

AMENDMENT TO THE AGREEMENT

between

THE UNITED NATIONS

and

THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

WHEREAS:

a) On 13 July 2010, the United Nations and the International Tribunal for the Law of the Sea (“International Tribunal”) entered into an Agreement wherein the International Tribunal accepted the jurisdiction of the United Nations Appeals Tribunal pursuant to Article 2(10) of the Statute of the Appeals Tribunal (“Agreement”);

b) The Agreement provides, in Article 5(3), that it may be amended by written consent of the Parties and, in Article 4(2), that the flat fee of the cost per case may be adjusted by mutual agreement of the Parties; and

c) On 18 January 2021, the Parties amended Article 4(1) and Article 4(2) of the Agreement to establish a new flat fee of the cost per case, a fee for an application for revision, interpretation, correction or execution of a judgment issued by the Appeals Tribunal, and a fee for an interlocutory order disposing of a procedural motion filed by a party of the International Tribunal (“January 2021 Amendment”).

THEREFORE, the Parties hereby agree to amend Articles 2(1), 2(2) and 2(5) of the Agreement to read:

Article 2

1. The Appeals Tribunal shall be competent, **consonant with its Statute**, to hear and pass judgment on an application filed **against a decision rendered by the International Tribunal's neutral first instance process in which it is asserted that the neutral first instance process has:**

- (a) **Exceeded its jurisdiction or competence;**
- (b) **Failed to exercise jurisdiction vested in it;**
- (c) **Erred on a question of law;**
- (d) **Committed an error in procedure, such as to affect the decision of the case; or**
- (e) **Erred on a question of fact, resulting in a manifestly unreasonable decision.**

2. Such application may be filed by:

- (a) Any staff member of the Registry of the International Tribunal;
- (b) Any former staff member of the Registry of the International

Tribunal;

(c) Any person making claims in the name of an incapacitated or deceased staff member of the Registry of the International Tribunal.

In addition, consonant with the Statute of the Appeals Tribunal, and as expressly authorized by the Fall 2020 Plenary of the Appeals Tribunal and so confirmed in writing by the Appeals Tribunal President on 5 December 2020, the Registry of the Appeals Tribunal is to receive and accept an appeal filed by the head of an entity that has accepted the jurisdiction of the Appeals Tribunal under Article 2(10) of its Statute against a decision issued by the entity's first instance process.

5. For the purposes of determining the receivability of an application pursuant to Article 7 of the Statute of the Appeals Tribunal, an application shall be receivable if filed within 90 days of receipt of the decision of the International Tribunal's neutral first instance process.

d) The effective date of this Amendment shall be 30 September 2021.

e) This Amendment is subject to, and as set forth herein, amends, the terms and conditions of the Agreement and the January 2021 Amendment.

f) This Amendment, the Agreement and the January 2021 Amendment constitute the entire revised agreement between the Parties.

This Amendment has been done in two originals in English and French language, both being equally authentic.

This Amendment has been duly signed in duplicate on the dates appearing under the signatures.

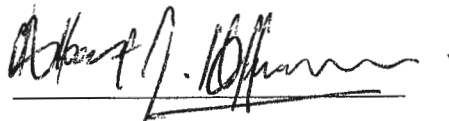
For the United Nations:



Alayne Frankson-Wallace
Executive Director
Office of Administration of Justice

Date: 24 November 2021

**For the International Tribunal for
the Law of the Sea:**



Albert J. Hoffmann
President

Date: 25 November 2021