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A CRITICAL APPRAISAL OF MARITIME DISPUTE: ASSESSING UNCLOS 1982 DISPUTE SETTLEMENT PROVISIONS

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Abstract

This paper appraised the basic structure of the dispute settlement provision of the Law of the Sea Convention 1982. It examined the misconceptions that undermine the whole scheme of dispute settlement and as well tried to rationalize the overall dispute settlement regimes, arguing for the need for amendments and modifications to help facilitate its general acceptance by states. Obviously, the law of the sea presented and still presents many avenues for disputes. Adjacent or opposite states may disagree over the boundaries separating their respective maritime zones; one State may claim the right to conduct naval manoeuvres in the Exclusive Economic Zone of another State, which right might be denied by another State.. Therefore, it is apt to state that the seas have historically performed two important functions; first, as a medium of communication, and secondly, as a vast reservoir of resources, both living and non-living. Both of these functions have stimulated the development of legal rules and indeed mechanisms of dispute settlement, in cases where such arises. As a principle of international law, the land dominates the sea, so that the land territorial situation constitutes the starting point for the determination of the maritime rights of coastal state. This paper adopted the doctrinal method of research. The authors found that the dispute settlement mechanisms as provided under the UNCLOS 1982, are under utilised and there is need to incorporate the peaceful settlement means such as mediation, conciliation and similar others in the Convention. The authors took into consideration, the International Court of Justice (ICJ), the International Sea Bed Authority and recently, the International Tribunal for Law of the Sea and argued for their incorporation of dispute settlement mechanism. The authors concluded that the bodies assigned the roles of dispute settlement are hampered by various factors, which mneed to be addressed if Dispute Settlement mechanism would be fully implemented under Unclos 1982. The authors also identified the many defects and shortcomings of the dispute procedure contemplated under the 1982 UNCLOS and made some recommendations on how to deal with them.

Keywords: *DISPUTE AND SETTLEMENT, LAW OF THE SEA, UNCLOS 1982, EXCLUSIVE ECONOMIC ZONES,*

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1. Introduction

The Law of the Sea Convention attempts a comprehensive regulation of the whole ocean space.[1] The provisions covers inter alia, the limits of national jurisdiction, navigation, protection, preservation of marine environment, exploitation of living resources and conservation, scientific research, technology transfer, seabed mining and other exploitation of non-living resources[2]. Apart from the bodies set up to carry out specific functions, there are also provisions on the settlement of disputes[3]. The Convention has 320 articles, 17 parts and nine annexes.[4]

It is worthy of note to state that dispute is an inevitable natural phenomenon present in every social context. The 1982 UN Convention on the Law of the Sea, unlike the 1958 Geneva Conventions, included detailed provisions relating to the settlement of disputes arising from the Convention. These provisions were agreed upon as early as 1975 when the Third World countries still resented the judgments rendered by the International Court of Justice in the *South West Africa Case* and the case of the *Northern Cameroons.* [5]Their view was that the International Court was inactive and could not be trusted to protect the interest of the developing world. These countries therefore fought for the creation of a completely new tribunal for the law of the sea, which they thought could give more effective protection to their interests. They favoured the establishment of a Tribunal for the Law of the Sea in which they would have a greater number of seats and a greater role. They obtained satisfaction on this point by the creation of an International Tribunal for the Law of the Sea (ITLOS), composed of 21 judges, elected by the parties, with an "equitable geographical distribution.[6]

Furthermore, not all countries were enthusiastic about this new Tribunal. The Convention therefore accommodated other means of settling disputes and then left it to states to choose between the Tribunal, the International Court of Justice and various forms of arbitration. Significantly, States are obliged to settle their disputes by peaceful means under the Convention. Disputes may be settled through the agency of the International Court of Justice, Arbitration or the International Tribunal for the Law of the Sea, a new and autonomous specialized tribunal established by the Convention. While the International Tribunal has concurrent jurisdiction with other agencies, such as the ICJ and arbitration tribunals, the Sea Bed Disputes Chamber which is a specialized chamber of the tribunal has (Jurisdictional) competence over all disputes involving the deep sea-bed area[7]. Tribunal is compulsory only with respect to deep sea bed mining disputes, arising under part XI of the Convention. States are therefore not bound to submit to binding dispute settlement systems matters which they consider of vital national concern[8]. Some prominent international law scholars have expressed serious doubts on the overall structure of dispute settlement under the 1982 Convention and specifically concluded on the "futility of the ITLOS". In this paper, we shall attempt to examine the full range of dispute resolution provisions under the 1982 Convention and then assess their utility within the changing dynamics of the new world order. The paper will examine some of the misconceptions that underline the whole scheme of dispute settlement under the convention and try to rationalize the overall dispute settlement regime in the context of the amendments or modifications worked out after the adoption of the convention to facilitate its universal acceptance.

