

**AMENDMENTS TO THE ENGLISH TEXT OF THE RULES OF THE
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
as adopted by the Tribunal on 25 March 2021**

The Tribunal,

Acting pursuant to article 16 of the Statute of the International Tribunal for the Law of the Sea, Annex VI to the United Nations Convention on the Law of the Sea,

Adopts the following amendments to the English text of the Rules of the Tribunal of 28 October 1997 (as amended on 15 March and 21 September 2001, on 17 March 2009, on 25 September 2018 and on 25 September 2020):

(i) Article 4 shall be amended as follows:

3. A Member who is re-elected to a new term of office which is continuous with her or his previous term shall retain her or his precedence.

5. The Member who, in accordance with the foregoing paragraphs, takes precedence next after the President and the Vice-President of the Tribunal is in these Rules designated the "Senior Member". If that Member is unable to act, the Member who is next after her or him in precedence and able to act is considered as Senior Member.

(ii) Article 5 shall be amended as follows:

2. This declaration shall be made at the first public sitting at which the Member is present. Such sitting shall be held as soon as practicable after her or his term of office begins and, if necessary, a special sitting shall be held for the purpose.

3. A Member who is re-elected shall make a new declaration only if her or his new term is not continuous with her or his previous one

(iii) Article 6 shall be amended as follows:

2. In the case of the resignation of the President of the Tribunal, the letter of resignation shall be addressed to the Vice-President of the Tribunal or, failing her or him, the Senior Member. The place becomes vacant on the receipt of the letter.

(iv) Article 7 shall be amended as follows:

In any case in which the application of article 9 of the Statute is under consideration, the Member concerned shall be so informed by the President of the Tribunal or, if the circumstances so require, by the Vice-President of the Tribunal, in a written statement which shall include the grounds therefor and any relevant evidence. The Member concerned shall subsequently, at a private meeting of the Tribunal specially convened for the purpose, be afforded an opportunity of making a statement, of furnishing any information or explanations she or he wishes to give and of supplying answers, orally or in writing, to any questions put to her or him. The Member concerned may be assisted or represented by counsel or any other person of her or his choice. At a further private meeting, at which the Member concerned shall not be present, the matter shall be discussed; each Member shall state her or his opinion, and if requested a vote shall be taken.

(v) Article 11 shall be amended as follows:

1. If, on the date of the election to the presidency, the former President of the Tribunal is still a Member, she or he shall conduct the election. If she or he has ceased to be a Member, or is unable to act, the election shall be conducted by the Member exercising the functions of the presidency.

2. The election shall take place by secret ballot, after the presiding Member has declared the number of affirmative votes necessary for election; there shall be no nominations. The Member obtaining the votes of the majority of the Members composing the Tribunal at the time of the election shall be declared elected and shall enter forthwith upon her or his functions.

(vi) Article 12 shall be amended as follows:

1. The President of the Tribunal shall preside at all meetings of the Tribunal. She or he shall direct the work and supervise the administration of the Tribunal.

2. The President shall represent the Tribunal in its relations with States and other entities.

(vii) Article 13 shall be amended as follows:

1. In the event of a vacancy in the presidency or of the inability of the President of the Tribunal to exercise the functions of the presidency, these shall be exercised by the Vice-President of the Tribunal or, failing her or him, by the Senior Member.

2. When the President of the Tribunal is precluded by a provision of the Statute or of these Rules either from sitting or from presiding in a particular case, she or he shall continue to exercise the functions of the presidency for all purposes save in respect of that case.

3. The President of the Tribunal shall take the measures necessary in order to ensure the continuous exercise of the functions of the presidency at the seat of the Tribunal. In the event of her or his absence, she or he may, so far as is compatible with the Statute and these Rules, arrange for these functions to be exercised by the Vice-President of the Tribunal or, failing her or him, by the Senior Member.

4. If the President of the Tribunal decides to resign the presidency, she or he shall communicate her or his decision in writing to the Tribunal through the Vice-President of the Tribunal or, failing her or him, the Senior Member. If the Vice-President of the Tribunal decides to resign the vice-presidency, she or he shall communicate her or his decision in writing to the President of the Tribunal.

