any other party or *proprio motu*, request the international organization to provide, within a reasonable time, information as to which, as between the organization and its member States, has competence in respect of any specific question which has arisen. If the Tribunal considers it necessary, it may suspend the proceedings until it receives such information.

#### *Article 58*

In the event of a dispute as to whether the Tribunal has jurisdiction, the matter shall be decided by the Tribunal.

## Subsection 2. The written proceedings

*Article 59*

1. In the light of the views of the parties ascertained by the President of the Tribunal, the Tribunal shall make the necessary orders to determine, *inter alia*, the number and the order of filing of the pleadings and the time-limits within which they must be filed. The time-limits for each pleading shall not exceed six months.
2. The Tribunal may at the request of a party extend any time-limit or decide that any step taken after the expiration of the time-limit fixed therefor shall be considered as valid. It may not do so, however, unless it is satisfied that there is adequate justification for the request. In either case the other party shall be given an opportunity to state its views within a time-limit to be fixed by the Tribunal.
3. If the Tribunal is not sitting, its powers under this article may be exercised by the President of the Tribunal, but without prejudice to any subsequent decision of the Tribunal.

*Article 60*

1. The pleadings in a case begun by means of an application shall consist, in the following order, of: a memorial by the applicant and a counter-memorial by the respondent.
2. The Tribunal may authorize or direct that there shall be a reply by the applicant and a rejoinder by the respondent if the parties are so agreed or if the Tribunal decides, at the request of a party or *proprio motu*, that these pleadings are necessary. If the Tribunal is not sitting, its powers under this article may be exercised by the President of the Tribunal, but without prejudice to any subsequent decision of the Tribunal.

*Article 61*

1. In a case begun by the notification of a special agreement, the number and order of the pleadings shall be governed by the provisions of the agreement, unless the Tribunal, after ascertaining the views of the parties, decides otherwise.
2. If the special agreement contains no such provision, and if the parties have not subsequently agreed on the number and order of pleadings, they shall each file a memorial and counter-memorial, within the same time-limits.
3. The Tribunal shall not authorize the presentation of replies and rejoinders unless it finds them to be necessary. If the Tribunal is not sitting, its powers under this article may be exercised by the President of the Tribunal, but without prejudice to any subsequent decision of the Tribunal.

*Article 62*

1. A memorial shall contain: a statement of the relevant facts, a statement of law and the submissions.
2. A counter-memorial shall contain: an admission or denial of the facts stated in the memorial; any additional facts, if necessary; observations concerning the statement of law in the memorial; a statement of law in answer thereto; and the submissions.
3. A reply and rejoinder shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.
4. Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.

*Article 63*

1. There shall be annexed to the original of every pleading certified copies of any relevant documents adduced in support of the contentions contained in the pleading. Parties need not annex or certify copies of documents which have been published and are readily available to the Tribunal and the other party.
2. If only parts of a document are relevant, only such extracts as are necessary for the purpose of the pleading in question or for identifying the document need be annexed. A copy of the whole document shall be filed in the Registry, unless it has been published and is readily available to the Tribunal and the other party.
3. A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.

*Article 64*

1. The parties shall submit any pleading or any part of a pleading in one or both of the official languages.
2. A party may use a language other than one of the official languages for its pleadings. A translation into one of the official languages, certified as accurate by the party submitting it, shall be submitted together with the original of each pleading.
3. When a document annexed to a pleading is not in one of the official languages, it shall be accompanied by a translation into one of these languages certified as accurate by the party submitting it. The translation may be confined to part of an annex, or to extracts therefrom, but in this case it must be accompanied by an explanatory note indicating what passages are translated. The Tribunal may, however, require a more extensive or a complete translation to be furnished.

4. When a language other than one of the official languages is chosen by the parties and that language is an official language of the United Nations, the decision of the Tribunal shall, at the request of any party, be translated into that official language of the United Nations at no cost for the parties.

#### *Article 65*

1. The original of every pleading shall be signed by the agent and filed in the Registry. It shall be accompanied by a certified copy of the pleading, any document annexed thereto and any translations, for communication to the other party. It shall also be accompanied by the number of additional copies required by the Registry; further copies may be required should the need arise later.

2. All pleadings shall be dated. When a pleading has to be filed by a certain date, it is the date of receipt of the pleading in the Registry which will be regarded by the Tribunal as the material date.

3. If the Registrar arranges for the reproduction of a pleading at the request of a party, the text must be supplied in sufficient time to enable the pleading to be filed in the Registry before expiration of any time-limit which may apply to it. The reproduction is done under the responsibility of the party in question.

4. The correction of a slip or error in any document which has been filed may be made at any time with the consent of the other party or by leave of the President of the Tribunal. Any correction so effected shall be notified to the other party in the same manner as the pleading to which it relates.

#### *Article 66*

A certified copy of every pleading and any document annexed thereto produced by one party shall be communicated by the Registrar to the other party upon receipt.

#### *Article 67*

1. Copies of the pleadings and documents annexed thereto shall, as soon as possible after their filing, be made available by the Tribunal to a State or other entity entitled to appear before the Tribunal and which has asked to be furnished with such copies. However, if the party submitting the memorial so requests, the Tribunal shall make the memorial available at the same time as the counter-memorial.

2. Copies of the pleadings and documents annexed thereto shall be made accessible to the public on the opening of the oral proceedings, or earlier if the Tribunal or the President if the Tribunal is not sitting so decides after ascertaining the views of the parties.

3. However, the Tribunal, or the President if the Tribunal is not sitting, may, at the request of a party, and after ascertaining the views of the other party, decide otherwise than as set out in this article.

#### Subsection 3. Initial deliberations

##### *Article 68*

After the closure of the written proceedings and prior to the opening of the oral proceedings, the Tribunal shall meet in private to enable judges to exchange views concerning the written pleadings and the conduct of the case.