[1] O C Eze, Historical Overview of the 1982 UN Convention on the Law of the Sea: Fifteen Years After (NAILS, 1998) 340-387
[2] *Ibid.*
[3] (n 1) 28
[4] (n1) 29-40
[5] A De Marffy-Mantuano, The Procedural Framework of the Agreement Implementing the 1982 United Nations Convention on the Law of the Sea '[1995] (89)(4); 814
[6] M N Shaw, International Law (6th edn Cambridge University Press 2008); 633-640
[7] Articles 156-162, 170 of the UNCLOS 1982
[8] M N Shaw, International Law (6th edn Cambridge University Press); 635

2. A Critical Examination of the Dispute Settlement Legal Framework under the 1982 Law of the Sea Convention

The Convention contains general provisions regarding dispute settlement by consensual procedures and some specific provisions dealing with compulsory procedures which entail binding decisions. The general provisions reflect the existing regime for the pacific settlement of disputes at international law generally, while the specific provisions are designed to address the perceived limitations of the orthodox dispute settlement procedure by recourse to binding third-party adjudication. The scheme in the 1982 Convention has two parts. Section 2 of the Part XV of the Convention sets out the range of tribunals to be used under the 'compulsory' settlement procedures that are commonly thought of as the essence of the Convention's dispute settlement procedures.

(a) General Provisions Involving Peaceful Means of the Parties' Choice

Article 279 imposes the general obligation at customary and conventional international law to settle disputes by peaceful means in accordance with Article 2, paragraph 3, of the United Nations Charter 1945[9]. This mandates States to seek a solution by the means indicated in Article 33, paragraph 1, of the Charter. These means, as listed in the Principles of International Law regarding Friendly Relations and Co-operation among States, 1966, include negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements or other peaceful means of their choice.[10] The obligation to settle disputes by any peaceful means chosen by the parties is affirmed by Article 280 of the 1982 Convention. Indeed, the Convention makes the other procedures for dispute settlement applicable only where no settlement has been reached by such means chosen by the parties. On the other hand, if the parties have an agreement to submit such dispute to a procedure that entails a binding decision that agreement will take precedence, unless the parties to the dispute otherwise agree.[11] Two other general obligations imposed by the convention involve exchange of views and conciliation.

Firstly, it is stipulated that whenever a dispute arises, the parties thereto shall proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means. Secondly, the parties are allowed to initiate a submission of their dispute to conciliation in accordance with the procedure under Annex V, section 1, or to any conciliation procedure[12]. In effect, the general provisions reflect the existing rules for the pacific settlement of disputes, with primary focus on the consensual non-binding procedures like negotiation and conciliation. The practical advantage of these is that the solution to the dispute is mutually worked out by the parties who control both the process and the outcome. Where the parties collaborate to jointly decide a win-win outcome that meets both side's interests, the resolution is likely to be more satisfactory and durable than when a solution is imposed by a third party adjudicator, be it a court or arbitral tribunal.

Therefore, this paper, suggests that mediation, which essentially consists of facilitated negotiations, resulting in a negotiated rather than imposed result, should have been specifically covered by the convention. Although conciliation may play a similar role as mediation, the skills required for the latter enables the mediator to direct the parties to focus on their interests and options for mutual gain. In this way, it assists the parties to reach wise, efficient and durable agreements and to preserve or promote their relationships. The myriads of overlapping interests in the Law of the Sea involving costal states, flag states, landlocked states or geographically disadvantaged states makes interest based mediation a most useful alternative in the dispute resolution scheme.

