

Special Agreement and Notification

Pursuant to article 15, paragraph 2, of the Statute of the Tribunal, the Republic of the Marshall Islands and the Republic of Equatorial Guinea hereby record their agreement to submit to a special chamber of International Tribunal for the Law of the Sea the dispute concerning the *M/T "Heroic Idun"* and her crew. The agreement was reached on 18 April 2023, under the conditions reflected in the agreed Minutes of Consultations (18 April 2023), attached hereto.

The Republic of the Marshall Islands and the Republic of Equatorial Guinea further record their agreement that the special chamber shall be comprised of the following five individuals:

Judge Albert J. Hoffmann, as President

Judge María Teresa Infante Caffi

Judge Kathy-Ann Brown

Mr Gudmundur Eiriksson, Judge *ad hoc* (Marshall Islands)

Mr Philippe Couvreur, Judge *ad hoc* (Equatorial Guinea)

Delivery on today's date of an original of this Agreement and Notification to the Registry of the Tribunal shall constitute the notification contemplated in article 55 of the Rules of the Tribunal.

Pursuant to article 56, paragraph 3, of the Rules, the Republic of the Marshall Islands and the Republic of Equatorial Guinea have the honour to notify the Tribunal that the Government of the Marshall Islands has appointed H.E. Ms Meredith Kirby, Deputy Commissioner of Maritime Affairs, as its Agent and the Government of the Republic of Equatorial Guinea has appointed H.E. Mr Carmelo Nvono-Ncă, Ambassador, as its Agent, for the purpose of all proceedings in connection with said dispute.

The address for service to which all communications concerning the case are to be sent in accordance with article 56, paragraph 1, of the Rules are as follows:



For the Government of the Republic of the Marshall Islands:

International Registries GmbH
Am Kaiserkai 13, 2nd Floor
20457 Hamburg
Germany

With a copy to:

H.E. Ms Meredith Kirby
Agent for the Republic of the Marshall Islands
mkirby@register-iri.com

For the Government of the Republic of Equatorial Guinea:

Embassy of the Republic of Equatorial Guinea
Rohlfstraße 17-19
14195 Berlin
Germany
botschaft@guinea-ecuatorial.de

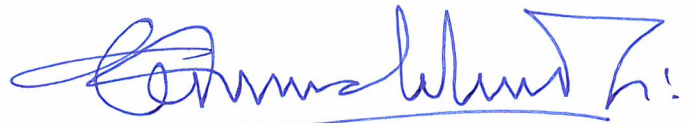
With a copy to:

H.E. Mr Carmelo Nvono-Ncá,
Agent for the Republic of Equatorial Guinea
presscom.eg@gmail.com
carmelonvononca@gmail.com

Dated: 18 April 2023

Signed:



H.E. Ms Meredith Kirby
For the Government of the Republic
of the Marshall Islands

H.E. Mr Carmelo Nvono-Ncá
For the Government of the
Republic of Equatorial Guinea

**Consultations by the President of the Tribunal
with representatives of
the Republic of the Marshall Islands and the Republic of Equatorial Guinea,
under article 3 of annex VII
to the United Nations Convention on the Law of the Sea**

Minutes of consultations

1. At the invitation of the President of the International Tribunal for the Law of the Sea, delegations from the Republic of the Marshall Islands (hereinafter “the Marshall Islands”) and the Republic of Equatorial Guinea (hereinafter “Equatorial Guinea”) participated in consultations with the President under Annex VII to the Convention, held on 18 April 2023, at the premises of the Tribunal in Hamburg, Germany, on matters relating to the arbitration proceedings instituted by the Marshall Islands in the dispute between the Marshall Islands and Equatorial Guinea concerning the *M/T “Heroic Idun”* and her crew, including the possible transfer of the dispute to a special chamber of the Tribunal under article 15, paragraph 2, of the Statute of the Tribunal.

2. The composition of the delegations was as follows:

For the Marshall Islands:

H.E. Ms Meredith Kirby, Deputy Commissioner of Maritime Affairs, Agent;
Ms Joanne Moody, Solicitor, Tatham & Co;
Ms Penelope Nevill, Counsel, Twenty Essex Chambers;
Mr Paolo Busco, Counsel, Twenty Essex Chambers.

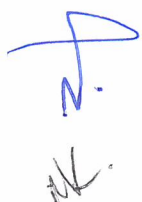
For Equatorial Guinea:

H.E. Mr Carmelo Nvono-Ncă, Ambassador, Agent;
H.E. Mr Juan Olo, Counselor;
Sir Michael Wood, Counsel, Twenty Essex Chambers;
Mr Jean-Charles Tchikaya, State Attorney;
Mr Adalberto Ncogo, State Attorney.

3. During the consultations, the parties agreed to transfer the arbitral proceedings instituted by the Marshall Islands in the dispute between the Marshall Islands and Equatorial Guinea concerning the *M/T “Heroic Idun”* and her crew to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute.

4. The proceedings of the special chamber shall be governed by the provisions contained in the Statute and the Rules of the Tribunal.

5. The parties agreed that the special chamber to be formed pursuant to article 15, paragraph 2, of the Statute shall be composed of five members, two of whom will be judges *ad hoc* chosen by the parties in accordance with article 17 of the Statute of the Tribunal. The composition of the special chamber will be determined by the Tribunal with the approval of the parties. In this respect, the parties have agreed on the following names:



Judge Albert J. Hoffmann
Judge María Teresa Infante Caffi
Judge Kathy-Ann Brown


The judges *ad hoc* shall be Mr Gudmundur Eiriksson (nominated by the Marshall Islands) and Mr Philippe Couvreur (nominated by Equatorial Guinea).

Hamburg, Germany
18 April 2023



For the Republic of the
Marshall Islands

H.E. Ms Meredith Kirby,
Agent



For the Republic of
Equatorial Guinea

H.E. Mr Carmelo Nvono-Ncá,
Agent