



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

Press Release

THE MOX PLANT CASE (IRELAND V. UNITED KINGDOM) REQUEST FOR PROVISIONAL MEASURES SUBMITTED BY IRELAND

A request for the prescription of provisional measures, pending the constitution of an arbitral tribunal to be established under Annex VII of the United Nations Convention on the Law of the Sea, was submitted to the International Tribunal for the Law of the Sea on 9 November 2001 by Ireland against the United Kingdom. The dispute concerns the MOX plant, located at Sellafield, Cumbria, the international movement of radioactive materials, and the protection of the marine environment of the Irish Sea.

According to the request for provisional measures, the dispute stems from the authorisation of the United Kingdom to open a new MOX facility in Sellafield. The facility is designed to reprocess spent nuclear fuel, containing a mixture of plutonium dioxide and uranium dioxide, into a new fuel which is known as mixed oxide fuel, or MOX.

The Irish Government is concerned that the operation of the plant will contribute to the pollution of the Irish Sea and underlines the potential risks involved in the transportation of radioactive material to and from the plant.

By notification, dated 25 October 2001 and addressed to the United Kingdom, Ireland requested that the dispute be submitted to an arbitral tribunal established under Annex VII of the Convention.

Pending the constitution of the arbitral tribunal, in its application submitted to the International Tribunal for the Law of the Sea, Ireland requests that the Tribunal prescribe the following provisional measures:

- (1) that the United Kingdom immediately suspend the authorisation of the MOX plant dated 3 October 2001, alternatively take such other measures as are necessary to prevent with immediate effect the operation of the MOX plant;
- (2) that the United Kingdom immediately ensure that there are no movements into or out of the waters over which it has sovereignty or exercises sovereign rights of any radioactive substances or materials or wastes which

(more)

are associated with the operation of, or activities preparatory to the operation of, the MOX plant;

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

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

According to article 290 of the Convention, the Tribunal may prescribe provisional measures if it considers provisional measures appropriate to "preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment" and if it considers that certain requirements have been met, namely that *prima facie* the arbitral tribunal which is to be constituted would have jurisdiction and that the urgency of the situation so requires.

Pursuant to article 90, paragraph 2, of the Rules of the Tribunal, the President shall fix the dates of the hearing at the earliest possible date. By Order of 13 November 2001, the dates of the hearing have been set as 19 and 20 November 2001.

Information about the Tribunal may be found on the new website at either www.itlos.org or www.tiddm.org.

The Press Releases of the Tribunal, documents and other information are available on the Tribunal's website at www.itlos.org and www.tiddm.org and from the Registry of the Tribunal. Please contact Mr. Robert van Dijk or Ms. Julia Pope at Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany,
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