Disputes arising from deep-sea mining activities in the Area are to be settled by compulsory procedures which basically do not give the parties a choice of courts or tribunals. In interpreting or applying provisions related to the sea-bed Area and related Annexes, jurisdiction is to be exercised in such a manner as to ensure that rulings are uniform. The essential device for achieving this goal is the Sea-Bed Disputes Chamber, a special chamber of the Tribunal for the Law of the Sea. This Tribunal elects eleven of its twenty-one members to the Sea-Bed Disputes Chamber for a three-year term; a quorum of seven members is required to constitute the Chamber. The Chamber has jurisdiction in the following cases:

1. States parties in dispute may submit cases to a three-member ad hoc chamber formed from the members of the Sea-Bed Disputes Chamber or to a special chamber of the Tribunal for the Law of the Sea.

2. Contractual disputes, including those involving the plan of work, with respect to interpretation or application and financial terms in general and in particular with respect to transfer of technology are to be submitted to binding commercial arbitration (if the parties to the dispute do not agree otherwise). But tribunals for commercial arbitration have no jurisdiction on questions of the interpretation of the Area provisions and the Annexes; such questions must be referred to the Sea-Bed Disputes Chamber.

3. The Sea-Bed Disputes Chamber has no jurisdiction with regard to the exercise by the Authority of its discretionary powers; furthermore, it does not pronounce itself on the question of whether any rules, regulations, and procedures of the Authority are in conformity with the Convention, nor does it declare invalid any such rules, regulations, and procedures. This limitation of the Chamber's jurisdiction should be regarded in light of the majority requirements for taking decisions on questions of substance in the Assembly and of the possibility for the Assembly to request opinions from the Chamber.

The Chamber gives advisory opinions at the request of the Assembly or the Council on legal questions arising within the scope of their activities and treats such requests as matters of urgency.

The procedure of the Sea-Bed Disputes Chamber is governed by the provisions applicable for the International Tribunal for the Law of the Sea. In cases where a natural or judicial person is a party to a dispute, the sponsoring state has the right to participate in the proceedings by submitting written or oral statements.

Further Readings: - Authority-Contractors (Layout), Page 85
- Tribunal of the Law of the Sea, Page 90
### LAW OF THE SEA TRIBUNAL

**(Annex VI, Articles 1-19)**

<table>
<thead>
<tr>
<th>Chamber</th>
<th>Members</th>
<th>Term of Office</th>
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</table>
| **Ad Hoc Chamber**<br>
(Annex VI, Art. 36)<br>Members: 3                                     |         |                |
| **Sea-Bed Disputes Chamber**<br>
(Art. 186-191; Annex VI, Art. 14, 35-40)<br>MEMBERS 11 (elected from the members of the Tribunal); 7 members constitute a quorum<br>TERMS OF OFFICE: 3 years |         |                |
| **Special Chamber**<br>
(Annex VI, Art. 15)<br>Members: 3 or more |         |                |
| **Chamber of Summary Procedure**<br>
(Annex VI, Art. 15)<br>Members: 5 |         |                |

### PRINCIPLES OF THE SEA-BED DISPUTES CHAMBER’S JURISDICTION WITH RESPECT TO ACTIVITIES IN THE AREA

**Obligatory Jurisdiction of Sea-Bed Dispute Chamber on Non-Contractual Matters**

Disputes between States Parties concerning Part XI, including Annexes, Art. 187(a) - which can, however, be submitted instead:

1. to a special chamber of the Tribunal (Art. 188, Para. 1(a)); or
2. to an *ad hoc chamber* (Art. 188, Para. 1(b))

Disputes between a State Party and the Authority (Art. 187(b)) concerning alleged violation by State Party or Authority with the limitation that the Chamber has no jurisdiction with regard to the Authority's discretionary power (Art. 189)

**Obligatory Jurisdiction of Sea-Bed Disputes Chamber on Contractual Matters**

Disputes between States Parties, the Authority or the Enterprise, state enterprise, and natural and judicial persons in cases of omission, refusal, or liability affecting contractual relations (Article 187, Subpara. (c)(ii), (d), (e)) but not in

1. disputes concerning the interpretation or application of the contract or plan of work<br>   (Annex III, Art. 13, Para. 15);
2. Disputes related to transfer of technology - commercial terms and conditions – (Annex III, Art. 5, Para. 4).

Such disputes shall be referred to binding commercial arbitration.

**Other Tasks of the Sea-Bed Disputes Chamber**

- On submission of a commercial arbitral tribunal, decide any question of interpretation of Part XI and Annexes (Article 188, Subparagraph 2(b))
- Advisory opinions at the request of the Assembly on conformity of proposals before the Assembly with the Convention (Art. 159, Para. 10)
- Decisions on suspension of membership (Art. 185)
- Advisory opinions at the request of the Assembly and Council on legal questions (Art. 191)