#### Subsection 4. Oral proceedings

##### *Article 69*

1. Upon the closure of the written proceedings, the date for the opening of the oral proceedings shall be fixed by the Tribunal. Such date shall fall within a period of six months from the closure of the written proceedings unless the Tribunal is satisfied that there is adequate justification for deciding otherwise. The Tribunal may also decide, when necessary, that the opening or the continuance of the oral proceedings be postponed.

2. When fixing the date for the opening of the oral proceedings or postponing the opening or continuance of such proceedings, the Tribunal shall have regard to:

- (a) the need to hold the hearing without unnecessary delay;
- (b) the priority required by articles 90 and 112;
- (c) any special circumstances, including the urgency of the case or other cases on the List of cases; and
- (d) the views expressed by the parties.

3. When the Tribunal is not sitting, its powers under this article shall be exercised by the President.

##### *Article 70*

The Tribunal may, if it considers it desirable, decide pursuant to article 1, paragraph 3, of the Statute that all or part of the further proceedings in a case shall be held at a place other than the seat of the Tribunal. Before so deciding, it shall ascertain the views of the parties.

*Article 71*

1. After the closure of the written proceedings, no further documents may be submitted to the Tribunal by either party except with the consent of the other party or as provided in paragraph 2. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document within 15 days of receiving it.
2. In the event of objection, the Tribunal, after hearing the parties, may authorize production of the document if it considers production necessary.
3. The party desiring to produce a new document shall file the original or a certified copy thereof, together with the number of copies required by the Registry, which shall be responsible for communicating it to the other party and shall inform the Tribunal.
4. If a new document is produced under paragraph 1 or 2, the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.
5. No reference may be made during the oral proceedings to the contents of any document which has not been produced as part of the written proceedings or in accordance with this article, unless the document is part of a publication readily available to the Tribunal and the other party.
6. The application of this article shall not in itself constitute a ground for delaying the opening or the course of the oral proceedings.

*Article 72*

Without prejudice to the provisions of these Rules concerning the production of documents, each party shall communicate to the Registrar, in sufficient time before the opening of the oral proceedings, information regarding any evidence which it intends to produce or which it intends to request the Tribunal to obtain. This communication shall contain a list of the surnames, first names, nationalities, descriptions and places of residence of the witnesses and experts whom the party intends to call, with indications of the point or points to which their evidence will be directed. A certified copy of the communication shall also be furnished for transmission to the other party.

*Article 73*

1. The Tribunal shall determine whether the parties should present their arguments before or after the production of the evidence; the parties shall, however, retain the right to comment on the evidence given.
2. The Tribunal, after ascertaining the views of the parties, shall determine the order in which the parties will be heard, the method of handling the evidence and examining any

witnesses and experts and the number of counsel and advocates to be heard on behalf of each party.

*Article 74*

The hearing shall, in accordance with article 26, paragraph 2, of the Statute, be public, unless the Tribunal decides otherwise or unless the parties request that the public be not admitted. Such a decision or request may concern either the whole or part of the hearing, and may be made at any time.

*Article 75*

1. The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings or merely repeat the facts and arguments these contain.

2. At the conclusion of the last statement made by a party at the hearing, its agent, without recapitulation of the arguments, shall read that party's final submissions. A copy of the written text of these, signed by the agent, shall be communicated to the Tribunal and transmitted to the other party.

*Article 76*

1. The Tribunal may at any time prior to or during the hearing indicate any points or issues which it would like the parties specially to address, or on which it considers that there has been sufficient argument.

2. The Tribunal may, during the hearing, put questions to the agents, counsel and advocates, and may ask them for explanations.

3. Each judge has a similar right to put questions, but before exercising it he should make his intention known to the President of the Tribunal.

4. The agents, counsel and advocates may answer either immediately or within a time-limit fixed by the President of the Tribunal.

*Article 77*

1. The Tribunal may at any time call upon the parties to produce such evidence or to give such explanations as the Tribunal may consider to be necessary for the elucidation of any aspect of the matters in issue, or may itself seek other information for this purpose.

2. The Tribunal may, if necessary, arrange for the attendance of a witness or expert to give evidence in the proceedings.

#### *Article 78*

1. The parties may call any witnesses or experts appearing on the list communicated to the Tribunal pursuant to article 72. If at any time during the hearing a party wishes to call a witness or expert whose name was not included in that list, it shall make a request therefor to the Tribunal and inform the other party, and shall supply the information required by article 72. The witness or expert may be called either if the other party raises no objection or, in the event of objection, if the Tribunal so authorizes after hearing the other party.
2. The Tribunal may, at the request of a party or *proprio motu*, decide that a witness or expert be examined otherwise than before the Tribunal itself. The President of the Tribunal shall take the necessary steps to implement such a decision.

#### *Article 79*

Unless on account of special circumstances the Tribunal decides on a different form of words,

- (a) every witness shall make the following solemn declaration before giving any evidence:

“I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth”;

- (b) every expert shall make the following solemn declaration before making any statement:

“I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth, and that my statement will be in accordance with my sincere belief”.

#### *Article 80*

Witnesses and experts shall, under the control of the President of the Tribunal, be examined by the agents, counsel or advocates of the parties starting with the party calling the witness or expert. Questions may be put to them by the President of the Tribunal and by the judges. Before testifying, witnesses and experts other than those appointed under article 289 of the Convention shall remain out of court.



*Article 81*

The Tribunal may at any time decide, at the request of a party or *proprio motu*, to exercise its functions with regard to the obtaining of evidence at a place or locality to which the case relates, subject to such conditions as the Tribunal may decide upon after ascertaining the views of the parties. The necessary arrangements shall be made in accordance with article 52.

*Article 82*

1. If the Tribunal considers it necessary to arrange for an inquiry or an expert opinion, it shall, after hearing the parties, issue an order to this effect, defining the subject of the inquiry or expert opinion, stating the number and mode of appointment of the persons to hold the inquiry or of the experts and laying down the procedure to be followed. Where appropriate, the Tribunal shall require persons appointed to carry out an inquiry, or to give an expert opinion, to make a solemn declaration.
2. Every report or record of an inquiry and every expert opinion shall be communicated to the parties, which shall be given the opportunity of commenting upon it.

