



International settlement of disputes

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Substance and procedure

- *EEA and the EFTA Court*
- *Bilateral Investment Treaties*
- *UNCLOS and ITLOS*
- *International Court of Justice*
- *Non-institutional arbitration*
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- *No special conflict rules in NEAFC and the Svalbard Treaty*
- *General jurisdiction*

UNCLOS

(and 1995 Fish Stocks Agreement)

- *Art 288 Jurisdiction*
- *Annex IX EU (Art 4(3) and 7)*
- *Part XV, Section 1 Conciliation, etc. (Annex V)*
- *Part XV, Sections 2-3 Procedures*

Article 287

Choice of procedure

1. choose ... one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention:

(a) the International Tribunal for the Law of the Sea established in accordance with Annex VI;

(b) the International Court of Justice;

(c) an arbitral tribunal constituted in accordance with Annex VII;

(d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.

Article 297

Limitations on ... section 2

Disputes concerning the interpretation or application of this Convention with regard to the exercise by a coastal State of its sovereign rights or jurisdiction provided for in this Convention shall be subject to the procedures provided for in section 2 in the following cases:

Article 297 (cont'd), para 3(a)

Disputes concerning the interpretation or application of the provisions of this Convention with regard to fisheries shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute relating to its sovereign rights with respect to the living resources in the exclusive economic zone or their exercise, including its discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management laws and regulations.

ITLOS - Norway

The Government of the Kingdom of Norway declares pursuant to article 298 of the Convention that it does not accept an arbitral tribunal constituted in accordance with Annex VII of any of the categories of disputes mentioned in article 298.

ICJ statute

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

Article 34

1. Only states may be parties in cases before the Court.

ICJ - Norway

Norway recognises as compulsory ... in relation to any other State accepting the same obligation ... the jurisdiction of the International Court of Justice

... provided, however, that the limitations and exceptions relating to the settlement of disputes pursuant to the provisions of, and the Norwegian declarations applicable ... to, the United Nations Convention on the Law of the Sea ... shall apply to all disputes concerning the law of the sea.

BIT

- *Agreements with Latvia og Lithuania*
- *Applicable?*
- *Arts- IX og X*

EFTA Court

- *Exceptions*
- *EEA Agreement Protocol 40*
- *Agreement between the EFTA States on the establishment of a surveillance authority and a court of justice, Arts 31 et seq.*