



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

Press Release

(Issued by the Registry)

**JUDGES CONCLUDE SIXTH SESSION OF THE TRIBUNAL
- FINANCIAL AND STAFF REGULATIONS ESTABLISHED -**

HAMBURG, 30 October. The Judges of the International Tribunal for the Law of the Sea convened in Hamburg on 21 September 1998 for the Sixth Session of the Tribunal with all 21 Judges attending. The three week session focussed on streamlining the organizational requirements in order that the administration of justice by the Tribunal may be expeditious and cost-effective. It included the review and the establishment of the financial regulations for the financial administration of the Tribunal and the review and adoption of the staff regulations for the personnel administration of the Tribunal.

The agenda presented by Mr. Thomas A. Mensah, the President of the Tribunal, included, in addition to the consideration of the financial and staff regulations, the selection of a new Chamber of Summary Procedure, the preliminary review of the budgetary requirements for the year 2000, the consideration of the requirements for the future premises, the privileges and immunities of the Tribunal, the results of the last Meeting of States Parties, staff appointments, and the Instructions for the Registry. The President also briefed the Judges on several issues that had arisen shortly before the beginning of the session and, in relation to the judicial work, decisions were made concerning the scheduling of the M/V "Saiga" (No. 2) case (See Press Release ITLOS/Press 17).

Internal organization and operation of the Tribunal

At this session, the Tribunal made further advances in its internal organization and adopted regulations relating to its internal operations. While related to the United Nations family, the Tribunal had to organize its internal functioning in a manner that responds to its unique status as an independent international judicial institution. In organizing its internal functioning, particularly in such areas as personnel administration and financial and budgetary administration, the Tribunal has followed the regulatory framework of the United Nations, having due regard to the regulations specially applicable to international courts.

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Following the decision of the Meeting of States Parties at the time the Tribunal was constituted, the Tribunal has been functioning on the basis of the United Nations regulations with the necessary modifications during the period leading up to the establishment of its own regulations.

Financial regulations of the Tribunal

The financial regulations of the Tribunal lay the foundation for the financial and budgetary functioning of the Tribunal. They ensure the sound management of financial operation by providing strict procedures and internal controls over the Tribunal's finances and for the auditing of the accounts. It imposes on the Registrar the duty to ensure the economic use of the resources of the Tribunal and deals with issues ranging from the receipt and handling of the contributions from States Parties and international organizations to the day to day financial transactions, payments of allowances for Judges and salaries and benefits for staff and also the operation of trust funds and the recording and accounting of income and expenditures.

The Tribunal first considered the financial regulations on the basis of the draft set of regulations presented by the Registrar. These were reviewed by the Committee on Budget and Finance and submitted by the Tribunal to the Eighth Meeting of States Parties. Following the review of the Meeting of States Parties the Tribunal further refined the financial regulations taking into account the comments made at the Meeting of States Parties. The financial regulations established by the Tribunal will be placed before the Meeting of States Parties for its consideration.

Staff regulations of the Tribunal

The staff regulations of the Tribunal embody the fundamental conditions of service and the basic rights, duties and obligations of the members of the staff of the Registry (the secretariat) of the Tribunal, which is headed by the Registrar who has responsibility for all aspects of its work. The regulations set out the general personnel policy. Among others, they provide for the terms and conditions of employment including, appointment and promotion, social security, age of retirement, staff appeals, remuneration levels and hours of work. In drawing up these regulations, due account was taken of recent developments in personnel management.

The staff regulations of the Tribunal are compatible with those of the United Nations in view of the requirements of the United Nations common system of salaries, allowances and benefits, which the Tribunal follows. The regulations also reflect the Tribunal's membership in the United Nations Joint Staff Pension Fund.

The requirements for staff regulations of the Tribunal were considered on the basis of a draft presented by the Registrar and reviewed by the Committee on Staff and Administration prior to their adoption by the Tribunal. The adopted regulations take into account the internal functioning of other international judicial bodies as appropriate considering the special status of the Tribunal.

Instructions for the Registry

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The Tribunal also made progress in its work on the draft Instructions for the Registry. The draft instructions are a set of regulations prepared by the Registrar that will provide guidance to the staff of the Registry concerning their duties and functions. The review of the instructions is being carried out by the Committee on Staff and Administration, which is chaired by Judge P. Chandrasekhara Rao. The work will continue during the Tribunal's Seventh Session.

Chamber of Summary Procedure reconstituted

The Chamber of Summary Procedure is available for the expeditious resolution of cases. The Chamber can hear and determine a case at the request of the States involved. In order that parties may have easy access to it, and thereby expedite the resolution of a case, the Chamber is pre-constituted. As provided in the Statute of the Tribunal, the Chamber may, in certain circumstances, deal with a request for provisional measures. In addition, the Rules encourage parties to use the Chamber in case of requests for provisional measures and applications for the prompt release of vessels and their crews.