[9] R R Churchill and A V Lowe, The Law of the Sea (Manchester University Press 1824); 454
[10] (n 9) 455
[11] (n 9) 456-458
[12] M N Shaw, International Law (6th edn Cambridge University Press 2008); 637-638

(b) Specific Compulsory Procedures Entailing Binding Decisions

Article 286 of the 1982 Convention provides that where no agreement is reached by recourse to the measures discussed above, it shall be submitted, at the request of any party to the dispute, to the court or tribunal having jurisdiction under the Convention. States are free to choose any one or more of four different means for the binding settlement of disputes concerning the interpretation or application of the Convention. They may do so by way of a written declaration at the time of signing, ratifying or acceding to the Convention or at any time thereafter. These are:

i. The International Tribunal for the Law of the Sea, established in accordance with Annex VI; (ITLOS);
ii. The International Court of Justice;
iii. An Arbitral Tribunal constituted in accordance with Annex VII;
iv. Special Arbitral Tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.

All states however are deemed to accept the jurisdiction of the Sea Bed Disputes Chamber of the International Tribunal for the Law of the Sea with respect to matters covered by Article 187 of the Convention. Thus, any declaration made by a state regarding its choice of means of dispute settlement shall not affect or be affected by the obligation to accept the jurisdiction of the Sea-Bed Disputes Chamber of ITLOS. The last point of importance is that if a state either does not make a declaration as to the means chosen by it for disputes settlement, parties to a dispute have not accepted the same procedure, arbitration is prescribed by the Convention. Where however, the parties have accepted the same procedure, their dispute may only be submitted to that procedure, unless the parties otherwise agree[13].

In essence, the above specific provisions stipulate two main binding procedures for dispute settlement under the Convention. These are Arbitration and Judicial Settlement. Both of these involves a binding decision by a third party who has jurisdiction to impose a solution according to law. The key advantage of both procedures is the element of finality. It serves the interests of international peace, security and justice that disputes be definitively determined, and the rights and liabilities clearly assigned by the adjudicating body.

However, adjudicated outcomes, tend to be an either/or, win-lose affair. The case is organized as a bipolar contest between two unitary interests, diametrically opposed, to be decided on a winner-takes-all basis. Little scope is open to the adjudicating tribunal to reconcile the parties underlying interests. The adversorial character of the adjudicatory process often damages relationships and hardly looks to the future. It is of the Sea focus on past events and overriding concern with determining right and wrong, suggest that adjudication - both arbitration and judicial settlement should be a last resort in dealing with international disputes generally (especially those overlaid with political elements) and law of the sea disputes in particular (which involve complex conflicts of economic interests). The law should be moving more in the direction of promoting consensual settlements rather than adjudicated outcomes. Quite apart from these conceptual limitations to the adjudication of law of the sea disputes, there are also practical limitations to the very structure of the compulsory dispute settlement system itself as designed under the 1982 Convention. In the next part of the paper, we outline the practical import of the scope of those provisions, and the misconceptions that underlie them.

2. An Appraisal of the Compulsory Dispute Procedures

In spite of the apparent comprehensiveness of the provisions in part XV of the Convention concerning the compulsory settlement of disputes, the provisions do not cover all disputes concerning the interpretation or application of the Convention. A number of major ocean disputes are exempted from compulsory settlement by the International Court of Justice or by any other court or tribunal. For

[13] UNCLOS 1982

instance, practically all disputes arising out of the exercise of sovereign rights or jurisdiction by a state in the exclusive economic zone (EEZ) concerning marine scientific research and fisheries are excluded or exempt from the compulsory procedures." A state may also declare in writing that it does not accept any one or more of the compulsory procedures with regard to, among others, disputes concerning sea boundary delimitations, disputes concerning military activities and disputes concerning law enforcement activities in regard to marine scientific research and fisheries in the EEZ as well as disputes in respect of which the Security Council is exercising the functions assigned to it by the UN Charter. However, it seems that despite the wide battery of judicial and arbitral competence which part XV of the 1982 Convention ostensibly provides, the scope of procedures for compulsory settlement is to say the least very narrow. This not only mirrors the attitude of states to judicial settlement in general, but also reflects the contemporary situation of the Law of the sea and the different positions of individual states towards the new regime of the seas.[14]

Nonetheless, the functional approach adopted in the 1982 Convention is to be commended. The oceans use has resulted in a corresponding increase in the variety of disputes. The types of dispute relating to them have multiplied. Some unique disputes of a kind previously unknown, are likely to arise alongside the emergence of new regimes like the EEZ and the international sea-bed area. In particular, it seems helpful that where ocean disputes are not strictly judicial in nature, they may be settled by means of other procedures like an arbitral tribunal or the ITLOS Sea-Bed Disputes chamber since they may not properly fall within the competence of the ICJ. In some schematic way, the Convention draws thin functionally significant lines of demarcation as to the compulsory procedures to be adopted in certain disputes.

