

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

THE M/V “NORSTAR” CASE
(PANAMA *v.* ITALY)

PRELIMINARY OBJECTIONS

List of cases: No. 25

ORDER OF 15 MARCH 2016

2016

TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DU NAVIRE « NORSTAR »
(PANAMA *c.* ITALIE)

EXCEPTIONS PRÉLIMINAIRES

Rôle des affaires : No. 25

ORDONNANCE DU 15 MARS 2016

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15 MARCH 2016
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YEAR 2016

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THE M/V “NORSTAR” CASE

(PANAMA *v.* ITALY)

ORDER

Preliminary Objections

Present: *President* GOLITSYN; *Vice-President* BOUGUETAIA; *Judges* CHANDRASEKHARA RAO, AKL, WOLFRUM, NDIAYE, JESUS, COT, LUCKY, PAWLAK, YANAI, KATEKA, HOFFMANN, GAO, PAIK, KELLY, ATTARD, KULYK, GÓMEZ-ROBLEDO, HEIDAR, CACHAPUZ DE MEDEIROS; *Registrar* GAUTIER.

THE TRIBUNAL,

composed as above,

after deliberation,

Having regard to article 294, paragraph 3, of the United Nations Convention on the Law of the Sea,

Having regard to articles 17, paragraph 3, and 27 of the Statute of the Tribunal ("the Statute"),

Having regard to articles 46, 59, 60 and 97 of the Rules of the Tribunal ("the Rules"),

Having regard to the Order of the President of the Tribunal of 3 February 2016,

Makes the following Order:

Whereas, by an Application submitted to the Tribunal on 17 December 2015, the Republic of Panama (hereinafter "Panama") instituted proceedings against the Italian Republic (hereinafter "Italy") in a dispute concerning the arrest and detention of the *M/V "Norstar"*;

Whereas on 17 December 2015 a certified copy of the Application was transmitted to Italy;

Whereas, by Order of 3 February 2016, the President fixed 28 July 2016 and 28 January 2017 as the time-limits for the filing of a Memorial by Panama and a Counter-Memorial by Italy, respectively;

Whereas the Tribunal does not include upon the bench a judge of the nationality of the Parties and, pursuant to article 17, paragraph 3, of the Statute, Panama, by letter dated 20 February 2016, has chosen Mr Gudmundur Eiriksson and Italy, by letter dated 23 February 2016, has chosen Mr Tullio Treves to sit as judges *ad hoc* in this case;

Whereas, since no objection was raised, within the time-limits fixed by the President, by Italy to the choice of Mr Eiriksson as judge *ad hoc*, and by Panama to the choice of Mr Treves as judge *ad hoc*, and none appears to the Tribunal itself, the Parties will be informed accordingly;

Whereas Mr Eiriksson and Mr Treves will then be admitted to participate in the proceedings as judges *ad hoc* after having made the solemn declaration required under article 9 of the Rules;

Whereas on 11 March 2016 Italy filed preliminary objections to the jurisdiction of the Tribunal and the admissibility of Panama's Application, and these preliminary objections were notified to Panama on the same date;

Whereas the preliminary objections were received within the time-limit set in article 97, paragraph 1, of the Rules;

Whereas, pursuant to article 97, paragraph 3, of the Rules, the proceedings on the merits are suspended upon receipt of the preliminary objections by the Registry;

Whereas, pursuant to the same provision, time-limits must be fixed for Panama to present its written observations and submissions on the preliminary objections, and for Italy to present its written observations and submissions in reply;

THE TRIBUNAL,

Fixes 10 May 2016 as the time-limit for Panama to submit its written observations and submissions on the preliminary objections filed by Italy;

Fixes 9 July 2016 as the time-limit for Italy to submit its written observations and submissions in reply;

Reserves the subsequent procedure for further decision.

Done in English and French, both texts being equally authoritative, in the Free and Hanseatic City of Hamburg, this fifteenth day of March, two thousand and sixteen, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Panama and the Government of Italy, respectively.

(*signed*) Vladimir GOLITSYN
President

(*signed*) Philippe GAUTIER
Registrar