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PART IX

SETTLEMENT OF DISPUTES AND ADVISORY OPINIONS

Article 54 bis

Prevention of disputes

 Parties shall cooperate in order to prevent disputes.

Article 54

Obligation to settle disputes by peaceful means

 Parties have the obligation to settle their disputes concerning the interpretation or application of this Agreement by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

**Article 54 ter ante [Previously 55(6ter)]**

**Settlement of disputes by any peaceful means chosen by the Parties**

Nothing in this Part impairs the right of any Party to this Agreement to agree at any time to settle a dispute between them concerning the interpretation or application of this Agreement by any peaceful means of their own choice

Article 54 ter

Disputes of a technical nature

 Where a dispute concerns a matter of a technical nature, the Parties concerned may refer the dispute to an ad hoc expert panel established by them. The panel shall confer with the Parties concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes under article [55] of this Agreement.

Article 55

Procedures for the settlement of disputes

**OPTION I:**

1. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply mutatis mutandis to any dispute concerning the interpretation or application of this Agreement between Parties to this Agreement that are also Parties to the Convention.

1bis [Previously 4bis]. The provisions of Part XV and Annexes V, VI, VII and VIII of the Convention are incorporated into this Agreement for the purpose of settlement of disputes involving a Party to this Agreement that is not a Party to the Convention.

2. Any procedure accepted by a Party to this Agreement that is also a Party to the Convention pursuant to article 287 of the Convention shall apply to the settlement of disputes under this Part, unless that Party, when signing, ratifying, approving or acceding to this Agreement, or at any time thereafter, has accepted another procedure pursuant to article 287 for the settlement of disputes under this Part.

3. Any declaration made by a Party to this Agreement that is also a Party to the Convention pursuant to article 298 of the Convention shall apply to the settlement of disputes under this Part, unless that Party, when signing, ratifying or acceding to this Agreement, or at any time thereafter, has made a different declaration pursuant to article 298 of the Convention for the settlement of disputes under this Part.

4. A Party to this Agreement that is not a Party to the Convention, when signing, ratifying or acceding to this Agreement, or at any time thereafter, shall be free to choose, by means of a written declaration, submitted to the Depositary, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Agreement:

(a) the International Tribunal for the Law of the Sea;

(b) the International Court of Justice;

(c) an arbitral tribunal constituted under Annex VII of the Convention as incorporated by article [55(1bis)];

(d) a special arbitral tribunal under Annex VIII of the Convention as incorporated by article [55(1bis)] for one or more of the categories of disputes specified therein.

A Party to this Agreement that is not a Party to the Convention that has not issued a declaration shall be deemed to have accepted the option in paragraph 4(c) of article 55. If the parties to a dispute have not accepted the same procedure for the settlement of the dispute, it may be submitted only to arbitration under Annex VI of the Convention, unless the Parties otherwise agree.

5. A Party to this Agreement that is not a Party to the Convention may, when signing, ratifying, approving or acceding to this Agreement, or at any time thereafter, without prejudice to the obligations arising under this Part, declare in writing that it does not accept any one or more of the procedures provided for in section 2 of Part XV of the Convention with respect to one or more of the categories of disputes set out in article 298 of the Convention for the settlement of disputes under this Part. Article 298 of the Convention shall apply to such a declaration.

6. The provisions of this article shall be without prejudice to the procedures on the settlement of disputes that Parties have agreed to as participants in a relevant legal instrument or framework, or as member of a relevant global, regional, subregional or sectoral body concerning the interpretation and application of such instruments and frameworks.

 6bis. Nothing in this Agreement shall be interpreted as conferring jurisdiction upon a court or tribunal over any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory or a claim thereto of a Party to this Agreement.

**[OPTION II:**

1. In the event of a dispute between Parties concerning the interpretation or application of this Agreement, the parties concerned shall, unless they agree otherwise, seek a solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Agreement, or at any time thereafter, a Party may declare in writing to the depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or all of the following means of dispute settlement as compulsory:

 (a) Arbitration, in accordance with the procedure [to be adopted by the Conference of the Parties] [laid down in annex VII to the Convention];

 (b) Submission of the dispute to the International Tribunal for the Law of the Sea; or

 (c) Submission of the dispute to the International Court of Justice.

[4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation [in accordance with the procedure to be adopted by the Conference of the Parties] [pursuant to the procedure set out in section 2 of annex V to the Convention] unless the parties otherwise agree.]

5. This article shall not apply to any dispute concerning the land territory, sovereignty, sovereign rights or jurisdiction of a Party to this Agreement.]

Article 55 bis

Provisional arrangements

 Pending the settlement of a dispute in accordance with this Part, the parties to the dispute shall make every effort to enter into provisional arrangements of a practical nature.

 (move to Article 48.5 bis)Advisory opinions

 The Conference of the Parties may decide, by consensus, or, if all efforts to reach consensus have been exhausted, by a two-thirds majority of the representatives present and voting, to request the International Tribunal for the Law of the Sea to give an advisory opinion on a legal question on the conformity with this Agreement of a proposal before the Conference of the Parties on any matter within its competence. A request for an advisory opinion may not be sought on a matter within the competence of other global, regional, subregional or sectoral bodies; or on a matter that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory or a claim thereto. The request shall indicate the scope of the legal question on which the advisory opinion is sought. The Conference of the Parties may request that such opinion be given as a matter of urgency.