Furthermore, for disputes with regard to the exercise of jurisdiction by a coastal state in its EEZ concerning fisheries, marine scientific research and pollution, the Convention seems to prescribe recourse to settlement by special arbitration. Disputes arising out of the administration of sea-bed exploitation are to be referred to the ITLOS Sea-Bed Disputes Chamber, while disputes on maritime boundaries are to be settled by arbitration. Within the context of recourse to these other procedures to deal with certain specific kinds of ocean disputes, the International Court of Justice is probably expected to play a significant role in the settlement of ocean disputes of a legal nature. The Court will therefore essentially handle disputes concerning general rules of the law of the sea[15].

It is however submitted, given its status as the "principal judicial organ of the United Nations" for the settlement of inter-state disputes that the ICJ ought to play a leading role in cases of ocean disputes involving the interpretation and application of the law of the sea. The law of the sea is an essential part of international law and disputes over its application or interpretation should be seen as subject to settlement by the court.

In the light of the foregoing observations, some commentators have argued that the creation of a court of judicature in parallel with the International Court of Justice, which, has been in existence for many years "will prove to have been a great mistake". In their view, the law of the sea must be interpreted in the light of the uniform development of jurisprudence within the international community, and must not be dealt with in a fragmentary manner. This they consider is most important and necessary for the new order of the oceans, so that the established rules should continue to exist as an integral part of international law. They perceive this would have been best served by strengthening the role of the ICJ, and not by dispersing dispute settlement functions among various organs. This is particularly so, because the developing countries distrust of the ICJ in the 1960s has proved to be groundless in the light of its practice during the past three decades. The frequent use of the court by developing

[14] UNCLOS 1982 Article 297 (1)
[15] UN Charter 1945

countries in the 1980s, 90s and 2000s has undermined the justification for depriving the court of its role as the sole organ for judicial settlement of disputes.[16]

There are grave doubts as to how many states will prefer the ITLOS to the ICJ. At the end of the day ITLOS jurisdiction may be limited, in point of fact, to disputes arising from part XI of the Convention related to deep sea mining. But that part has been completely changed by a Protocol of July 14th, 1994 and there is practically no hope of any activity in this field for another ten or twenty years.[17] These factors appear to have been responsible for the decision taken in November 1994, when the 1982 Convention came into force, to postpone the election of the members of the Tribunal, and to make the tenure of judges ad-hoc; that is, while they would be appointed on a permanent basis, they would sit only when a case has to be examined and be remunerated only in such an event[18]. Given the foregoing, it seems misguided to have created the ITLOS in the first place and it may even be more misguided to try to activate it at this point in time. Assuming, we were to have a conference on the law of the sea to deliberate on key issues under the Convention today, it would be most unlikely that it would take the same decision as it did in 1975. In particular, the disintegration of the Soviet Union and the Eastern Socialist bloc has ended the cold war misapprehensions that cast the ICJ in the garb of a pro-capitalist institution that was anti Third World and anti- Communism. In the emerging unipolar, post-cold war world, one global court should serve the international community in order to promote the rule of law based upon the uniform development of jurisprudence[19]

Another major misconception incorporated into the whole scheme of dispute settlement in the Convention relates to the listing, in parallel, of the courts and tribunal for the compulsory settlement of disputes, among which states parties may freely choose, without consideration being given to the proper functions assigned to each of these institutions. The simple listing of the four courts and tribunals - the ITLOS, ICJ, arbitral tribunal and special arbitral tribunal - hardly makes sense. As states may select a procedure that is not necessarily suited for a specific dispute. It is possible for states, for example, to choose a special arbitral tribunal for disputes, concerning the exercise of coastal jurisdiction in the EEZ which should properly be dealt with by a court. Similarly it would make little sense to choose a court for evaluating the appropriateness of a coastal state's regulations concerning marine scientific research, fisheries or pollution, which would best be handled by a special arbitral tribunal relying on non-legal elements. It is therefore explicitly unsatisfactory that the Convention does not clearly delineate the functions to be attached to the different institutions for dispute settlement.

