



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

Press Release

(Issued by the Registry)

**PRESIDENT OF THE TRIBUNAL ADDRESSES THE GENERAL ASSEMBLY OF THE
UNITED NATIONS UNDER ITEM ON OCEANS AND LAW OF THE SEA**

HAMBURG, 24 February. On Tuesday, 24 November 1998, the President of the Tribunal, Mr. Thomas A. Mensah, addressed the fifty-third session of the General Assembly of the United Nations under agenda item 38 "Oceans and law of the sea". Under this item the General Assembly considered developments relating to the Oceans and the new Law of the Sea based on the annual report of the Secretary-General of the United Nations and other reports. The debate on the issue gained particular significance, since 1998 had been proclaimed the "International Year of the Oceans" by the General Assembly by resolution 49/131 of 19 December 1994. In his statement to the Assembly Mr. Mensah declared that the "Tribunal has made great strides during its two years of operation, and particularly so in the past year"; he reaffirmed that the Tribunal "is now firmly established and operational".

The President noted that "the Tribunal had been privileged to receive consistent support and encouragement from all the State Parties [to the United Nations Convention on the Law of the Sea], from the United Nations and from the international community in general". He thanked the international community for its support and especially Germany and the City of Hamburg, the hosts of the Tribunal, for the many facilities that they generously and readily made available to the Tribunal. Mr. Mensah appealed to States to pay their assessed contributions fully and on time, emphasizing the need for continued support from all States to ensure the Tribunal's successful operation in the years ahead.

The President elaborated on the case currently pending before the Tribunal. He recalled that it had been brought to the Tribunal by agreement between the parties and "involves many complex and interesting questions relating to the rights and obligations of States under the Convention on the Law of the Sea and general international law." He announced that on present plans, judgment would be delivered in the case before the end of June 1999, less than two years from the date of the incident giving rise to the dispute; noting that this was a practical demonstration of the determination of the Tribunal to make its procedures as expeditious and cost-effective as possible.

President Mensah observed that the first case submitted to the Tribunal had in the meantime received extensive comment in academic and professional circles, indicating widespread interest in the

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innovative provisions of the Law of the Sea Convention dealing with the prompt release of vessels and their crew as well as in the work of the Tribunal in general.

In his statement, the President also called upon States to sign and ratify the Agreement on the Privileges and Immunities of the Tribunal and to make declarations under article 287 of the Convention indicating the forum for the settlement of disputes that may arise out of the Convention.

Other statements under the item “Oceans and law of the sea”

Statements were made by the representatives of Argentina, Australia, Austria (on behalf of the European Union), Bolivia, China, Croatia, Cyprus, Egypt, Federated States of Micronesia, Finland, Iceland, India, Indonesia, Jamaica, Malta, Marshall Islands, Mexico, Monaco, New Zealand, Nigeria, Norway, Philippines, Republic of Korea, Russian Federation, Senegal, Trinidad and Tobago, Ukraine, Uruguay, Vietnam and the United States.

Many representatives voiced concern over the increasing number of incidents of piracy and armed robbery at sea. The representative of Finland, Ms. Marja Lehto, said the violence of some attacks required urgent attention. The representative of Indonesia, His Excellency Mr. Arizal Effendi, said that in 1997 there had been 47 reported attacks in and around his country alone.

His Excellency Mr. Paul Badji of Senegal, the President of the Eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, observed that the Eighth Meeting had put much emphasis on the 1999 budget of the Tribunal. He said that even though it had been less than what had been asked for, the Tribunal should be able to carry out its duties in the terms of the Convention. Arrears by many States were increasing and he appealed to States to pay their contributions in full.

His Excellency Mr. Satya N. Nandan, the Secretary-General of the International Seabed Authority, was also among those addressing the General Assembly. In his address, he appealed to the Assembly to have periodic meetings “dedicated to ocean affairs with adequate time and an agenda that provides for discussion of a variety of topical issues”. This to respond to the increasing pressure on the ocean environment brought about by the rapid economic, scientific and technological developments.

Meetings with dignitaries

While in New York to address the General Assembly of the United Nations, President Mensah met with many United Nations officials. He also consulted with the President of the General Assembly, His Excellency Mr. Didier Opertti, his Chef de Cabinet, His Excellency Mr. Julio Cesar Lupinacci, and Special Adviser, His Excellency Mr. Felipe Paolillo, shortly before the General Assembly took up the item Oceans and law of the sea.

In addition, President Mensah called on His Excellency Mr. Dieter Kastrup, the recently appointed Permanent Representative to the United Nations of Germany, the host country of the Tribunal. The President was accompanied by the Registrar of the Tribunal, Mr. Gritakumar E. Chitty.

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Noon briefing with Spokesman for the Secretary-General

At the day of the session dealing with Agenda 38, President Mensah featured at the noon briefing by Mr. Fred Eckhard, the Spokesman for the Secretary-General of the United Nations. The President elaborated on the achievements of the Tribunal during its two years of existence and elucidated the jurisdiction of the Tribunal with examples drawn from the experience gained by the Tribunal in its work so far. A report on the President's presentation can be found on the United Nations website at <http://www.un.org>

Adopted resolutions

At the end of its debate on the item "Oceans and the law of the sea", the General Assembly adopted two resolutions: its yearly resolution on "Oceans and the law of the sea" (Res. 53/32) and a resolution on "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments" (Res. 53/33).

The Assembly, in its resolution 53/32 noted with satisfaction that the Tribunal had delivered its first Judgment. It expressed concern over the financial situation of the Tribunal and appealed to all States Parties to pay their assessed contributions to the Tribunal in full and on time. It requested the Secretary-General to convene the Ninth Meeting of States Parties, which *inter alia* will deal with the triennial elections of seven members of the Tribunal. It also noted with appreciation the adoption of the Agreement on Cooperation and Relationship between the United Nations and the Tribunal and requested the Secretary-General to ensure that the United Nations' institutional capacity adequately responds to the needs of the new institutions established under the Law of the Sea Convention.

Report of the Secretary-General of the United Nations

The Secretary-General's report on Oceans and the law of the sea states that during the current year, developments have indicated an overall trend towards universal participation in, and adherence to, the legal regime established by the Law of the Sea Convention.

The report says that the contribution of the resources and uses of the sea to the world economy is enormous. A recent study estimated the value of all goods and services related to the oceans at US\$ 21 trillion, as compared with US\$ 12 trillion for those related to the land. New opportunities and challenges will arise from genetic resources derived from the seabed and the capacity to drill for oil and gas under deeper waters.

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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