Five Judges serve on the Chamber of Summary Procedure, which was first constituted at the First Session of the Tribunal in October 1996 (See Press Release ITLOS/Press 4 of the Tribunal). Under its Statute, the Tribunal forms the Chamber annually. The President of the Tribunal, Judge Thomas A. Mensah of Ghana, and the Vice-President, Judge Rüdiger Wolfrum of Germany, being *ex officio* members of the Chamber of Summary Procedure, continue to serve on the Chamber.

The Chamber, as reconstituted in October 1997, comprised additionally Judges Alexander Yankov of Bulgaria, L. Dolliver M. Nelson of Grenada, and P. Chandrasekhara Rao of India. Judge Vicente Marotta Rangel of Brazil, and Judge Gudmundur Eiriksson of Iceland, were alternate members.

At this session, in the annual constitution of the chamber, Judges Soji Yamamoto of Japan, Budislav Vukas of Croatia, and Judge Edward Arthur Laing of Belize, in addition to the President and the Vice-President, were selected to serve. The alternate members are Judges Joseph Akl of Lebanon and Judge David Anderson of the United Kingdom.

Status of Contributions

The budget of the Tribunal is adopted by the States Parties and apportioned among them and the contributing international organizations. The Tribunal is independently funded and entrusted with collecting and managing its own contributions. The Tribunal was briefed by the Registrar on the current status of the contributions. Concern was expressed about the delay in payment by several States of their assessed contributions to the Tribunal's budget. The Registrar has appealed to the States Parties to help ease the cash-flow position of the Tribunal by forwarding their contributions more promptly.

Preliminary consideration of the budgetary requirements for the year 2000

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The Committee on Budget and Finance met for a preliminary review of future budgetary requirements. The next budget will cover the year 2000 in which the Tribunal will move from its present premises to the permanent premises which are being erected on the banks of the river Elbe. The change to the permanent premises will have certain implications that are being evaluated. In particular, the Tribunal focussed on the requirements for the courtrooms, library and modern technology. The Committee will meet shortly before the beginning of the Seventh Session of the Tribunal in order to prepare the budget to be considered by the Tribunal.

Eighth Meeting of State Parties

The Meeting of States Parties to the United Nations Convention on the Law of the Sea is the intergovernmental body with responsibility for the Tribunal. The President and the Registrar of the Tribunal reported on the deliberation and conclusions of the Eighth Meeting of States Parties, which took place at the United Nations headquarters in New York from 18 to 22 May 1998.

On 22 May 1998, the Meeting approved the 1999 annual budget for the Tribunal. The Parties to the Convention made arrangements for the effective operation of the Tribunal in a cost-efficient manner. The 1999 budget was the third budget approved by the Meeting of States Parties. The review was stringent and only minimal increases in meeting times and staff were approved. The limited growth of the budget was considered necessary, because the Tribunal being a new institution required an evolutionary approach in of its establishment, which only started in October 1996. The budget will allow the Tribunal to deal effectively with the case presently before it and any cases that may be submitted to it in 1999.

The 1999 budget of US\$ 6,983,817 provides for meetings of the Tribunal to deal with cases and organizational matters. For the first time an international organization will be contributing to the budget of the Tribunal, because the European Community deposited its instrument of formal confirmation of the United Nations Convention on the Law of the Sea on 1 April 1998, thereby officially becoming a "State Party" to the Convention.

Apart from the budget, the Meeting also discussed the contribution of the European Community to the Tribunal's Budget and the Pension Scheme for the Judges of the Tribunal. On both items no final conclusions were reached. Ambassador Paul Badji of Senegal, was President of the Eighth Meeting.

Audit 1996-1997

The Committee on Budget and Finance also examined the report of the external auditors for the period 1996/1997. The auditors, having reviewed the transactions and operations over this period, were satisfied that the financial statements present fairly, in all material respects, the financial position of the Tribunal.

The Tribunal took note of the report and expressed satisfaction with its findings. The report of the external auditor will be submitted to the next Meeting of States Parties.

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Future Premises

The Judges visited the site of the future headquarters of the Tribunal on the banks of the river Elbe where the construction of the new premises is underway. The Judges were briefed on certain practical specifications of the building and were advised of the progress made. The Judges were assured that the construction of the building is on schedule and will be ready as planned by the end of 1999.

In order to ensure that the future building will be fitted out to best serve the needs of the Tribunal, a working group on buildings and electronic systems was constituted. The intention is to establish a consultative arrangement with the building authorities, which would facilitate the communications of the needs of the Tribunal to them. The working group has been reviewing the plans for equipping the future premises. The working group has also been looking at the latest developments in information and courtroom technology.

