



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

Press Release

PRESIDENT JESUS ADDRESSES LEGAL ADVISORS IN NEW YORK

The President of the Tribunal, Judge José Luis Jesus, addressed the Informal Meeting of Legal Advisors of Ministries of Foreign Affairs at the United Nations in New York on 25 October 2010.

In his statement, the President noted that although the Tribunal is a new and growing judicial institution, States are increasingly turning to it as a main judicial body either for the resolution of law of the sea disputes or to seek its legal guidance on law of the sea matters through advisory opinions. As intended by the framers of the United Nations Convention on the Law of the Sea, the Tribunal is becoming the primary international judicial body for disputes concerning a variety of law of the sea issues. Referring to the cases brought before it, the President observed that they relate to a wide range of issues, such as the protection of the marine environment, conservation of marine living resources, prompt release of vessels and crews, delimitation of maritime boundaries, responsibility and liability of sponsoring States for certain seabed activities, and compensation for the illegal detention of vessels and crews.

The President gave a brief outline of the cases on the Tribunal's docket, highlighting the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal* as a milestone for the Tribunal since it is its first case on maritime delimitation, and noting that the Request for an advisory opinion from the International Seabed Authority is a significant development in the Tribunal's work since it is the first case brought before the Seabed Disputes Chamber, the body with exclusive competence over matters concerning the Area.

Looking at the Tribunal's application of international law, the President stated that, by applying the Convention, the Tribunal applies not only the new treaty provisions that it contains, but also the rules of international law it codifies. In addition, the Convention refers in several provisions to international rules and standards, e.g. those found in agreements of a technical nature. These references to rules and standards broaden, to a certain extent, the Tribunal's jurisdiction to include technical maritime matters concerning navigation, such as collision, safety at sea and traffic separation.

The President recalled that, in situations where the Convention did not provide guidance, the Tribunal had recourse to other rules of international law not incompatible with the Convention pursuant to article 293, and in doing so it had, on occasion, relied on the jurisprudence of other international courts and tribunals, for example to establish the meaning of the concept of "dispute", to pronounce itself on the modalities for the

grant of nationality to ships, to deal with party's claims of exhaustion of local remedies and the exhaustion of negotiations, to evaluate the relationship between national law and international law and to determine the legal value of the minutes of negotiations.

The President highlighted the fact that the Tribunal's application of other rules of international law, as referred to in article 293 of the Convention, shows that the law of the sea is part and parcel of the international law system and that the Tribunal's recourse to the jurisprudence of other international courts provides clear evidence that, at least in the Tribunal's case, concerns about possible fragmentation of the jurisprudence of international courts and tribunals are unwarranted.

The text of the President's statement is available on the website of the Tribunal.

The press releases of the Tribunal, documents and other information are available on the Tribunal's websites: <http://www.itlos.org> and <http://www.tidm.org> and from the Registry of the Tribunal. Please contact Ms Julia Ritter at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org