

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 2010

18 May 2010

RESPONSIBILITIES AND OBLIGATIONS OF STATES SPONSORING PERSONS
AND ENTITIES WITH RESPECT TO ACTIVITIES IN THE INTERNATIONAL
SEABED AREA

(REQUEST FOR ADVISORY OPINION SUBMITTED
TO THE SEABED DISPUTES CHAMBER)

ORDER

The President of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea,

Having regard to article 191 of the United Nations Convention on the Law of the Sea (hereinafter "the Convention"),

Having regard to articles 27 and 40 of the Statute of the Tribunal,

Having regard to articles 130, 131 and 133 of the Rules of the Tribunal,

Makes the following Order:

Whereas, on 6 May 2010, the Council of the International Seabed Authority adopted decision ISBA/16/C/13, by which it decided, in accordance with article 191 of the Convention, to request the Seabed Disputes Chamber to render an advisory opinion on the following questions:

1. What are the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular Part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?
2. What is the extent of liability of a State Party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994 Agreement, by an entity whom it has sponsored under Article 153, paragraph 2 (b), of the Convention?

3. What are the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibility under the Convention, in particular Article 139 and Annex III, and the 1994 Agreement?

Whereas a copy of the English and French texts of that decision was transmitted to the Seabed Disputes Chamber by a letter from the Secretary-General of the International Seabed Authority dated 11 May 2010, received in the Registry by electronic mail on 14 May 2010, the original thereof having reached the Registry on 17 May 2010;

Whereas article 191 of the Convention provides that advisory opinions of the Seabed Disputes Chamber "shall be given as a matter of urgency";

Whereas, pursuant to article 131 of the Rules of the Tribunal, the Secretary-General of the International Seabed Authority indicated in his letter that all documents likely to throw light upon the questions would be transmitted to the Seabed Disputes Chamber as soon as possible;

Whereas, by a note verbale dated 17 May 2010, the Registrar gave notice of the request for an advisory opinion to the States Parties to the Convention, pursuant to article 133, paragraph 1, of the Rules of the Tribunal;

Decides that the International Seabed Authority and the organizations invited as intergovernmental organizations to participate as observers in the Assembly of the Authority are considered likely to be able to furnish information on the questions submitted to the Seabed Disputes Chamber for an advisory opinion;

Invites the States Parties to the Convention, the International Seabed Authority and the intergovernmental organizations referred to above to present written statements on the questions submitted to the Seabed Disputes Chamber for an advisory opinion;

Fixes 9 August 2010 as the time-limit within which written statements on these questions may be presented to the Seabed Disputes Chamber, in accordance with article 133, paragraph 3, of the Rules of the Tribunal;

Decides, in accordance with article 133, paragraph 4, of the Rules of the Tribunal, that oral proceedings shall be held;

Fixes 14 September 2010 as the date for the opening of the hearing, at which oral statements may be submitted to the Seabed Disputes Chamber by the States Parties to the Convention, the International Seabed Authority and the intergovernmental organizations referred to above;

Further invites the States Parties to the Convention, the International Seabed Authority and the intergovernmental organizations referred to above to indicate to the Registrar of the Tribunal, not later than 3 September 2010, their intention to make oral statements at the hearing;

Reserves the subsequent procedure for further decision.

Done in English and in French, both texts being authoritative, in the Free and Hanseatic City of Hamburg, this eighteenth day of May, two thousand and ten.



TULLIO TREVES

President of the Seabed Disputes Chamber



PHILIPPE GAUTIER

Registrar