The President also reported on the roof topping ceremony, which took place on 29 June 1998. The ceremony, which was attended by, amongst others, the German Federal Minister of Justice, the Hamburg Senator of Justice, the Director General of the Hamburg Ministry of Finance, the President of the Tribunal and its Registrar, consisted of the placing of a laurel crown on top of the building in order to mark the completion of the roof of the building by the builders. Those present were addressed by the dignitaries and afterwards invited to a traditional meal.

Privileges and Immunities of the Tribunal

The Judges discussed in detail the privileges and immunities of the Tribunal on the basis of reports presented by the President and the Registrar. The present state of the negotiations between the Tribunal and the host country concerning the Headquarters Agreement were discussed in detail and recommendations were made to the President and the Registrar, who have been authorized to negotiate the Agreement.

The Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea submitted the draft headquarters agreement to the Meeting of States Parties, which recommended the draft agreement to the Tribunal as a suitable basis for negotiations and conclusion of the agreement with the host country.

The headquarters agreement between the Tribunal and Germany will specify the privileges and immunities that the Tribunal enjoys in the host country. Pending the conclusion of the headquarters agreement, the Tribunal's immunities continue to be governed by German Ordinance adopted on 10 October 1996.

The privileges and immunities that the Tribunal will enjoy at a global level are provided for in the Agreement on the Privileges and Immunities of the Tribunal. This Agreement was adopted by consensus by the States Parties on 23 May 1997.

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The Agreement on Privileges and Immunities makes provision for such issues as the juridical personality of the Tribunal, immunity from legal process, exemption from taxation and the inviolability of the Tribunal's premises, archives and communications. It accords the same status as heads of diplomatic missions to the Judges and provides diplomatic privileges, immunities and facilities to the Registrar of the Tribunal, when engaged on the business of the Tribunal.

The staff of the Registry, assessors, witnesses, agents, counsel, advocates, experts and persons performing missions for the Tribunal also enjoy privileges and immunities as are necessary for the independent exercise of their functions. These privileges and immunities are granted to safeguard the effective exercise by the Tribunal of its functions.

The Agreement was opened for signature on 1 July 1997 and will remain open until 30 June 1999. The Agreement will enter into force 30 days after the date of deposit of the tenth instrument of ratification or accession. Eight States have signed and one State has ratified the Agreement. A State Party may also ad hoc become a party to the Agreement for the purposes and duration of a case in which it is involved.

Publications of the Tribunal

Pursuant to the recommendation of the Committee on Library and Publications, the Tribunal decided that the Basic Texts of the Tribunal will be published in a bilingual version. It will contain the Statute of the Tribunal (which is Annex VI to the Convention), the Rules of the Tribunal, the Resolution on the Internal Judicial Practice and the Guidelines concerning the Preparation and Presentation of Cases before the Tribunal. This publication will include the text of the United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention. The Tribunal's first yearbook, covering the period from its inception in 1996 to the end of 1997, is due to be issued in the first half of 1999. The Tribunal's judicial decisions will also be published on a regular basis.

In memoriam

At the beginning of the session, the President of the Tribunal conveyed the sad news that Mr. Gudmundur Sigurdsson, of Iceland, aged 62 passed away on 20 September 1998. Mr. Sigurdsson, affectionately known by his colleagues as "Sigi", was Chief of Security of the Tribunal following a long period of service and an impressive record with security services of the United Nations. The President in his tribute to Mr. Sigurdsson praised him as a man of great dynamism, personal magnetism, warmth and great spirit. The Registrar of the Tribunal characterised Mr. Sigurdsson as "a towering figure, but a gentle man, filled with kindness and courtesy. His warm personality pervaded everything he did. He was a good friend." Shortly before his passing away, Mr. Sigurdsson was presented by the Icelandic Ministry for Foreign Affairs and the United Nations Association of Iceland with a symbolic flagstaff.

Future Meetings of the Tribunal

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The judicial and sessional calendar provides for the Tribunal to convene on 25 February 1999 for its Seventh Session. The Seventh Session is expected to continue its sessional work through 16 March 1999. The session will combine the Tribunal's work on organizational issues with the hearings and deliberation in the M/V "Saiga" (No. 2) case.

The Press Releases of the Tribunal, documents and other information are available on the United Nations website: <http://www.un.org/Depts/los/> and from the Registry of the Tribunal, Wexstrasse 4, 20355 Hamburg, Germany, Tel: (49) (40) 35607-227/228, Fax: (49) (40) 35607-245/275 or United Nations DC-1, suite 1140, New York, NY 10017, Tel: (1) (212) 963-6480, Fax: (1) (212) 963-0908, E-mail: itlos@itlos.hamburg.de

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