3. Highlight of Nigerian Perspectives under the UNCLOS 1982

Nigeria signed the Convention of 1982 when it was adopted. It was subsequently ratified on 11th July, 1986. By 1994 when the Convention finally entered into force after the deposit of the sixtieth instrument of ratification accession, it had been adopted into many national laws and the International Court of Justice in a number of cases (especially the maritime boundary delimitation cases) did not hesitate to apply it, as it considered its rules as crystallizing international law.[20] In Nigeria for instance, Decree No. 28 of 1978 had established an exclusive economic zone of 200 nautical miles, once the concept was accepted in the LOS. However, most of the existing local legislations regarding the maritime zones have not been amended to reflect the acceptance of the new regime of the law of the sea. For example Decree No. 38 of 1971, extended Nigeria's territorial waters to thirty nautical miles of the coast of Nigeria, thereby altering the 12-mile limit set in the Interpretation Act. 1964. Despite, the unanimity at UNCLOS III as to a 12-mile limit, the position has remained in conflict with the new regime. The same is true of the definition of the continental shelf.

[16] O C Eze, ' Historical Overview of the 1982 UN Convention on the Law of the Sea: Fifteen Years After Signature' in I A Ayua, T A I Yagba and A O odiase (eds), The New Law of the Sea and the Nigerian Maritime Sector: Issues and Prospects for the Next Millenium (NIALS 1998); 11-20
[17] (n 16)
[18] (n 16)
[19] (n 16)
[20] (n 16)

The first problem this presents is that the interests of Cameroon, Equatorial Guinea, Sao Tome and Principe, and many others, which are adjacent or opposite states in the Gulf of Guinea seem difficult to reconcile in terms of delimiting the maritime boundaries. The first step towards resolving the conflicting maritime claims is to rationalize the legal basis of the claims within the framework of the 1982 convention and then undertake negotiations aimed at working out an equitable solution. Even if such negotiations cannot produce a settlement, the above discussion suggests that arbitration, rather than judicial settlement, would be the more appropriate procedure in dealing with such disputes. The second problem is that, with the coming into force of the LOS, provisions like those in the Territorial Waters Act regarding jurisdiction over offences committed in territorial waters seem inconsistent with the Convention. Jurisdiction beyond the 12-mile limit will be extra-territorial and a violation of the rights of other states, it may also interfere with rights of innocent passage or navigation. Indeed the 30-mile limit is well outside the contiguous zone created to permit a coastal state to enforce its criminal, immigration or sanitary laws outside the territorial sea. It may therefore raise problems, for example, with the exercise of the right of hot pursuit. Lastly, mention should be made of the need for Nigeria to make a formal declaration regarding the procedures she will adopt in the event of ocean disputes as stipulated in Article 287 of the LOS. As has been argued earlier in the paper, it will be necessary to delineate the kinds of disputes to which particular procedures will be used. Care must be taken to avoid the generalized nature of the optional jurisdiction declaration made by Nigeria with respect to the ICJ.

4. Highlights of the Dispute Settlement Bodies under the 1982 UNCLOS

a. International Court of Justice

ICJ is described in article 92 of the UN charter as the 'Principal Judicial Organ' of the UN. ICJ is a judicial institution that decides cases on the basis of international law. The ICJ is a very highly respected body, whose judges are lawyers of the highest reputation, representing all of the world's major legal systems, and often having very extensive experience of international litigation. The court's procedures are well known, and its rulings carry very great weight. States have often preferred to take disputes to the ICJ(or, before 1945, its predecessor, the Permanent Court of International Court of International Justice). It is a guardian for the international community as a whole, both with and without the United Nations. The jurisdiction of the International Court falls into two distinct parts: its capacity to decide dispute between states, and its capacity to give advisory opinions when requested to do so by particular qualified entities.[21] The judges of this court are elected for nine-year terms by the UN General Assembly and the Security Council in accordance with the court's statute. However, each party to a dispute has a right to appoint a judge of its choosing if there is no judge of its nationality on the bench. If they do, the parties may choose judges who will constitute the chamber. This was done in the case of *Gulf of Maine Case*.[22]

