

**Statement of Mr. P. Chandrasekhara Rao, President of the
International Tribunal for the Law of the Sea, on the occasion of the
Opening of the Headquarters building of the Tribunal**

3 July 2000

Mr. Secretary-General, Madam Minister of Justice of Germany, Mr. First Mayor, Mr. President of the Meeting of States Parties, Judges of the Tribunal, Excellencies, Ladies and Gentlemen.

We have gathered here today to celebrate the official opening of the building into which the International Tribunal for the Law of the Sea will move soon. On behalf of the Tribunal, I extend a warm welcome to all the persons participating in this opening ceremony. To the representatives of French-speaking countries: je vous souhaite la bienvenue. We are indeed privileged to have the Secretary-General of the United Nations, His Excellency Mr. Kofi Annan, in our midst on this important occasion in the life of the Tribunal. We are particularly thankful to the Minister of Justice of the Federal Republic of Germany, Her Excellency Dr. Herta Däubler-Gmelin, the First Mayor of the Free and Hanseatic City of Hamburg, Mr. Ortwin Runde, the President of the Meeting of States Parties to the Law of the Sea Convention, His Excellency Mr. Peter Donigi, and the Legal Counsel of the United Nations, His Excellency Mr. Hans Corell, for their participation in today's ceremony. We are also honoured by the presence of the Acting Foreign Minister of Afghanistan, the Minister of State from Syria, representatives of the International Court of Justice and the European Court of Justice, diplomatic and consular representatives, senior German government officials, officers of other national and international courts, legal advisers of Foreign Offices, senior officials of UN organizations, distinguished academics, representatives of trade and commerce and other distinguished participants.

We in the Tribunal, like others, are struck by the silent grandeur of this building. It is ideally suited for judicial work. We wish to convey our appreciation to the firm of Baron Alexander and Baroness Emanuela von Branca, the architects of this building, for their design. The international community should be especially grateful to the Federal Republic of Germany and the Free and Hanseatic City of Hamburg for their joint efforts in erecting this building in such a delightful setting on the banks of the River Elbe at considerable expense.

I must place on record our appreciation to the Government of the Federal Republic of Germany and the Senate of the Free and Hanseatic City of Hamburg for the excellent support the Tribunal received from them at all stages of our work. At the local level, both the present First Mayor of Hamburg, Mr. Ortwin Runde, and his predecessor in office, Mr. Henning Voscherau, have been a source of strength to us. We are also thankful to Ambassador Kastrup, Permanent Representative of Germany to the United Nations, and his predecessor in office, for the help extended to us.

I am very happy to announce that the Tribunal and the Federal Republic of Germany have been able to make good progress in negotiations concerning the Headquarters Agreement and the Agreement on the Occupancy and Use of the

Premises of the Tribunal in a spirit of good will and cooperation. It is our hope that we would soon reach agreement in these matters.

The official inauguration of the Tribunal took place in the City Hall of Hamburg on 16 October 1996. Since then, the Tribunal functioned from its temporary premises provided to it by the Government of the Federal Republic of Germany. The foundation stone for the Headquarters building here was laid on 18 October 1996 in the presence of, among others, Dr. Boutros Boutros-Ghali, the then Secretary-General of the United Nations.

The Tribunal is happy that its seat is in the Free and Hanseatic City of Hamburg, which is a well-known port city reputed for its long tradition in international shipping and maritime trade. As the former Secretary-General put it at the inaugural session of the Tribunal, I quote: “this great city symbolizes humankind’s eternal relationship with the sea – as a source of life, as a means of commerce, as the common heritage of all the peoples of the globe” – unquote.

We are thankful to the people of Hamburg for extending to the judges and officers of the Tribunal courtesies that make living in Hamburg a pleasurable experience. On behalf of the Tribunal, I assure the people of Hamburg that it shall be our constant endeavour to blend well with the natural fabric of life in Hamburg. We propose to make the building accessible to the public on days to be specified soon.

The Tribunal does not enjoy an organic link with the United Nations. Nevertheless, it owes its existence to the efforts of the United Nations towards establishing a new legal order for ocean space. In recognition of its special relationship with the United Nations, the Tribunal and the United Nations concluded in 1997 an Agreement on Cooperation and Relationship. The Tribunal has been participating in all UN meetings of relevance to the Tribunal. The Secretary-General of the United Nations, the Legal Counsel to the United Nations and the Division for Ocean Affairs and the Law of the Sea have all helped us on appropriate occasions. The Tribunal looks forward to cementing its links with the United Nations.

The United Nations Convention on the Law of the Sea established the Tribunal to serve as a world court and play a central role in the resolution of law of the sea disputes. The Convention does not provide a single body for adjudicating law of the sea disputes; it provides for a number of alternative mechanisms for the settlement of disputes. Nevertheless, the Tribunal, composed as it is of persons of “recognised competence in the field of the law of the sea”, is accorded, by the Convention, a prominent position in the matter of settlement of law of the sea disputes. The Tribunal is given a special competence to hear applications for the prompt release of vessels and crews under article 292 and to deal with requests for provisional measures under article 290, paragraph 5, of the Convention. The Seabed Disputes Chamber of the Tribunal also enjoys exclusive jurisdiction in respect of certain disputes referred to in the Convention. As underlined by the General Assembly in its resolution 54/31 of 16 November 1999, the Tribunal has an “important role and authority concerning the interpretation or application” of the United Nations Convention.