*Article 83*

Witnesses and experts who appear at the instance of the Tribunal under article 77, paragraph 2, and persons appointed by the Tribunal under article 82, paragraph 1, to carry out an inquiry or to give an expert opinion, shall, where appropriate, be paid out of the funds of the Tribunal.

*Article 84*

1. The Tribunal may, at any time prior to the closure of the oral proceedings, at the request of a party or *proprio motu*, request an appropriate intergovernmental organization to furnish information relevant to a case before it. The Tribunal, after consulting the chief administrative officer of the organization concerned, shall decide whether such information shall be presented to it orally or in writing and fix the time-limits for its presentation.
2. When such an intergovernmental organization sees fit to furnish, on its own initiative, information relevant to a case before the Tribunal, it shall do so in the form of a memorial to be filed in the Registry before the closure of the written proceedings. The Tribunal may require such information to be supplemented, either orally or in writing, in the form of answers to any questions which it may see fit to formulate, and also authorize the parties to comment, either orally or in writing, on the information thus furnished.
3. Whenever the construction of the constituent instrument of such an intergovernmental organization or of an international convention adopted thereunder is in question in a case before the Tribunal, the Registrar shall, on the instructions of the Tribunal, or of the President if the Tribunal is not sitting, so notify the intergovernmental organization concerned and shall

communicate to it copies of all the written proceedings. The Tribunal, or the President if the Tribunal is not sitting, may, as from the date on which the Registrar has communicated copies of the written proceedings and after consulting the chief administrative officer of the intergovernmental organization concerned, fix a time-limit within which the organization may submit to the Tribunal its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.

4. In the foregoing paragraphs, “intergovernmental organization” means an intergovernmental organization other than any organization which is a party or intervenes in the case concerned.

#### *Article 85*

1. Unless the Tribunal decides otherwise, all speeches and statements made and evidence given at the hearing in one of the official languages of the Tribunal shall be interpreted into the other official language. If they are made or given in any other language, they shall be interpreted into the two official languages of the Tribunal.

2. Whenever a language other than an official language is used, the necessary arrangements for interpretation into one of the official languages shall be made by the party concerned. The Registrar shall make arrangements for the verification of the interpretation provided by a party at the expense of that party. In the case of witnesses or experts who appear at the instance of the Tribunal, arrangements for interpretation shall be made by the Registrar.

3. A party on behalf of which speeches or statements are to be made, or evidence is to be given, in a language which is not one of the official languages of the Tribunal shall so notify the Registrar in sufficient time for the necessary arrangements to be made, including verification.

4. Before entering upon their duties in the case, interpreters provided by a party shall make the following solemn declaration:

“I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete”.

#### *Article 86*

1. Minutes shall be made of each hearing. For this purpose, a verbatim record shall be made by the Registrar of every hearing, in the official language or languages of the Tribunal used during the hearing. When another language is used, the verbatim record shall be prepared in one of the official languages of the Tribunal.

2. In order to prepare such a verbatim record, the party on behalf of which speeches or statements are made in a language which is not one of the official languages shall supply to the Registry in advance a text thereof in one of the official languages.

3. The transcript of the verbatim record shall be preceded by the names of the judges present, and those of the agents, counsel and advocates of the parties.
4. Copies of the transcript shall be circulated to the judges sitting in the case and to the parties. The latter may, under the supervision of the Tribunal, correct the transcripts of speeches and statements made on their behalf, but in no case may such corrections affect the meaning and scope thereof. The judges may likewise make corrections in the transcript of anything they have said.
5. Witnesses and experts shall be shown that part of the transcript which relates to the evidence given or the statements made by them, and may correct it in like manner as the parties.
6. One certified copy of the corrected transcript, signed by the President of the Tribunal and the Registrar, shall constitute the authentic minutes of the hearing. The minutes of public hearings shall be printed and published by the Tribunal.

#### *Article 87*

Any written reply by a party to a question put under article 76 or any evidence or explanation supplied by a party under article 77 received by the Tribunal after the closure of the oral proceedings shall be communicated to the other party, which shall be given the opportunity of commenting upon it. The oral proceedings may be reopened for that purpose, if necessary.

#### *Article 88*

1. When, subject to the control of the Tribunal, the agents, counsel and advocates have completed their presentation of the case, the President of the Tribunal shall declare the oral proceedings closed. The agents shall remain at the disposal of the Tribunal.
2. The Tribunal shall withdraw to consider the judgment.

### Section C. Incidental proceedings

#### Subsection 1. Provisional measures

#### *Article 89*

1. A party may submit a request for the prescription of provisional measures under article 290, paragraph 1, of the Convention at any time during the course of the proceedings in a dispute submitted to the Tribunal.

2. Pending the constitution of an arbitral tribunal to which a dispute is being submitted, a party may submit a request for the prescription of provisional measures under article 290, paragraph 5, of the Convention:

(a) at any time if the parties have so agreed;

(b) at any time after two weeks from the notification to the other party of a request for provisional measures if the parties have not agreed that such measures may be prescribed by another court or tribunal.

3. The request shall be in writing and specify the measures requested, the reasons therefor and the possible consequences, if it is not granted, for the preservation of the respective rights of the parties or for the prevention of serious harm to the marine environment.

4. A request for the prescription of provisional measures under article 290, paragraph 5, of the Convention shall also indicate the legal grounds upon which the arbitral tribunal which is to be constituted would have jurisdiction and the urgency of the situation. A certified copy of the notification or of any other document instituting the proceedings before the arbitral tribunal shall be annexed to the request.

5. When a request for provisional measures has been made, the Tribunal may prescribe measures different in whole or in part from those requested and indicate the parties which are to take or to comply with each measure.

#### *Article 90*

1. Subject to article 112, paragraph 1, a request for the prescription of provisional measures has priority over all other proceedings before the Tribunal.

2. The Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for a hearing.

3. The Tribunal shall take into account any observations that may be presented to it by a party before the closure of the hearing.

