

**RELEVANT PROVISIONS OF INTERNATIONAL AGREEMENTS
CONFERRING JURISDICTION ON THE TRIBUNAL**

Below is a list of international agreements containing provisions relating to the jurisdiction of the International Tribunal for the Law of the Sea. The list is not necessarily exhaustive.

**(A) AGREEMENT TO PROMOTE COMPLIANCE WITH
INTERNATIONAL CONSERVATION AND MANAGEMENT
MEASURES BY FISHING VESSELS ON THE HIGH SEAS**

Approved at Rome on 24 November 1993 by the FAO Conference at its Twenty-seventh Session through Resolution 15/93.

ENTRY INTO FORCE: 24 April 2003
TEXT: 33 ILM 969 (1994)

**Article IX
Settlement of Disputes**

1. Any Party may seek consultations with any other Party or Parties on any dispute with regard to the interpretation or application of the provisions of this Agreement with a view to reaching a mutually satisfactory solution as soon as possible.
2. In the event that the dispute is not resolved through these consultations within a reasonable period of time, the Parties in question shall consult among themselves as soon as possible with a view to having the dispute settled by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
3. Any dispute of this character not so resolved shall, with the consent of all Parties to the dispute, be referred for settlement to the International Court of Justice, to the International Tribunal for the Law of the Sea upon entry into force of the 1982 United Nations Convention on the Law of the Sea or to arbitration. In the case of failure to reach agreement on referral to the International Court of Justice, to the International Tribunal for the Law of the Sea or to arbitration, the Parties shall continue to consult and cooperate with a view to reaching a settlement of the dispute in accordance with the rules of international law relating to the conservation of living marine resources.

**(B) AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF
THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF
10 DECEMBER 1982 RELATING TO THE CONSERVATION AND
MANAGEMENT OF STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS**

Adopted on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks at New York. Opened for signature on 4 December 1995.

ENTRY INTO FORCE: 11 December 2001

TEXT: United Nations, Doc. A/CONF.164/37; 34 ILM 1547 (1995)

**Article 30
Procedures for the settlement of disputes**

1. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply *mutatis mutandis* to any dispute between States Parties to this Agreement concerning the interpretation or application of this Agreement, whether or not they are also Parties to the Convention.
2. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply *mutatis mutandis* to any dispute between States Parties to this Agreement concerning the interpretation or application of a subregional, regional or global fisheries agreement relating to straddling fish stocks or highly migratory fish stocks to which they are parties, including any dispute concerning the conservation and management of such stocks, whether or not they are also Parties to the Convention.
3. Any procedure accepted by a State Party to this Agreement and the Convention pursuant to article 287 of the Convention shall apply to the settlement of disputes under this Part, unless that State Party, when signing, ratifying or acceding to this Agreement, or at any time thereafter, has accepted another procedure pursuant to article 287 for the settlement of disputes under this Part.
4. A State Party to this Agreement which is not a Party to the Convention, when signing, ratifying or acceding to this Agreement, or at any time thereafter, shall be free to choose, by means of a written declaration, one or more of the means set out in article 287, paragraph 1, of the Convention for the settlement of disputes under this Part. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is a party which is not covered by a declaration in force. For the purposes of conciliation and arbitration in accordance with Annexes V, VII and VIII to the Convention, such State shall be entitled to nominate conciliators, arbitrators and experts to be included in the lists referred to in Annex V, article 2, Annex VII, article 2, and Annex VIII, article 2, for the settlement of disputes under this Part.
5. Any court or tribunal to which a dispute has been submitted under this Part shall apply the relevant provisions of the Convention, of this Agreement and of any relevant subregional, regional or global fisheries agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the Convention, with a view to ensuring the conservation of the straddling fish stocks and highly migratory fish stocks concerned.

Article 31

Provisional measures

1. Pending the settlement of a dispute in accordance with this Part, the parties to the dispute shall make every effort to enter into provisional arrangements of a practical nature.
2. Without prejudice to article 290 of the Convention, the court or tribunal to which the dispute has been submitted under this Part may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent damage to the stocks in question, as well as in the circumstances referred to in article 7, paragraph 5, and article 16, paragraph 2.
3. A State Party to this Agreement which is not a Party to the Convention may declare that, notwithstanding article 290, paragraph 5, of the Convention, the International Tribunal for the Law of the Sea shall not be entitled to prescribe, modify or revoke provisional measures without the agreement of such State.