(viii) Article 16 shall be amended as follows:

2. The Member who is presiding in a case on the date on which the Tribunal meets in accordance with article 68 shall continue to preside in that case until completion of the current phase of the case, notwithstanding the election in the meantime of a new President or Vice-President of the Tribunal. If she or he should become unable to act, the presidency for the case shall be determined in accordance with article 13 and on the basis of the composition of the Tribunal on the date on which it met in accordance with article 68.

(ix) Article 19 shall be amended as follows:

1. If a party intends to choose a judge *ad hoc* in a case, it shall notify the Tribunal of its intention as soon as possible. It shall inform the Tribunal of the name, nationality and brief biographical details of the person chosen, preferably at the same time but in any event not later than two months before the time-limit fixed for the filing of the counter-memorial. The judge *ad hoc* may be of a nationality other than that of the party which chooses her or him.

(x) Article 31 shall be amended as follows:

1. If a chamber when formed includes the President of the Tribunal, the President shall preside over the chamber. If it does not include the President but includes the Vice-President, the Vice-President shall preside. In any other event, the chamber shall elect its own President by secret ballot and by a majority of votes of its members. The member who, under this paragraph, presides over the chamber at the time of its formation shall continue to preside so long as she or he remains a member of that chamber.

(xi) Article 36 shall be amended as follows:

1. The Registrar, in the discharge of her or his functions, shall:

(h) be present in person or represented by the Deputy Registrar, the Assistant Registrar or in their absence by a senior official of the Registry designated by her or him, at meetings of the Tribunal, and of the chambers, and be responsible for preparing records of such meetings;

3. In the discharge of her or his functions the Registrar shall be responsible to the Tribunal.

(xii) Article 39 shall be amended as follows:

2. The Registrar may be removed from office only if, in the opinion of two thirds of the Members, she or he has either committed a serious breach of her or his duties or become permanently incapacitated from exercising her or his functions. Before a decision to remove the Registrar is taken under this paragraph, she or he shall be informed by the President of the Tribunal of the action contemplated, in a written statement which shall include the grounds therefor and any relevant evidence. When the action contemplated concerns permanent incapacity, relevant medical information shall be included. The Registrar shall subsequently, at a private meeting of the Tribunal, be afforded an opportunity of making a statement, of furnishing any information or explanations she or he wishes to give and of supplying answers, orally or in writing, to any questions put to her or him. The Registrar may be assisted or represented at such meeting by counsel or any other person of her or his choice.

(xiii) Article 42 shall be amended as follows:

2. Only judges and any experts appointed in accordance with article 289 of the Convention take part in the Tribunal's judicial deliberations. The Registrar, or the Deputy Registrar, and other members of the staff of the Registry as may be required shall be present. No other person shall be present except by permission of the Tribunal.

3. The records of the Tribunal's judicial deliberations shall contain only the title or nature of the subjects or matters discussed and the results of any vote taken. They shall not contain any details of the discussions nor the views expressed, provided however that any judge is entitled to require that a statement made by her or him be inserted in the records.

(xiv) Article 45 shall be amended as follows:

In every case submitted to the Tribunal, the President shall ascertain the views of the parties with regard to questions of procedure. For this purpose, the President may summon the agents of the parties to meet her or him as soon as possible after their appointment and whenever necessary thereafter, or use other appropriate means of communication.

(xv) Article 76 shall be amended as follows:

3. Each judge has a similar right to put questions, but before exercising it the judge should make her or his intention known to the President of the Tribunal.

(xvi) Article 136 shall be amended as follows:

The Registrar shall inform the Secretary-General of the Authority as to the date and the time fixed for the public sitting to be held for the reading of the opinion. The Registrar shall also inform the States Parties and the intergovernmental organizations immediately concerned.

Decides that these amendments enter into force forthwith.



ALBERT J. HOFFMANN,
President



XIMENA HINRICHS OYARCE,
Registrar