

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 2019

27 September 2019

DISPUTE CONCERNING DELIMITATION OF THE MARITIME
BOUNDARY BETWEEN MAURITIUS AND MALDIVES
IN THE INDIAN OCEAN

(MAURITIUS/MALDIVES)

Constitution of chamber

ORDER

Present: President PAIK; Vice-President ATTARD; Judges JESUS, COT, LUCKY, PAWLAK, YANAI, KATEKA, HOFFMANN, GAO, KELLY, KULYK, GÓMEZ-ROBLEDO, HEIDAR, CABELLO, CHADHA, KITTICHAISAREE, KOLODKIN, LIJNZAAD; Registrar HINRICHS OYARCE.

THE TRIBUNAL,

composed as above,

after deliberation,

Having regard to articles 15, paragraphs 2 and 4, 17, 24 and 27 of the Statute of the Tribunal (hereinafter “the Statute”),

Having regard to articles 19, 30, 31, 45 and 55 of the Rules of the Tribunal (hereinafter “the Rules”),

Makes the following Order:

1. Whereas, further to consultations held by the President of the Tribunal with representatives of the Republic of Mauritius (hereinafter “Mauritius”) and the Republic of Maldives (hereinafter “Maldives”) in Hamburg on 17 September 2019, a Special Agreement was concluded between the two States on 24 September 2019 to submit to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute, the dispute concerning the delimitation of their maritime boundary in the Indian Ocean;
2. Whereas the Special Agreement and Notification between Mauritius and Maldives dated 24 September 2019 (hereinafter “the Special Agreement”), in its relevant part, reads as follows:

Special Agreement and Notification

1. Pursuant to article 15, paragraph 2, of the Statute of the International Tribunal for the Law of the Sea (hereinafter “the Tribunal”), the Republic of Mauritius and the Republic of Maldives hereby record their agreement to submit to a special chamber of the Tribunal the dispute concerning the delimitation of the maritime boundary between them in the Indian Ocean. The agreement was reached on 24 September 2019, under the conditions reflected in the agreed Minutes of Consultations (17 September 2019), attached hereto.

2. The Republic of Mauritius and the Republic of Maldives further record their agreement that the special chamber shall be composed of the following nine individuals:

Judge Jin-Hyun Paik, as President
 Judge José Luís Jesus
 Judge Jean-Pierre Cot
 Judge Shunji Yanai
 Judge Boualem Bouguetaia
 Judge Tomas Heidar
 Judge Neeru Chadha
 Mr Bernard Oxman, Judge *ad hoc* (Republic of Maldives)
 Judge *ad hoc* to be chosen by the Republic of Mauritius

3. Receipt by the Registry of the Tribunal of the electronic copy of this Agreement and Notification signed by both Parties shall constitute the notification contemplated in article 55 of the Rules of the Tribunal. The date on which the Registry of the Tribunal has received this electronic copy will constitute the date of the institution of proceedings before the Tribunal. The original of the Special Agreement and Notification should be submitted to the Tribunal forthwith.

4. Pursuant to article 56, paragraph 3, of the Rules, the Republic of Mauritius and the Republic of Maldives have the honour to notify the Tribunal that the Government of Mauritius has appointed H.E. Mr Dheerendra Kumar Dabee, G.O.S.K, S.C, Solicitor-General, as its Agent and the Government of Maldives has appointed H.E. Mr Ibrahim Riffath, Attorney General, as its Agent, for the purpose of all proceedings in connection with the said dispute.

5. 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 is as follows:

For the Government of the Republic of Mauritius:

Embassy of the Republic of Mauritius
2nd Floor, Burggraf Centre
84 Kurfürstenstrasse
10787 Berlin
Germany
...

For the Government of the Republic of Maldives:

Embassy of the Republic of Maldives
Pariser Platz 4A
10117 Berlin
Germany
...

Dated: 24 September 2019

[signed]
H.E. Mr Dheerendra Kumar Dabee
For the Government of the
Republic of Mauritius

[signed]
H.E. Mr Ibrahim Riffath
For the Government of the
Republic of Maldives

3. Whereas the Minutes of Consultations agreed between Mauritius and Maldives on 17 September 2019 and attached to the Special Agreement read as follows:

Consultations by the President of the Tribunal
with representatives of
the Republic of Mauritius and the Republic of Maldives,
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 Mauritius and the Republic of Maldives participated in consultations with the President under Annex VII to the United Nations Convention on the Law of the Sea (hereinafter "the Convention"), held on 17 September 2019, at the premises of the Tribunal in Hamburg, Germany, on matters relating to the arbitral proceedings instituted by Mauritius in the dispute concerning the delimitation of the maritime boundary between Mauritius and the Maldives in the Indian Ocean, including the possible transfer of the dispute to the Tribunal or 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 Mauritius:

H.E. Mr Dheerendra Kumar Dabee, G.O.S.K., S.C., Solicitor-General and Agent of Mauritius;
 Mr Sateev Seebaluck, G.O.S.K., Senior Adviser to the Minister Mentor, Minister of Defence, Minister for Rodrigues;
 Mr Paul S. Reichler, Attorney-at-Law, Foley Hoag LLP, member of the Bar of the District of Columbia;
 Mr Andrew Loewenstein, Attorney-at-Law, Foley Hoag LLP, member of the Bar of Massachusetts.