There is no conflict between the Tribunal and other bodies competent to adjudicate under the United Nations Convention. When providing for more than one universal court, the makers of the Convention did not see any danger to the unity of international law. These bodies are intended to complement each other in the global system for the peaceful settlement of disputes. They fulfil complementary needs. They are not in any hierarchical relationship. It is to be hoped that each international tribunal or court, though autonomous in itself, will not ignore precedents of other bodies, thus ensuring the harmonious development of the law of the sea. For its part, where appropriate, the Tribunal, in its Judgments, relied upon or referred to the precedents set by other international courts and tribunals. It is in the interests of sound legal jurisprudence that adjudicatory bodies show mutual respect to each other's decisions.

It is now just over three years since the Tribunal was inaugurated in October 1996. During this short period, much has been achieved. The Tribunal adopted its Rules for carrying out its functions, the Resolution on the Internal Judicial Practice of the Tribunal and the Guidelines concerning the Preparation and Presentation of Cases before the Tribunal. Most importantly, the Tribunal has become a functioning judicial institution. It heard five cases and was able to deliver its Orders and Judgments in these cases within remarkably short periods. This should remain a matter of special satisfaction to litigants. Though the Tribunal is a standing body, it meets in Hamburg only when the business so demands. Judges assemble in Hamburg on very short notice and oftentimes work without breaks, thus promoting dispute settlement without unnecessary delay or expense. The Tribunal has made every effort to be user-friendly. We are happy that the UN General Assembly noted with satisfaction what it called the continued contribution of the Tribunal to the peaceful settlement of disputes in accordance with the Convention.

Of the 133 States Parties to the Convention, 25 States Parties have so far filed declarations under article 287 of the Convention with regard to choice of procedure for the settlement of disputes. It may be that, in the early years of the Tribunal, there was some hesitation in accepting the jurisdiction of the Tribunal on an exclusive or preferential basis. Now that the Tribunal has established itself as an active and effective body in deciding law of the sea disputes, it would be opportune for States to consider again the choices open to them in the matter of dispute settlement mechanisms.

Our Library is in its early stages of development. On this occasion, I would like to express our gratitude to the individuals, research institutions and organizations that have donated publications to our Library in the past. I wish to acknowledge in particular the significant contribution of the Korea Foundation that enabled us to complete our holdings for many journals essential to the work of the Tribunal. The Tribunal would welcome further expressions of support as we endeavour to create a reference library to serve our present and future requirements.

The United Nations Convention on the Law of the Sea is of fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources. The Convention on the Law of the Sea is not, however, an end in itself; its successful working depends on, among other things, the conclusion of

detailed agreements on promotion of cooperation at the regional and international levels, as well as enactments of national law in States Parties to the Convention.

There are also major challenges facing the international community in the field of the law of the sea: over-exploitation of marine living resources, degradation of the marine environment, dumping of nuclear waste and toxic substances into the sea, piracy and armed robbery at sea, threats to international peace and security from disputed maritime boundaries, etc. The Report of the United Nations Secretary-General of 20 March 2000 documents these issues in full. The Secretary-General's efforts in support of the Convention and in its effective implementation deserve full support.

The United Nations General Assembly has taken timely initiative to establish an open-ended informal consultative process to achieve better integration on ocean affairs. This initiative reflects, at the turn of the millennium, the importance of the oceans and seas to mankind. The first meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held from 30 May to 2 June 2000 in New York, underlined in a conscious manner the current priorities that need urgent attention. The outcome of this process will have a bearing on the application of the Convention and is thus of interest to all of us. It is heartening to note the decision of the recent Meeting of States Parties to the United Nations on the Law of the Sea to request the UN General Assembly to establish a Trust Fund to assist deserving developing countries in the cases before the Tribunal.

There is nothing abnormal in States having differences of opinion with regard to the interpretation or application of the Convention. All are subject to the rule of law as enshrined in the Convention and are required to compose their differences by having recourse to the systems incorporated in the Convention for settlement of disputes. Threats to the Convention arise when States pursue unilateral action de hors the Convention. It shall be the constant endeavour of the Tribunal to serve as the upholder of the Convention.

The Tribunal has demonstrated its ability to deal efficiently with cases submitted to it. It is ready to deal with future cases with the same efficiency. I am confident that this splendid new building will assist the Tribunal in carrying out its important tasks. On behalf of the Tribunal, may I say how grateful we are to the Federal Republic of Germany, the Free and Hanseatic City of Hamburg and the people of Germany for dedicating this building in the service of the cause of settlement of law of the sea disputes by peaceful means. To them, I say: *der Seegerichtshof und ich danken Ihnen recht herzlich.*