4. Pending the meeting of the Tribunal, the President of the Tribunal may call upon the parties to act in such a way as will enable any order the Tribunal may make on the request for provisional measures to have its appropriate effects.

#### *Article 91*

1. If the President of the Tribunal ascertains that at the date fixed for the hearing referred to in article 90, paragraph 2, a sufficient number of Members will not be available to constitute a quorum, the Chamber of Summary Procedure shall be convened to carry out the functions of the Tribunal with respect to the prescription of provisional measures.

2. The Tribunal shall review or revise provisional measures prescribed by the Chamber of Summary Procedure at the written request of a party within 15 days of the prescription of the measures. The Tribunal may also at any time decide *proprio motu* to review or revise the measures.

#### *Article 92*

The rejection of a request for the prescription of provisional measures shall not prevent the party which made it from making a fresh request in the same case based on new facts.

#### *Article 93*

A party may request the modification or revocation of provisional measures. The request shall be submitted in writing and shall specify the change in, or disappearance of, the circumstances considered to be relevant. Before taking any decision on the request, the Tribunal shall afford the parties an opportunity of presenting their observations on the subject.

#### *Article 94*

Any provisional measures prescribed by the Tribunal or any modification or revocation thereof shall forthwith be notified to the parties and to such other States Parties as the Tribunal considers appropriate in each case.

#### *Article 95*

1. Each party shall inform the Tribunal as soon as possible as to its compliance with any provisional measures the Tribunal has prescribed. In particular, each party shall submit an initial report upon the steps it has taken or proposes to take in order to ensure prompt compliance with the measures prescribed.

2. The Tribunal may request further information from the parties on any matter connected with the implementation of any provisional measures it has prescribed.

### Subsection 2. Preliminary proceedings

#### *Article 96*

1. When an application is made in respect of a dispute referred to in article 297 of the Convention, the Tribunal shall determine at the request of the respondent or may determine

*proprio motu*, in accordance with article 294 of the Convention, whether the claim constitutes an abuse of legal process or whether *prima facie* it is well founded.

2. The Registrar, when transmitting an application to the respondent under article 54, paragraph 4, shall notify the respondent of the time-limit fixed by the President of the Tribunal for requesting a determination under article 294 of the Convention.
3. The Tribunal may also decide, within two months from the date of an application, to exercise *proprio motu* its power under article 294, paragraph 1, of the Convention.
4. The request by the respondent for a determination under article 294 of the Convention shall be in writing and shall indicate the grounds for a determination by the Tribunal that:
  - (a) the application is made in respect of a dispute referred to in article 297 of the Convention; and
  - (b) the claim constitutes an abuse of legal process or is *prima facie* unfounded.
5. Upon receipt of such a request or *proprio motu*, the Tribunal, or the President if the Tribunal is not sitting, shall fix a time-limit not exceeding 60 days within which the parties may present their written observations and submissions. The proceedings on the merits shall be suspended.
6. Unless the Tribunal decides otherwise, the further proceedings shall be oral.
7. The written observations and submissions referred to in paragraph 5, and the statements and evidence presented at the hearings contemplated by paragraph 6, shall be confined to those matters which are relevant to the determination of whether the claim constitutes an abuse of legal process or is *prima facie* unfounded, and of whether the application is made in respect of a dispute referred to in article 297 of the Convention. The Tribunal may, however, request the parties to argue all questions of law and fact, and to adduce all evidence, bearing on the issue.
8. The Tribunal shall make its determination in the form of a judgment.

### Subsection 3. Preliminary objections

#### *Article 97*

1. Any objection to the jurisdiction of the Tribunal or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits, shall be made in writing within 90 days from the institution of proceedings.

2. The preliminary objection shall set out the facts and the law on which the objection is based, as well as the submissions.
3. Upon receipt by the Registry of a preliminary objection, the proceedings on the merits shall be suspended and the Tribunal, or the President if the Tribunal is not sitting, shall fix a time-limit not exceeding 60 days within which the other party may present its written observations and submissions. It shall fix a further time-limit not exceeding 60 days from the receipt of such observations and submissions within which the objecting party may present its written observations and submissions in reply. Copies of documents in support shall be annexed to such statements and evidence which it is proposed to produce shall be mentioned.
4. Unless the Tribunal decides otherwise, the further proceedings shall be oral.
5. The written observations and submissions referred to in paragraph 3, and the statements and evidence presented at the hearings contemplated by paragraph 4, shall be confined to those matters which are relevant to the objection. Whenever necessary, however, the Tribunal may request the parties to argue all questions of law and fact and to adduce all evidence bearing on the issue.
6. The Tribunal shall give its decision in the form of a judgment, by which it shall uphold the objection or reject it or declare that the objection does not possess, in the circumstances of the case, an exclusively preliminary character. If the Tribunal rejects the objection or declares that it does not possess an exclusively preliminary character, it shall fix time-limits for the further proceedings.
7. The Tribunal shall give effect to any agreement between the parties that an objection submitted under paragraph 1 be heard and determined within the framework of the merits.

#### Subsection 4. Counter-claims

#### *Article 98*

1. A party may present a counter-claim provided that it is directly connected with the subject-matter of the claim of the other party and that it comes within the jurisdiction of the Tribunal.
2. A counter-claim shall be made in the counter-memorial of the party presenting it and shall appear as part of the submissions of that party.
3. In the event of doubt as to the connection between the question presented by way of counter-claim and the subject-matter of the claim of the other party the Tribunal shall, after hearing the parties, decide whether or not the question thus presented shall be joined to the original proceedings.

## Subsection 5. Intervention

*Article 99*

1. An application for permission to intervene under the terms of article 31 of the Statute shall be filed not later than 30 days after the counter-memorial becomes available under article 67, paragraph 1, of these Rules. In exceptional circumstances, an application submitted at a later stage may however be admitted.
2. The application shall be signed in the manner provided for in article 54, paragraph 3, and state the name and address of an agent. It shall specify the case to which it relates and shall set out:
  - (a) the interest of a legal nature which the State Party applying to intervene considers may be affected by the decision in that case;
  - (b) the precise object of the intervention.
3. Permission to intervene under the terms of article 31 of the Statute may be granted irrespective of the choice made by the applicant under article 287 of the Convention.
4. The application shall contain a list of the documents in support, copies of which documents shall be annexed.

