

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER



2001

Public sitting

held on Monday, 3 December 2001, at 11 a.m.,
at the International Tribunal for the Law of the Sea, Hamburg,

President P. Chandrasekhara Rao presiding

The MOX Plant Case
(Request for provisional measures)

(Ireland v. United Kingdom)

Verbatim Record

<i>Present:</i>	President	P. Chandrasekhara Rao
	Vice-President	L. Dolliver M. Nelson
	Judges	Hugo Caminos
		Vicente Marotta Rangel
		Alexander Yankov
		Soji Yamamoto
		Anatoli Lazarevich Kolodkin
		Choon-Ho Park
		Paul Bamela Engo
		Thomas A. Mensah
		Joseph Akl
		David Anderson
		Budislav Vukas
		Rüdiger Wolfrum
		Tullio Treves
		Mohamed Mouldi Marsit
		Gudmundur Eiriksson
		Tafsir Malick Ndiaye
		José Luis Jesus
		Guangjian Xu
	Judge <i>ad hoc</i>	Alberto Székely
	Registrar	Philippe Gautier

Ireland represented by:

Mr. David J. O'Hagan, Chief State Solicitor,

as Agent;

and

Mr. Philippe Sands, Member of the Bar of England and Wales, Professor of International Law, University of London, United Kingdom,

as Counsel and Advocates;

Ms. Alison Macdonald, Member of the Bar of England and Wales, Fellow, All Souls' College, Oxford, United Kingdom,

as Counsel,

the United Kingdom represented by:

Mr. Michael Wood, CMG, Legal Adviser, Foreign and Commonwealth Office,

as Agent.

1 **CLERK OF THE TRIBUNAL:** All rise, veuillez vous lever.

2

3 **THE PRESIDENT:** Please be seated

4

5 **CLERK OF THE TRIBUNAL:** The International Tribunal for the Law of the Sea is
6 now in session. L'audience du Tribunal est ouverte.

7

8 **REGISTRAR:** The Tribunal will today deliver its Order in the request for provisional
9 measures by Ireland in the *MOX Plant Case*, Case No. 10 on the List of cases,
10 Ireland, Applicant, and the United Kingdom, Respondent. The Tribunal heard oral
11 arguments from the parties at four public sittings on 19 and 20 November 2001.

12

13 The hearings concluded with the final submissions of both parties.

14

15 Ireland, in its final submissions requested the prescription by the Tribunal of the
16 following provisional measures:

17

18 On behalf of Ireland:

19

20 - I quote -

21

22 “(1) that the United Kingdom immediately suspend the authorisation of the
23 MOX plant dated 3 October, 2001, alternatively take such other
24 measures as are necessary to prevent with immediate effect the
25 operation of the MOX plant;

26

27 (2) that the United Kingdom immediately ensure that there are no
28 movements into or out of the waters over which it has sovereignty or
29 exercises sovereign rights of any radioactive substances or materials
30 or wastes which are associated with the operation of, or activities
31 preparatory to the operation of, the MOX plant;

32

33 (3) that the United Kingdom ensure that no action of any kind is taken
34 which might aggravate, extend or render more difficult of solution the
35 dispute submitted to the Annex VII tribunal (Ireland hereby agreeing
36 itself to act so as not to aggravate, extend or render more difficult of
37 solution that dispute); and

38

39 (4) that the United Kingdom ensure that no action is taken which might
40 prejudice the rights of Ireland in respect of the carrying out of any
41 decision on the merits that the Annex VII tribunal may render (Ireland
42 likewise will take no action of that kind in relation to the United
43 Kingdom).”

44

45 - end of quote -

46

47 On behalf of the United Kingdom:

48

49 - I quote -

50

1 "The United Kingdom requests the International Tribunal for the Law of the
2 Sea to:

3
4 (1) reject Ireland's request for provisional measures;

5
6 (2) order Ireland to bear the United Kingdom's costs in these proceedings."
7

8 - end of quote -
9

10 Mr. President.

11
12 **PRESIDENT:** I now call on the Agent of the Applicant to note the representation of
13 Ireland.

14
15 **MR. O'HAGAN:** [*Introduces himself and Philippe Sands and Alison Macdonald,*
16 *Counsel and Advocates*]
17

18 **PRESIDENT:** Thank you. I now call on the Agent of the Respondent to note the
19 representation of the United Kingdom.

20
21 **MR. WOOD:** [*Introduces himself*]
22

23 **THE PRESIDENT:** Thank you. I will now read relevant extracts from the Order in
24 the *MOX Plant Case*.

25
26 [*The President reads the extracts.*]
27

28 The sitting is now closed.
29

30 **CLERK OF THE TRIBUNAL:** All rise, veuillez vous lever
31
32