For the Maldives:

H.E. Mr Ahmed Latheef, Ambassador, Embassy of Maldives in Germany;
 Mr Alan Boyle, Essex Court Chambers;
 Mr Mohamed Aseel Hassan, Senior Legal Officer, Ministry of Foreign Affairs.

3. During the consultations, the Parties agreed to transfer the arbitral proceedings instituted by Mauritius in the dispute concerning the delimitation of the maritime boundary between Mauritius and the Maldives in the Indian Ocean to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute. The Parties agreed that the date of the institution of proceedings before the Tribunal is the date on which the Registry of the Tribunal has received the electronic copy of the Special Agreement and Notification signed by both Parties (see paragraph 3 of the Special Agreement and Notification). The proceedings of the special chamber of the Tribunal shall be governed by the provisions contained in the Statute and the Rules of the Tribunal.

4. The Parties agreed that the special chamber to be formed pursuant to article 15, paragraph 2, of the Statute shall be composed of nine 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 Jin-Hyun Paik, as President
 Judge José Luis Jesus
 Judge Jean-Pierre Cot
 Judge Shunji Yanai
 Judge Boualem Bouguetaia
 Judge Tomas Heidar
 Judge Neeru Chadha

Mauritius has not yet chosen its judge *ad hoc* but will make its nomination in due course. Maldives has chosen Mr Bernard Oxman as judge *ad hoc*.

...

4. Whereas the Special Agreement provides that the receipt by the Registry of the Tribunal of an electronic copy of the Special Agreement and Notification signed by both Parties shall constitute the notification contemplated in article 55 of the Rules; and whereas an electronic copy of the Special Agreement was received by the Registrar of the Tribunal on 24 September 2019;

5. Whereas the Special Agreement states that Mauritius has appointed H.E. Mr Dheerendra Kumar Dabee as Agent, and Maldives has appointed H.E. Mr Ibrahim Riffath as Agent;

6. Whereas Mauritius and Maldives are States Parties to the United Nations Convention on the Law of the Sea;

7. Whereas the Tribunal has before it a request by the two States Parties that the dispute concerning delimitation of their maritime boundary in the Indian Ocean be heard and determined by a special chamber to be formed under article 15, paragraph 2, of the Statute;

8. Whereas, in the Special Agreement, the Parties conveyed their views regarding the composition of the special chamber of the Tribunal;

9. Whereas, in the Special Agreement, Mauritius notified the Tribunal of its intention to choose a judge *ad hoc*;

10. Whereas, in the Special Agreement, Maldives notified the Tribunal of its choice of Mr Bernard Oxman to sit as judge *ad hoc* in the special chamber; and whereas no objection to such choice appears to the Tribunal;

THE TRIBUNAL,

Unanimously,

1. *Decides* to accede to the request of Mauritius and Maldives to form a special chamber of nine judges to deal with the dispute concerning delimitation of their maritime boundary in the Indian Ocean;

2. *Determines*, with the approval of the Parties, the composition of the Special Chamber formed to deal with this case as follows:

President	Paik
Judges	Jesus
	Cot
	Yanai
	Bouguetaia
	Heidar
	Chadha
Judges <i>ad hoc</i>	Oxman
Judge <i>ad hoc</i> to be chosen by Mauritius;	

3. *Declares* that the Special Chamber as composed above is duly constituted;

4. *Decides* that the proceedings before the Special Chamber shall be governed by the provisions contained in the Statute and the Rules;

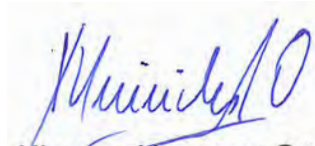
5. *Decides* that the quorum required for meetings of the Special Chamber is five members of the Special Chamber;

6. *Reserves* the subsequent procedure for further decision by the Special Chamber.

Done in English and in French, both texts being equally authoritative, in the Free and Hanseatic City of Hamburg, this twenty-seventh day of September, two thousand and nineteen, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Mauritius and to the Government of Maldives, respectively.



Jin-Hyun PAIK,
President



Ximena HINRICHS OYARCE,
Registrar