*Article 100*

1. A State Party or an entity other than a State Party referred to in article 32, paragraphs 1 and 2, of the Statute which desires to avail itself of the right of intervention conferred upon it by article 32, paragraph 3, of the Statute shall file a declaration to that effect. The declaration shall be filed not later than 30 days after the counter-memorial becomes available under article 67, paragraph 1, of these Rules. In exceptional circumstances, a declaration submitted at a later stage may, however, be admitted.
2. The declaration shall be signed in the manner provided for in article 54, paragraph 3, and state the name and address of an agent. It shall specify the case to which it relates and shall:
  - (a) identify the particular provisions of the Convention or of the international agreement the interpretation or application of which the declaring party considers to be in question;
  - (b) set out the interpretation or application of those provisions for which it contends;
  - (c) list the documents in support, copies of which documents shall be annexed.



*Article 101*

1. Certified copies of the application for permission to intervene under article 31 of the Statute, or of the declaration of intervention under article 32 of the Statute, shall be communicated forthwith to the parties to the case, which shall be invited to furnish their written observations within a time-limit to be fixed by the Tribunal or by the President if the Tribunal is not sitting.
2. The Registrar shall also transmit copies to: (a) States Parties; (b) any other parties which have to be notified under article 32, paragraph 2, of the Statute; (c) the Secretary-General of the United Nations; (d) the Secretary-General of the Authority when the proceedings are before the Seabed Disputes Chamber.

*Article 102*

1. The Tribunal shall decide whether an application for permission to intervene under article 31 of the Statute should be granted or whether an intervention under article 32 of the Statute is admissible as a matter of priority unless in view of the circumstances of the case the Tribunal determines otherwise.
2. If, within the time-limit fixed under article 101, an objection is filed to an application for permission to intervene, or to the admissibility of a declaration of intervention, the Tribunal shall hear the State Party or entity other than a State Party seeking to intervene and the parties before deciding.

*Article 103*

1. If an application for permission to intervene under article 31 of the Statute is granted, the intervening State Party shall be supplied with copies of the pleadings and documents annexed and shall be entitled to submit a written statement within a time-limit to be fixed by the Tribunal. A further time-limit shall be fixed within which the parties may, if they so desire, furnish their written observations on that statement prior to the oral proceedings. If the Tribunal is not sitting, these time-limits shall be fixed by the President.
2. The time-limits fixed according to paragraph 1 shall, so far as possible, coincide with those already fixed for the pleadings in the case.
3. The intervening State Party shall be entitled, in the course of the oral proceedings, to submit its observations with respect to the subject-matter of the intervention.
4. The intervening State Party shall not be entitled to choose a judge *ad hoc* or to object to an agreement to discontinue the proceedings under article 105, paragraph 1.

*Article 104*

1. If an intervention under article 32 of the Statute is admitted, the intervenor shall be supplied with copies of the pleadings and documents annexed and shall be entitled, within a time-limit to be fixed by the Tribunal, or the President if the Tribunal is not sitting, to submit its written observations on the subject-matter of the intervention.
2. These observations shall be communicated to the parties and to any other State Party or entity other than a State Party admitted to intervene. The intervenor shall be entitled, in the course of the oral proceedings, to submit its observations with respect to the subject-matter of the intervention.
3. The intervenor shall not be entitled to choose a judge *ad hoc* or to object to an agreement to discontinue the proceedings under article 105, paragraph 1.

## Subsection 6. Discontinuance

*Article 105*

1. If at any time before the final judgment on the merits has been delivered the parties, either jointly or separately, notify the Tribunal in writing that they have agreed to discontinue the proceedings, the Tribunal shall make an order recording the discontinuance and directing the Registrar to remove the case from the List of cases.
2. If the parties have agreed to discontinue the proceedings in consequence of having reached a settlement of the dispute and if they so desire, the Tribunal shall record this fact in the order for the removal of the case from the List, or indicate in, or annex to, the order the terms of the settlement.
3. If the Tribunal is not sitting, any order under this article may be made by the President.

*Article 106*

1. If, in the course of proceedings instituted by means of an application, the applicant informs the Tribunal in writing that it is not going on with the proceedings, and if, at the date on which this communication is received by the Registry, the respondent has not yet taken any step in the proceedings, the Tribunal shall make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the List of cases. A copy of this order shall be sent by the Registrar to the respondent.
2. If, at the time when the notice of discontinuance is received, the respondent has already taken some step in the proceedings, the Tribunal shall fix a time-limit within which the respondent may state whether it opposes the discontinuance of the proceedings. If no objection is made to the discontinuance before the expiration of the time-limit, acquiescence

will be presumed and the Tribunal shall make an order recording the discontinuance of the proceedings and directing the Registrar to remove the case from the List of cases. If objection is made, the proceedings shall continue.

3. If the Tribunal is not sitting, its powers under this article may be exercised by the President.

#### Section D. Proceedings before special chambers

##### *Article 107*

Proceedings before the special chambers mentioned in article 15 of the Statute shall, subject to the provisions of the Convention, the Statute and these Rules relating specifically to the special chambers, be governed by the Rules applicable in contentious cases before the Tribunal.

##### *Article 108*

1. When it is desired that a case should be dealt with by one of the chambers which has been formed in accordance with article 15, paragraph 1 or 3, of the Statute, a request to this effect shall either be made in the document instituting the proceedings or accompany it. Effect shall be given to the request if the parties are in agreement.

2. Upon receipt by the Registry of this request, the President of the Tribunal shall communicate it to the members of the chamber concerned.

3. Effect shall be given to a request that a case be brought before a chamber to be formed in accordance with article 15, paragraph 2, of the Statute as soon as the chamber has been formed in accordance with article 30 of these Rules.