b. Seabed Disputes Chamber of the International Law of the Sea

The body is provided for under article 187 of the UNCLOS 1982, and shall have jurisdiction with regards to matters concerning the Deep Seabed and the International Seabed Authority. By virtue of article 188, inter-state disputes concerning the exploitation of the international seabed are to be submitted only to the Seabed Disputes Chamber.[23] The chamber is composed of eleven judges representing the principal legal systems of the world and with equitable geographical distribution. The composition is determined by the Seabed Disputes chamber with the approval of the parties to the dispute. The body has jurisdiction to give advisory opinions at the request of the Assembly or the Council of the International Seabed Authority on legal questions arising within the scope of their activities and such

[21] M N Shaw, International Law (6th edn Cambridge University Press 2008); 633
[22] *Ibid.*
[23] (n 21) 637

opinions shall be given as a matter of urgency, as seen in articles 159 (10) and 191 of the Convention.

c. The International Tribunal for the Law of the Sea

The Tribunal was established as one of the dispute settlement mechanisms under Part XV of the Law of the Sea Convention. The Statute of the Tribunal[24] Provides that it shall be composed of twenty-one independent members enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea, while the representation of the principal legal systems of the world and equitable geographical distribution are to be assured.[25] Judges are elected for nine-year terms by the states parties to the Convention.[26] The Statute also allows for the appointment of ad hoc judges. Article 17 provides that where the Tribunal includes a member of a nationality of one of the parties to the dispute, any other party may choose a person to participate as a member of the Tribunal. Where in a dispute neither or none of the parties have a judge of the same nationality, they may choose a person to participate as a member of the Tribunal[27]. The Tribunal may also, at the request of a party or of its own motion, decide to select no fewer than two scientific or technical experts to sit with it, but without the right to vote[28].

The Tribunal, based in Hamburg, Germany, is open to states parties to the Convention[29] and to entities other than states parties in accordance with Part XI of the Convention, concerning the International Seabed Area, thereby including the International Seabed Authority, state enterprises and natural and juridical persons in certain circumstances[30], or in any case submitted pursuant to any other agreement conferring jurisdiction on the Tribunal which is accepted by all the parties to that case[31].

The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with the Convention and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal [32].

5. Conclusion/ Recommendations

The paper has established that in spite of the many defects and shortcomings, the dispute resolution procedures contemplated by the 1982 Convention are broad enough to deal with the variety of ocean disputes that are likely to arise now or in the future. Since the Convention has already come into force, it may be too late to try to demonstrate the futility of ITLOS and other procedures prescribed therein. It is however hoped that states will learn to adopt of procedures which are best suited to the circumstances of each dispute. In particular, more attention should be paid to the consensual procedures of negotiation, mediation and conciliation. Where these fail to resolve a dispute, recourse to arbitration or the International Court of Justice may be the final resort. The role of ITLOS is somewhat unhelpful within the context of uniform development of the law of the sea as part of the corpus of general international law. It is suggested in this paper, that ITLOS should have been designed to provide mediation, conciliation and arbitration services for the resolution of ocean disputes, while judicial settlement would be the exclusive preserve of the International Court of Justice. As the dispute settlement system under the LOS now stands, states will have to make their own enlightened decisions as to what procedures to adopt. Nigeria needs to make this determination in its own national interest as a coastal state surrounded by littoral or landlocked states and other geographically disadvantaged states as well as island states, with whom disputes are inevitable.

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[24] Annex VI of the Convention
[25] Article 2 of the Statute. A quorum of eleven judges is required to constitute the Tribunal, article 13
[26] Article 5
[27] Articles 8, 9 and 18-22 of the Rules of the Tribunal.
[28] Article 292(1) of the Convention and article 15 of the Rules
[29] *Ibid.* Article 20 (1) of the Convention
[30] Article 153 and 187 of the Convention
[31] Article 20(2) of the Statute
[3232] Article 21 of the Convention