

**ARBITRAL TRIBUNAL CONSTITUTED PURSUANT TO ARTICLE 287, AND IN ACCORDANCE  
WITH ANNEX VII OF  
THE UNITED NATIONS CONVENTION ON THE LAW OF SEA**

**In the Matter of an Arbitration Between**

**GUYANA and SURINAME**

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**ORDER N<sup>o</sup>. 3**

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**Whereas** Article 11(3) of the Tribunal's Rules of Procedure provides that "After having obtained the views of the Parties, the Arbitral Tribunal may upon notice to the Parties appoint one or more experts to report to it, in writing, on specific issues to be determined by the Tribunal";

**Whereas** paragraph 4 of Order No. 1 dated 18 July 2005 set out that "the Arbitral Tribunal shall appoint, pursuant to Article 11(3) of the Tribunal's Rules of Procedure and in consultation with the Parties, an independent expert competent in both the Dutch and English languages";

**Whereas** Suriname, in its letters dated 25 and 29 July 2005, and 8 and 30 August 2005, set out comments regarding the role of the independent expert and terms of reference;

**Whereas** Guyana, in its letters dated 2, 12, 25, and 31 August 2005, set out comments regarding the role of the independent expert and terms of reference;

**Whereas** the President, in his e-mail to the Parties dated 13 September 2005 proposed to appoint Prof. Hans van Houtte as the independent expert pursuant to paragraph 4 of Order No. 1;

**Whereas** the Parties, in their respective letters dated 16 September 2005 endorsed the appointment of Prof. van Houtte as the independent expert pursuant to paragraph 4 of Order No. 1;

**Whereas** the Tribunal is of the view that disputes about access to documents and files should be resolved as expeditiously as possible, but that time limits would most appropriately be set on a case-by-case basis;

**THE ARBITRAL TRIBUNAL UNANIMOUSLY ORDERS:**

1. Prof. Hans van Houtte is appointed to serve the Arbitral Tribunal as the independent expert pursuant to paragraph 4 of Order No. 1;
2. the attached terms of reference for the independent expert appointed pursuant to paragraph 4 of Order No. 1 are adopted; and
3. the Arbitral Tribunal shall finally resolve any disputes that the independent expert cannot resolve pursuant to paragraph 2.12 of the terms of reference.

**(On behalf of the Tribunal)**  
**H.E. Judge L. Dolliver M. Nelson**

A handwritten signature in black ink, appearing to read "L.D.M. Nelson", is written over a horizontal line.

**President**  
**12 October 2005**