4. The President of the Tribunal shall convene the chamber at the earliest date compatible with the requirements of the procedure.

##### *Article 109*

1. Written proceedings in a case before a chamber shall consist of a single pleading by each party. The time-limits concerning the filing of written pleadings shall be fixed by the chamber, or its President if the chamber is not sitting.

2. The chamber may authorize or direct the filing of further pleadings if the parties are so agreed, or if the chamber decides, *proprio motu* or at the request of one of the parties, that such pleadings are necessary.

3. Oral proceedings shall take place unless the parties agree to dispense with them and the chamber consents. Even when no oral proceedings take place, the chamber may call upon the parties to supply information or furnish explanations orally.

## Section E. Prompt release of vessels and crews

### *Article 110*

1. An application for the release of a vessel or its crew from detention may be made in accordance with article 292 of the Convention by or on behalf of the flag State of the vessel.

2. A State Party may at any time notify the Tribunal of:

(a) the State authorities competent to authorize persons to make applications on its behalf under article 292 of the Convention;

(b) the name and address of any person who is authorized to make an application on its behalf;

(c) the office designated to receive notice of an application for the release of a vessel or its crew and the most expeditious means for delivery of documents to that office;

(d) any clarification, modification or withdrawal of such notification.

3. An application on behalf of a flag State shall be accompanied by an authorization under paragraph 2, if such authorization has not been previously submitted to the Tribunal, as well as by documents stating that the person submitting the application is the person named in the authorization. It shall also contain a certification that a copy of the application and all supporting documentation has been delivered to the flag State.

### *Article 111*

1. The application shall contain a succinct statement of the facts and legal grounds upon which the application is based.

2. The statement of facts shall:

(a) specify the time and place of detention of the vessel and the present location of the vessel and crew, if known;

(b) contain relevant information concerning the vessel and crew including, where appropriate, the name, flag and the port or place of registration of the vessel and its tonnage, cargo capacity and data relevant to the determination of its value, the name and address of the vessel owner and operator and particulars regarding its crew;

(c) specify the amount, nature and terms of the bond or other financial security that may have been imposed by the detaining State and the extent to which such requirements have been complied with;

(d) contain any further information the applicant considers relevant to the determination of the amount of a reasonable bond or other financial security and to any other issue in the proceedings.

3. Supporting documents shall be annexed to the application.

4. A certified copy of the application shall forthwith be transmitted by the Registrar to the detaining State, which may submit a statement in response with supporting documents annexed, to be filed as soon as possible but not later than 96 hours before the hearing referred to in article 112, paragraph 3.

5. The Tribunal may, at any time, require further information to be provided in a supplementary statement.

6. The further proceedings relating to the application shall be oral.

#### *Article 112*

1. The Tribunal shall give priority to applications for release of vessels or crews over all other proceedings before the Tribunal. However, if the Tribunal is seized of an application for release of a vessel or its crew and of a request for the prescription of provisional measures, it shall take the necessary measures to ensure that both the application and the request are dealt with without delay.

2. If the applicant has so requested in the application, the application shall be dealt with by the Chamber of Summary Procedure, provided that, within five days of the receipt of notice of the application, the detaining State notifies the Tribunal that it concurs with the request.

3. The Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date, within a period of 15 days commencing with the first working day following the date on which the application is received, for a hearing at which each of the parties shall be accorded, unless otherwise decided, one day to present its evidence and arguments.

4. The decision of the Tribunal shall be in the form of a judgment. The judgment shall be adopted as soon as possible and shall be read at a public sitting of the Tribunal to be held not later than 14 days after the closure of the hearing. The parties shall be notified of the date of the sitting.

*Article 113*

1. The Tribunal shall in its judgment determine in each case in accordance with article 292 of the Convention whether or not the allegation made by the applicant that the detaining State has not complied with a provision of the Convention for the prompt release of the vessel or the crew upon the posting of a reasonable bond or other financial security is well-founded.
2. If the Tribunal decides that the allegation is well-founded, it shall determine the amount, nature and form of the bond or financial security to be posted for the release of the vessel or the crew.
3. Unless the parties agree otherwise, the Tribunal shall determine whether the bond or other financial security shall be posted with the Registrar or with the detaining State.

*Article 114*

1. If the bond or other financial security has been posted with the Registrar, the detaining State shall be promptly notified thereof.
2. The Registrar shall endorse or transmit the bond or other financial security to the detaining State to the extent that it is required to satisfy the final judgment, award or decision of the competent authority of the detaining State.
3. The bond or other financial security shall be endorsed or transmitted, to the extent that it is not required to satisfy the final judgment, award or decision, to the party at whose request the bond or other financial security is issued.

Section F. Proceedings in contentious cases  
before the Seabed Disputes Chamber

*Article 115*

Proceedings in contentious cases before the Seabed Disputes Chamber and its *ad hoc* chambers shall, subject to the provisions of the Convention, the Statute and these Rules relating specifically to the Seabed Disputes Chamber and its *ad hoc* chambers, be governed by the Rules applicable in contentious cases before the Tribunal.

*Article 116*

Articles 117 to 121 apply to proceedings in all disputes before the Chamber with the exception of disputes exclusively between States Parties and between States Parties and the Authority.

*Article 117*

When proceedings before the Chamber are instituted by means of an application, the application shall indicate:

- (a) the name of the applicant and, where the applicant is a natural or juridical person, the permanent residence or address or registered office address thereof;
- (b) the name of the respondent and, where the respondent is a natural or juridical person, the permanent residence or address or registered office address thereof;
- (c) the sponsoring State, in any case where the applicant is a natural or juridical person or a state enterprise;
- (d) the sponsoring State of the respondent, in any case where the party against which the claim is brought is a natural or juridical person or state enterprise;
- (e) an address for service at the seat of the Tribunal;
- (f) the subject of the dispute and the legal grounds on which jurisdiction is said to be based; the precise nature of the claim, together with a statement of the facts and legal grounds on which the claim is based;
- (g) the decision or measure sought by the applicant;
- (h) the evidence on which the application is founded.

