

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

*MV Louisa*

**SAINT VINCENT AND THE GRENADINES  
v. THE KINGDOM OF SPAIN**

APPLICATION INSTITUTING PROCEEDINGS BEFORE THE  
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

23 NOVEMBER 2010

**APPLICATION INSTITUTING PROCEEDINGS BEFORE THE  
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA**

Kingstown, Saint Vincent  
November 23, 2010

Hon. Phillipe Gautier  
Registrar – Registry of the Tribunal  
International Tribunal for Law of the Sea  
Am Internationalen Seegerichtshof 1  
22609 Hamburg  
Germany

Dear Sir:

I, G. Grahame Bollers, have the honor to submit to the International Tribunal for the Law of the Sea, an Application on behalf of Saint Vincent and the Grenadines against The Kingdom of Spain in the following case concerning the *M.V. Louisa*.

The Tribunal has jurisdiction to consider this Application, pursuant to Articles 73, 87, 226, 245, 290, 292 and 303. Saint Vincent and the Grenadines and Spain are State Parties to the Convention. Both parties have made written declarations in accordance with Article 287 of the Convention.

The claim of Saint Vincent and the Grenadines is based on Respondent's violations of Articles 73, 87, 226, 245 and 303.

Saint Vincent and the Grenadines respectfully suggests that this case should be resolved with a view toward the speedy dispatch of business. Thus, summary procedure is requested pursuant to the Convention, Annex 6, Article 15 (3).

In February 2006, Respondent's agents seized the oceangoing vessel *M.V. Louisa* and its tender, the *Gemini III*, based on erroneous information regarding violations of Spain's historical patrimony or marine environment laws, which Spain's agents knew, or should have known, were patently false. The *Louisa* and *Gemini III* were involved in scientific research with a valid permit from the coastal State. Spain failed to advise Saint Vincent and the Grenadines of the seizure of the vessels and has rejected all efforts to rectify the lawless seizures. After imprisoning members of the crew of the *Louisa* for various periods of time and seizing weapons which had been placed on board for defensive purposes, Respondent has continued to hold the vessels without bond, such that the vessels now have greatly diminished – if any – value. Respondent's lawlessness has resulted in the necessity of securing counsel in Spain, the United States, and Germany, and required the expenditure of enormous resources.

At the time of the seizure, the vessels were laden with valuable merchandise, computers, maps, and other assets, all of which were converted by Respondent. In addition, the *M.V. Louisa* had been bunkered with 5,000 gallons of lubrication oil and held an unknown quantity of diesel fuel as well.

Accordingly, Applicant requests the Tribunal to adjudge and declare:

1. Respondent has violated Articles 73, 87, 226, 245 and 303 of the Convention;

2. Applicant is entitled to damages as proven in the case on the merits, but not less than \$10,000,000 (USD); and

3. Applicant is entitled to all attorneys' fees, costs, and incidental expenses incurred.

On or about the date of filing this Application, Saint Vincent and the Grenadines is filing a Request for Provisional Measures, pursuant to Article 290, paragraph 1. The allegations contained therein are adopted by reference as if fully set forth.

Pursuant to article 56, paragraph 2, of the Rules, Mr. G. Grahame Bollers has been appointed by Saint Vincent and the Grenadines as its lead Agent for the purpose of all proceedings in connection with this Application.

Mr. Bollers' contact details are as follows:

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The address for service to which all communications concerning the case are to be sent in accordance with article 56, paragraph 1, of the rules is as follows:

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Respectfully submitted,

  
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AGENT AND COUNSEL FOR SAINT  
VINCENT AND THE GRENADINES

**ANNEXES**

On or about the date of filing this Application Instituting Proceedings Before the International Law of the Sea, Saint Vincent and the Grenadines is filing a Request for Provisional Measures, pursuant to Article 290, paragraph 1. The Annexes provided with said Request are respectfully adopted herein and incorporated by reference.