



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

## Press Release

### PRESIDENT PAIK MAKES HIS FIRST ADDRESS TO THE UNITED NATIONS GENERAL ASSEMBLY

Judge Jin-Hyun Paik, President of the International Tribunal for the Law of the Sea, addressed the plenary of the 72<sup>nd</sup> Session of the United Nations General Assembly on 5 December 2017 under agenda item 77(a) "Oceans and the Law of the Sea".



UN Photo/Kim Haughton

Considering first organizational matters, President Paik reported on the elections held by the Meeting of States Parties in June 2017, at which two Judges were re-elected (Judges Boualem Bouguetaia of Algeria and José Luis Jesus of Cabo Verde) and five new judges were elected to the bench (Mr Oscar Cabello Sarubbi of Paraguay; Ms Neeru Chadha of India; Mr Kriangsak Kittichaisaree of Thailand; Mr Roman Kolodkin of the Russian Federation; and Ms Liesbeth Lijnzaad of The Netherlands). He informed the meeting that on 2 October 2017 he had been elected as President by the Judges, with Judge David Attard (Malta) elected as Vice-President and Judge Albert Hoffmann (South Africa) as President of the Seabed Disputes Chamber. He also mentioned the election by the Judges of Ms Ximena Hinrichs as Deputy Registrar.

The President provided an overview of the Tribunal's judicial activities in 2017. He informed the General Assembly that the Special Chamber formed to deal with the dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean had delivered its Judgment on 23 September 2017. He recalled that the Special Chamber delimited the maritime boundary between the two Parties in the territorial sea, the exclusive economic zone and the continental shelf, including the continental shelf beyond 200 nautical miles. In addition, the Chamber dealt with Côte d'Ivoire's claim that the responsibility of Ghana was engaged for alleged violations of the rights of Côte d'Ivoire.

In this context, the President referred to the joint communiqué issued by the Parties after the delivery of the Judgment, in which they "reiterate[d] the mutual commitment of the two countries to abide by the terms of this decision" and commended the Special Chamber for its work, highlighting "the courteous attention with which the proceedings were conducted" and the "efficiency with which the case has been managed, resulting in an expeditious hearing to the mutual benefit of both parties".

The President also recalled that Ghana and Côte d'Ivoire had agreed to transfer the case to a special chamber of the Tribunal even though arbitration proceedings had already been instituted. Considering the possible advantages of establishing special chambers, the President drew attention to the fact that the Tribunal's Statute allows for the considerable involvement of parties in the selection of the members of a special chamber, including the right to choose judges *ad hoc*. He also pointed out that no judicial fees are incurred by such a procedure as the Tribunal's expenses are borne by the States Parties as a whole.

With regard to cases pending before the Tribunal, the President noted that the *M/V "Norstar" case (Panama v. Italy)* is currently in the written phase with oral proceedings planned for autumn 2018. This case was instituted before the Tribunal in December 2015 and concerns the arrest and detention of the *M/V "Norstar"*, an oil tanker flying the flag of Panama.

President Paik went on to offer some remarks about the future work of the Tribunal, highlighting maritime delimitation, the arrest and detention of vessels, and the Tribunal's potential role in the peaceful settlement of disputes concerning emerging issues relating to the law of the sea, such as those concerning the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea ("the Convention") on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. In this respect, the President noted that such issues could be addressed by the Tribunal not only through its contentious jurisdiction but also through its advisory function. He underlined that "the Tribunal stands ready to deal with any further tasks with which the States Parties to the Convention wish to entrust it in the future", adding that the Tribunal, as one of the main fora for the adjudication of disputes concerning the interpretation and application of the Convention, has more than 20 years' experience in the settlement of disputes under the Convention.

Closing his statement with a review of the capacity-building programmes organized by the Tribunal, the President thanked the Korea Maritime Institute, the China Institute of International Studies, the Korea International Cooperation Agency and the Nippon Foundation for their support over the years for the regional workshop programme, the internship programme and the capacity-building and training programme in international dispute settlement in the law of the sea.

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