Article 32

Limitations on applicability of procedures for the settlement of disputes

Article 297, paragraph 3, of the Convention applies also to this Agreement.

(C) 1996 PROTOCOL TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

Adopted on 7 November 1996 by the Special Meeting of Contracting Parties to the London Convention 1972.

ENTRY INTO FORCE: 24 March 2006

TEXT: IMO document LC/SM 1/6 of 14 November 1996; 36 ILM 7 (1997)

Article 16

Settlement of disputes

1. Any disputes regarding the interpretation or application of this Protocol shall be resolved in the first instance through negotiation, mediation or conciliation, or other peaceful means chosen by parties to the dispute.
2. If no resolution is possible within twelve months after one Contracting Party has notified another that a dispute exists between them, the dispute shall be settled, at the request of a party to the dispute, by means of the Arbitral Procedure set forth in Annex 3, unless the parties to the dispute agree to use one of the procedures listed in paragraph 1 of Article 287 of the 1982 United Nations Convention on the Law of the Sea. The parties to the dispute may so agree, whether or not they are also States Parties to the 1982 United Nations Convention on the Law of the Sea.

3. In the event an agreement to use one of the procedures listed in paragraph 1 of article 287 of the 1982 United Nations Convention on the Law of the Sea is reached, the provisions set forth in Part XV of that Convention that are related to the chosen procedure would also apply, *mutatis mutandis*.

4. The twelve month period referred to in paragraph 2 may be extended for another twelve months by mutual consent of the parties concerned.

5. Notwithstanding paragraph 2, any State may, at the time it expresses its consent to be bound by this Protocol, notify the Secretary-General that, when it is a party to a dispute about the interpretation or application of article 3.1 or 3.2, its consent will be required before the dispute may be settled by means of the Arbitral Procedure set forth in Annex 3.

**(D) FRAMEWORK AGREEMENT FOR THE CONSERVATION
OF THE LIVING MARINE RESOURCES ON THE HIGH
SEAS OF THE SOUTH-EASTERN PACIFIC**

Signed at Santiago on 14 August 2000 by Chile, Colombia, Ecuador and Peru.

NOT YET IN FORCE

TEXT: Framework Agreement for the Conservation of the Living Marine Resources on the High Seas of the South-Eastern Pacific (“Galapagos Agreement”) (Original text in Spanish, published in *Declaración de Santiago 2000, Comisión Permanente del Pacífico Sur, Quito, Ecuador, 2000*); *Law of the Sea Bulletin No. 45, DOALOS, United Nations (2001), pp. 70-78*

**Article 14
Dispute Settlement**

1. Disagreements among the States Parties as to the interpretation or application of the provisions established in this Agreement, or in its complementary instruments, shall be resolved in the first instance through the dispute-settlement procedures set forth in Article 33 of the Charter of the United Nations, or in other international instruments in force for the States Parties.

2. If an agreement cannot be reached, disputes must be submitted either to a conciliation commission or to a technical arbitration body, unless both parties have agreed upon a different procedure.

3. If the voluntary dispute-resolution measures are exhausted, or if agreement is not reached on recourse to other instances, such as the International Court of Justice or the International Tribunal for the Law of the Sea, either of the parties may solicit a binding arbitration procedure.

4. In no case, subject to the applicable provisions in conformity with international law, shall disputes concerning the exercise of the coastal States’ sovereign rights within their respective national jurisdiction zones be submitted to the procedures set forth in paragraph 3.

**(E) CONVENTION ON THE CONSERVATION AND MANAGEMENT
OF HIGHLY MIGRATORY FISH STOCKS IN THE
WESTERN AND CENTRAL PACIFIC OCEAN**

Done at Honolulu on 5 September 2000.

ENTRY INTO FORCE: 19 June 2004
TEXT: 40 ILM 278 (2001)

Article 31
Procedures for the settlement of disputes

The provisions relating to the settlement of disputes set out in Part VIII of the Agreement apply, *mutatis mutandis*, to any dispute between members of the Commission, whether or not they are also Parties to the Agreement.