*Article 118*

1. The application shall be served on the respondent. The application shall also be served on the sponsoring State in any case where the applicant or respondent is a natural or juridical person or a state enterprise.

2. Within two months after service of the application, the respondent shall lodge a defence, stating:

- (a) the name of the respondent and, where the respondent is a natural or juridical person, the permanent residence or address or registered office address thereof;
- (b) an address for service at the seat of the Tribunal;
- (c) the matters in issue between the parties and the facts and legal grounds on which the defence is based;
- (d) the decision or measure sought by the respondent;

(e) the evidence on which the defence is founded.

3. At the request of the respondent, the President of the Chamber may extend the time-limit referred to in paragraph 2, if satisfied that there is adequate justification for the request.

#### *Article 119*

1. Within two months after service of the application in accordance with article 118, paragraph 1, where the respondent is a State Party in a case brought by a natural or juridical person sponsored by another State Party in a dispute referred to in article 187, subparagraph (c), of the Convention, the respondent State may make an application in accordance with article 190, paragraph 2, of the Convention for the sponsoring State of the applicant to appear in the proceedings on behalf of the applicant.

2. Notice of an application under paragraph 1 shall be communicated to the applicant and its sponsoring State. If, within a time-limit fixed by the President of the Chamber, the sponsoring State does not indicate it will appear in the proceedings on behalf of the applicant, the respondent State may designate a juridical person of its nationality to represent it.

3. Within two months after service of the application in accordance with article 118, paragraph 1, on the sponsoring State of a party, such State may give written notice of its intention to submit written or oral statements in accordance with article 190, paragraph 1, of the Convention.

4. Upon receipt of such a notice, the President of the Chamber shall fix the time-limit within which the sponsoring State may submit its written statements. The sponsoring State shall be notified of such time-limit. It shall also be notified of the date of the hearing. The written statements shall be communicated to the parties and to any other sponsoring State of a party.

5. At the request of the respondent or a sponsoring State, the President of the Chamber may extend a time-limit referred to in this article, if satisfied that there is adequate justification for the request.

#### *Article 120*

1. When proceedings are brought before the Chamber by the notification of a special agreement, the notification shall indicate:

- (a) the parties to the case and any sponsoring States of the parties;
- (b) the subject of the dispute and the precise nature of the claims of the parties, together with a statement of the facts and legal grounds on which the claims are based;
- (c) the decisions or measures sought by the parties;
- (d) the evidence on which the claims are founded.



2. The notification shall also provide information regarding participation and appearance in the proceedings by sponsoring States Parties in accordance with article 190 of the Convention.

#### *Article 121*

1. The Chamber may authorize or direct the filing of further pleadings if the parties are so agreed or the Chamber decides, *proprio motu* or at the request of a party, that these pleadings are necessary.

2. The President of the Chamber shall fix the time-limits within which these pleadings are to be filed.

#### *Article 122*

Proceedings by the Council on behalf of the Authority under article 185, paragraph 2, of the Convention shall be instituted by means of an application in accordance with article 162, paragraph 2 (u), of the Convention. The application shall be accompanied by a certified copy of the decision or resolution of the Council upon which it is based and the full records of all discussions within the Authority on the matter.

#### *Article 123*

1. When a commercial arbitral tribunal, pursuant to article 188, paragraph 2, of the Convention, refers to the Chamber a question of interpretation of Part XI of the Convention and the annexes relating thereto upon which its decision depends, the document submitting the question to the Chamber shall contain a precise statement of the question and be accompanied by all relevant information and documents.

2. Upon receipt of the document, the President of the Chamber shall fix a time-limit not exceeding three months within which the parties to the proceedings before the arbitral tribunal and the States Parties may submit their written observations on the question. The parties to the proceedings and the States Parties shall be notified of the time-limit. The States Parties shall be informed of the contents of the submission.

3. The President of the Chamber shall fix a date for a hearing if, within one month from the expiration of the time-limit for submitting written observations, a party to the proceedings before the arbitral tribunal or a State Party gives written notice of its intention to submit oral observations.

4. The Chamber shall give its ruling in the form of a judgment.

## Section G. Judgments, interpretation and revision

## Subsection 1. Judgments

*Article 124*

1. When the Tribunal has completed its deliberations and adopted its judgment, the parties shall be notified of the date on which it will be read.
2. The judgment shall be read at a public sitting of the Tribunal and shall become binding on the parties on the day of the reading.

*Article 125*

1. The judgment, which shall state whether it is given by the Tribunal or by a chamber, shall contain:
  - (a) the date on which it is read;
  - (b) the names of the judges participating in it;
  - (c) the names of the parties;
  - (d) the names of the agents, counsel and advocates of the parties;
  - (e) the names of the experts, if any, appointed under article 289 of the Convention;
  - (f) a summary of the proceedings;
  - (g) the submissions of the parties;
  - (h) a statement of the facts;
  - (i) the reasons of law on which it is based;
  - (j) the operative provisions of the judgment;
  - (k) the decision, if any, in regard to costs;
  - (l) the number and names of the judges constituting the majority and those constituting the minority, on each operative provision;
  - (m) a statement as to the text of the judgment which is authoritative.
2. Any judge may attach a separate or dissenting opinion to the judgment; a judge may record concurrence or dissent without stating reasons in the form of a declaration. The same applies to orders.

3. One copy of the judgment, signed by the President and by the Registrar and sealed, shall be placed in the archives of the Tribunal and other copies shall be transmitted to each party. Copies shall be sent to: (a) States Parties; (b) the Secretary-General of the United Nations; (c) the Secretary-General of the Authority; (d) in a case submitted under an agreement other than the Convention, the parties to such agreement.

