



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

Press Release

PRESIDENT YANAI'S FIRST STATEMENT BEFORE THE UNITED NATIONS GENERAL ASSEMBLY

Judge Shunji Yanai, newly elected President of the International Tribunal for the Law of the Sea, addressed the General Assembly of the United Nations on the occasion of its annual consideration of the agenda item "Oceans and the Law of the Sea" on 6 December 2011.

President Yanai referred to the re-election of Judges Cot (France), Gao (China), Lucky (Trinidad and Tobago) and Ndiaye (Senegal) and the election of three new Judges, Judges Attard (Malta), Kelly (Argentina) and Kulyk (Ukraine), by the 21st Meeting of States Parties to the United Nations Convention on the Law of the Sea in June 2011. He noted that with Ms Kelly's election the Tribunal's bench now includes its first woman Judge. President Yanai also mentioned that he had been elected President of the Tribunal and Judge Hoffmann (South Africa) Vice-President on 1 October 2011, while Judge Golitsyn (Russian Federation) had been elected President of the Seabed Disputes Chamber on 6 October 2011.

Recalling that the Convention allows for States to make declarations regarding their choice of means for the settlement of disputes, and that of the 162 Parties to the Convention only 45 have done so, President Yanai stated that the choice of procedure was of "crucial importance". If no choice is made, a State Party is deemed to have accepted arbitration as the default procedure. He noted that parties may however still entrust the Tribunal with a dispute initially submitted to arbitration and he cited four matters submitted to the Tribunal in which this was the case.

Turning to the Tribunal's judicial activity over the past twelve months, President Yanai informed the delegates that two decisions had been handed down and one new case had been submitted to the Tribunal. He recalled that on 23 December 2010 the Tribunal delivered its Order in the provisional measures phase of *The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)* and that the merits phase of the case was now under way with hearings to occur in 2012. On 1 February 2011 the Seabed Disputes Chamber delivered its first advisory opinion concerning the *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area*. In this regard, the President highlighted the fact that the opinion had been delivered less than nine months after the date it was requested and he noted the positive reaction to the opinion, which has been described as "a landmark in the

work of the Tribunal”. President Yanai referred to the Tribunal’s first delimitation case, the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*. This case concerns the delimitation of the territorial sea, the exclusive economic zone and the continental shelf within and beyond 200 nautical miles. With the judgment in the case expected in March 2012, the President described the two-year period from inception to judgment as a “reasonable duration for a maritime delimitation case”. He also mentioned *The M/V “Virginia G” Case (Panama/Guinea-Bissau)*, submitted to the Tribunal in July 2011 by way of a special agreement between the parties.

The President concluded his statement with a description of the training programmes held at the Tribunal, the internship programme which has benefitted from financial support from the KOICA Grant, the capacity-building and training programme on dispute settlement under the Convention, funded by the Nippon Foundation, and the Summer Academy of the International Foundation for the Law of the Sea.

The text of the President’s statement may be found on the [website](#) of the Tribunal.

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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