[According to article 1(b) of the Convention: "'Agreement' means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks"]¹

**(F) CONVENTION ON THE CONSERVATION AND MANAGEMENT OF FISHERY
RESOURCES IN THE SOUTH-EAST ATLANTIC OCEAN**

Done at Windhoek on 20 April 2001.

ENTRY INTO FORCE: 13 April 2003
TEXT: 41 ILM 257 (2002)

Article 24
Dispute Settlement

1. The Contracting Parties shall cooperate in order to prevent disputes.
2. If any dispute arises between two or more Contracting Parties concerning the interpretation or implementation of this Convention, those Contracting Parties shall consult among themselves with a view to resolving the dispute, or to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
3. In cases where a dispute between two or more Contracting Parties is of a technical nature, and the Contracting Parties are unable to resolve the dispute among themselves, they may refer the dispute to an ad hoc expert panel established in accordance with procedures adopted by the Commission at its first meeting. The panel shall confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes.

¹ Note by the Registry.

4. Where a dispute is not referred for settlement within a reasonable time of the consultations referred to in paragraph 2, or where a dispute is not resolved by recourse to other means referred to in this article within a reasonable time, such dispute shall, at the request of any party to the dispute, be submitted for binding decision in accordance with procedures for the settlement of disputes provided in Part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, by provisions set out in Part VIII of the 1995 Agreement. The relevant part of the 1982 Convention and the 1995 Agreement shall apply whether or not the parties to the dispute are also Parties to these instruments.

5. A court, tribunal or panel to which any dispute has been submitted under this article shall apply the relevant provisions of this Convention, of the 1982 Convention, of the 1995 Agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law, compatible with the 1982 Convention and the 1995 Agreement, with a view to ensuring the conservation of the fish stocks concerned.

(G) CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

Adopted on 2 November 2001 by the Plenary Session of the Thirty-First General Conference of the United Nations Educational, Scientific and Cultural Organization.

NOT YET IN FORCE

TEXT: 41 ILM 40 (2002)

Article 25

Peaceful settlement of disputes

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention shall be subject to negotiations in good faith or other peaceful means of settlement of their own choice.

2. If those negotiations do not settle the dispute within a reasonable period of time, it may be submitted to UNESCO for mediation, by agreement between the States Parties concerned.

3. If mediation is not undertaken or if there is no settlement by mediation, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea apply *mutatis mutandis* to any dispute between States Parties to this Convention concerning the interpretation or application of this Convention, whether or not they are also Parties to the United Nations Convention on the Law of the Sea.

4. Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea pursuant to Article 287 of the latter shall apply to the settlement of disputes under this Article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to Article 287 for the purpose of the settlement of disputes arising out of this Convention.

5. A State Party to this Convention which is not a Party to the United Nations Convention on the Law of the Sea, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea for the purpose of settlement of disputes under this Article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with Annexes V and VII of the United Nations Convention on the Law of the Sea, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, Article 2, and Annex VII, Article 2, for the settlement of disputes arising out of this Convention.

(H) CONVENTION ON FUTURE MULTILATERAL COOPERATION IN NORTH-EAST ATLANTIC FISHERIES

Adopted on 11 November 2004 in London by the 23rd Annual Meeting of NEAFC.

NOT YET IN FORCE

TEXT: Report of the 23rd Annual Meeting of NEAFC, pp. 37-38 (Annex K, pp. 27-29)

Amendment to the Convention on Dispute Settlement

Article 18 bis

The Commission shall make recommendations establishing procedures for the settlement of disputes arising under this Convention.