#### Subsection 2. Requests for the interpretation or revision of a judgment

##### *Article 126*

1. In the event of dispute as to the meaning or scope of a judgment, any party may make a request for its interpretation.
2. A request for the interpretation of a judgment may be made either by an application or by the notification of a special agreement to that effect between the parties; the precise point or points in dispute as to the meaning or scope of the judgment shall be indicated.
3. If the request for interpretation is made by an application, the requesting party's contentions shall be set out therein, and the other party shall be entitled to file written observations thereon within a time-limit fixed by the Tribunal or by the President if the Tribunal is not sitting.
4. Whether the request is made by an application or by notification of a special agreement, the Tribunal may, if necessary, afford the parties the opportunity of furnishing further written or oral explanations.

##### *Article 127*

1. A request for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Tribunal and also to the party requesting revision, always provided that such ignorance was not due to negligence. Such request must be made at the latest within six months of the discovery of the new fact and before the lapse of ten years from the date of the judgment.
2. The proceedings for revision shall be opened by a decision of the Tribunal in the form of a judgment expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

*Article 128*

1. A request for the revision of a judgment shall be made by an application containing the particulars necessary to show that the conditions specified in article 127, paragraph 1, are fulfilled. Any document in support of the application shall be annexed to it.
2. The other party shall be entitled to file written observations on the admissibility of the application within a time-limit fixed by the Tribunal or by the President if the Tribunal is not sitting. These observations shall be communicated to the party making the application.
3. The Tribunal, before giving its judgment on the admissibility of the application, may afford the parties a further opportunity of presenting their views thereon.
4. If the Tribunal decides to make the admission of the proceedings in revision conditional on previous compliance with the judgment, it shall make an order accordingly.
5. If the Tribunal finds that the application is admissible it shall fix time-limits for such further proceedings on the merits of the application as, after ascertaining the views of the parties, it considers necessary.

*Article 129*

1. If the judgment to be revised or to be interpreted was given by the Tribunal, the request for its revision or interpretation shall be dealt with by the Tribunal.
2. If the judgment was given by a chamber, the request for its revision or interpretation shall, if possible, be dealt with by that chamber. If that is not possible, the request shall be dealt with by a chamber composed in conformity with the relevant provisions of the Statute and these Rules. If, according to the Statute and these Rules, the composition of the chamber requires the approval of the parties which cannot be obtained within time-limits fixed by the Tribunal, the request shall be dealt with by the Tribunal.
3. The decision on a request for interpretation or revision of a judgment shall be given in the form of a judgment.

## Section H. Advisory proceedings

*Article 130*

1. In the exercise of its functions relating to advisory opinions, the Seabed Disputes Chamber shall apply this section and be guided, to the extent to which it recognizes them to be applicable, by the provisions of the Statute and of these Rules applicable in contentious cases.

2. The Chamber shall consider whether the request for an advisory opinion relates to a legal question pending between two or more parties. When the Chamber so determines, article 17 of the Statute applies, as well as the provisions of these Rules concerning the application of that article.

#### *Article 131*

1. A request for an advisory opinion on a legal question arising within the scope of the activities of the Assembly or the Council of the Authority shall contain a precise statement of the question. It shall be accompanied by all documents likely to throw light upon the question.

2. The documents shall be transmitted to the Chamber at the same time as the request or as soon as possible thereafter in the number of copies required by the Registry.

#### *Article 132*

If the request for an advisory opinion states that the question necessitates an urgent answer the Chamber shall take all appropriate steps to accelerate the procedure.

#### *Article 133*

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all States Parties.

2. The Chamber, or its President if the Chamber is not sitting, shall identify the intergovernmental organizations which are likely to be able to furnish information on the question. The Registrar shall give notice of the request to such organizations.

3. States Parties and the organizations referred to in paragraph 2 shall be invited to present written statements on the question within a time-limit fixed by the Chamber or its President if the Chamber is not sitting. Such statements shall be communicated to States Parties and organizations which have made written statements. The Chamber, or its President if the Chamber is not sitting, may fix a further time-limit within which such States Parties and organizations may present written statements on the statements made.

4. The Chamber, or its President if the Chamber is not sitting, shall decide whether oral proceedings shall be held and, if so, fix the date for the opening of such proceedings. States Parties and the organizations referred to in paragraph 2 shall be invited to make oral statements at the proceedings.

#### *Article 134*

The written statements and documents annexed shall be made accessible to the public as soon as possible after they have been presented to the Chamber.

*Article 135*

1. When the Chamber has completed its deliberations and adopted its advisory opinion, the opinion shall be read at a public sitting of the Chamber.
2. The advisory opinion shall contain:
  - (a) the date on which it is delivered;
  - (b) the names of the judges participating in it;
  - (c) the question or questions on which the advisory opinion of the Chamber is requested;
  - (d) a summary of the proceedings;
  - (e) a statement of the facts;
  - (f) the reasons of law on which it is based;
  - (g) the reply to the question or questions put to the Chamber;
  - (h) the number and names of the judges constituting the majority and those constituting the minority, on each question put to the Chamber;
  - (i) a statement as to the text of the opinion which is authoritative.
3. Any judge may attach a separate or dissenting opinion to the advisory opinion of the Chamber; a judge may record concurrence or dissent without stating reasons in the form of a declaration.

*Article 136*

The Registrar shall inform the Secretary-General of the Authority as to the date and the time fixed for the public sitting to be held for the reading of the opinion. He shall also inform the States Parties and the intergovernmental organizations immediately concerned.

*Article 137*

One copy of the advisory opinion, signed by the President and by the Registrar and sealed, shall be placed in the archives of the Tribunal, others shall be sent to the Secretary-General of the Authority and to the Secretary-General of the United Nations. Copies shall be sent to the States Parties and the intergovernmental organizations immediately concerned.

*Article 138*

1. The Tribunal may give an advisory opinion on a legal question if an international agreement related to the purposes of the Convention specifically provides for the submission to the Tribunal of a request for such an opinion.
2. A request for an advisory opinion shall be transmitted to the Tribunal by whatever body is authorized by or in accordance with the agreement to make the request to the Tribunal.
3. The Tribunal shall apply *mutatis mutandis* articles 130 to 137.

(Signed)  
THOMAS A. MENSAH,  
President

(Signed)  
GRITAKUMAR E. CHITTY,  
Registrar

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