NEAFC Recommendation establishing procedures for the settlement of disputes

In accordance with Article 18 bis of the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, hereinafter referred to as “the Convention”, NEAFC recommends the establishment of the following procedures for the settlement of disputes:

1. Contracting Parties shall co-operate in order to prevent disputes referred to in paragraph 2 and 3.
2. If any dispute arises between two or more Contracting Parties concerning the interpretation or application of the Convention, those Contracting Parties shall expeditiously seek to resolve the dispute by consultation, negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
3. Where a dispute concerns the application of the Convention or the interpretation or application of a recommendation adopted by the Commission, the parties to the dispute may refer the dispute to an *ad hoc* panel constituted in accordance with rules of procedure adopted by the Commission. The panel shall at the earliest possible opportunity confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously.
4. Where the parties to a dispute have agreed to refer the dispute to the *ad hoc* panel procedure, they may agree at the same time to apply provisionally the relevant

recommendation adopted by the Commission until the panel finalizes its work or the dispute is resolved by the parties to the dispute, whichever occurs first. Pending the settlement of a dispute in accordance with paragraph 5, the parties to the dispute shall apply provisionally any measure described by the panel. That provisional application shall cease when the parties to the dispute agree on arrangements of equivalent effect, when a judicial body to which the dispute has been referred in accordance with paragraph 5 has taken a provisional or definitive decision or, in any case, at the date of expiration of the recommendation of the Commission at issue.

5. Where a dispute is not resolved by recourse to the means set out in paragraphs 2 and 3, one of the parties to the dispute may refer the dispute to compulsory procedures entailing binding decisions. Such procedures shall be governed *mutatis mutandis* by the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea of 10 December 1982 (1982 UN Convention) or, where the dispute concerns one or more straddling stocks, by the provisions set out in Part VIII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (1995 Agreement). The relevant parts of the 1982 UN Convention and the 1995 Agreement shall apply whether or not the parties to the dispute are also Parties to these instruments.

6. A panel or judicial body to which any dispute has been referred under this Article shall apply, as appropriate, the relevant provisions of the Convention, of the 1982 UN Convention, of the 1995 Agreement, and other rules of international law compatible with the said instruments, as well as recommendations of the Commission which are applicable to the parties of the dispute, with a view to ensuring the conservation and optimum utilisation of the fish stocks concerned.

(I) SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

Signed on 7 July 2006 in Rome by the Comoros, France, Kenya, Mozambique, New Zealand and Seychelles and the European Community.

NOT YET IN FORCE

TEXT: www.fao.org/Legal/treaties/035t-e.htm

Article 20 – Interpretation and Settlement of Disputes

1. Contracting Parties shall use their best endeavours to resolve their disputes by amicable means. At the request of any Contracting Party a dispute may be submitted for binding decision in accordance with the procedures for the settlement of disputes provided in Section II of Part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, the procedures set out in Part VIII of the 1995 Agreement. The relevant part of the 1982 Convention and the 1995 Agreement shall apply whether or not the parties to the dispute are also parties to either of these instruments.

2. If a dispute involves a fishing entity which has expressed its commitment to be bound by the terms of this Agreement and cannot be settled by amicable means, the dispute shall, at

the request of any party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.

**(J) NAIROBI INTERNATIONAL CONVENTION
ON THE REMOVAL OF WRECKS, 2007**

Adopted on 18 May 2007 in Nairobi by the International Conference on the Removal of Wrecks.

NOT YET IN FORCE

TEXT: IMO document LEG/CONF.16/19 of 23 May 2007

**Article 15
Settlement of disputes**

1 Where a dispute arises between two or more States Parties regarding the interpretation or application of this Convention, they shall seek to resolve their dispute, in the first instance, through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice.

2 If no settlement is possible within a reasonable period of time not exceeding twelve months after one State Party has notified another that a dispute exists between them, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea, 1982, shall apply *mutatis mutandis*, whether or not the States party to the dispute are also States Parties to the United Nations Convention on the Law of the Sea, 1982.

3 Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea, 1982, pursuant to Article 287 of the latter, shall apply to the settlement of disputes under this article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to Article 287 for the purpose of the settlement of disputes arising out of this Convention.

4 A State Party to this Convention which is not a Party to the United Nations Convention on the Law of the Sea, 1982, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea, 1982, for the purpose of settlement of disputes under this Article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with Annexes V and VII of the United Nations Convention on the Law of the Sea, 1982, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, Article 2, and Annex VII, Article 2, for the settlement of disputes arising out of this Convention.

5 A declaration made under paragraphs 3 and 4 shall be deposited with the Secretary-General, who shall transmit copies thereof to the States Parties.