



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

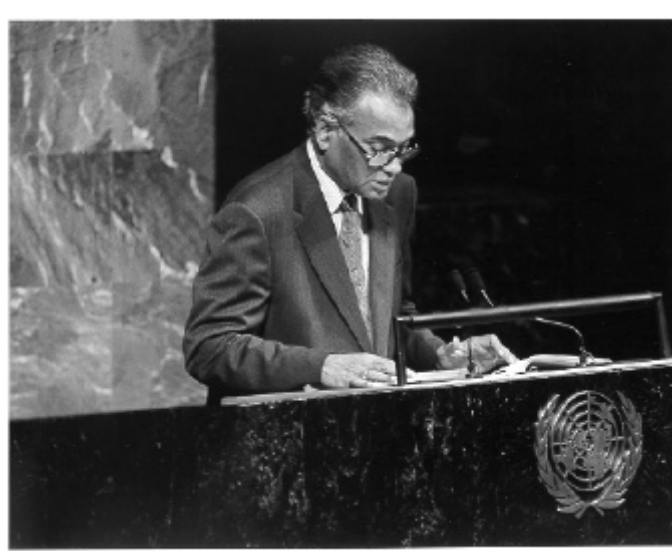
## Press Release

(Issued by the Registrar)

### **TRIBUNAL PRESIDENT ADDRESSES UNITED NATIONS GENERAL ASSEMBLY - ASSEMBLY UNDERLINES TRIBUNAL'S IMPORTANT ROLE AND AUTHORITY -**

HAMBURG, 16 December. At its current 54<sup>th</sup> session, the General Assembly of the United Nations adopted three resolutions under agenda item 40 "Oceans and the Law of the Sea". In its resolution 54/31, adopted on 24 November 1999, the Assembly noted with satisfaction the continued contribution of the Tribunal to the peaceful settlement of disputes and underlined its important role and authority concerning the interpretation and application of the Convention.

The President of the Tribunal, Mr. P. Chandrasekhara Rao, addressed the General Assembly of the United Nations under item 40 (a) of its agenda titled "Law of the sea".



The President addressing the General Assembly on 24 November 1999

He noted that over the last 12 months the Tribunal had made important progress in consolidating its special position in dealing with disputes concerning the interpretation or application of the United Nations Convention on the Law of the Sea.

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He also said that "the Tribunal, composed as it is of persons of 'recognized competence in the field of the law of the sea', is accorded by the Convention a pre-eminent position in the matter of settlement of law of the sea disputes." In this regard he pointed to the compulsory jurisdiction of the Tribunal to deal with certain categories of disputes and the access to the Tribunal by entities other than States. He observed that the "Tribunal is a world court that is designed by the United Nations Convention to play a central role in the resolution of the law of the sea disputes."

The President observed that the court in its short period of existence of only three years, "has been able to prepare efficient, cost-effective and user-friendly rules, guidelines and procedures for promoting settlement of disputes without unnecessary delay or expense." He said that he hoped that States and other entities would continue to make full use of the Tribunal for achieving rapid settlement of law of the sea disputes and ensuring uniform and consistent application of the Law of the Sea Convention.

The President assured the Assembly that "it shall be the constant endeavour of the Tribunal to promote the rule of law in matters relating to oceans".

**General Assembly Resolution 54/31, operative paragraph 7**

*The General Assembly,*

7. "Notes with satisfaction the continued contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, and underlines its important role and authority concerning the interpretation or application of the Convention and the Agreement [on Part XI of the Convention];

The President emphasized that the early entry into force of the Agreement on the Privileges and Immunities of the Tribunal would greatly facilitate the work of the Tribunal. The Agreement requires ten instruments of ratification or accession to enter into force. He also drew attention to the possibility that States may apply it provisionally for two years.

He expressed concern about the financial situation of the Tribunal. He joined the appeal made in the resolution for payment of assessed contributions to the budget of the Tribunal in full and on time, to ensure that the Tribunal is able to carry out its functions as provided for in the Convention.

The President expressed his appreciation for the continuing support provided to the Tribunal by the Secretary-General of the United Nations, Mr. Kofi Annan, the Legal Counsel and the divisions of the Office of Legal Affairs. He also thanked the authorities of the host Country and the Senate of the Free and Hanseatic City of Hamburg, the host

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City, for the temporary facilities and the cooperation extended to the Tribunal in support of its work.

The President also informed the Assembly of the impending move of the Tribunal to its permanent premises and the planning for the ceremonial opening of the building. The move to its permanent premises in Nienstedten, a suburb of Hamburg, is expected to take place in the first half of the millennium year 2000.

The full text of the statement by the President of the Tribunal is available on the United Nations website at: <http://www.un.org/Depts/los/> and may also be obtained from the Registry of the Tribunal.

**Resolutions under the item “Oceans and the law of the sea”**

Resolution 54/31 on Oceans and the law of the sea was adopted under item 40(a) of the Agenda of the General Assembly. It was adopted by 129 votes to 1 with 4 abstentions. In the context of the Tribunal, it records the achievements of the Tribunal; calls upon States to ratify or accede to the Agreement on the Privileges and Immunities of the Tribunal; and encourages States to consider making a declaration choosing a forum for the settlement of disputes that may arise under the Convention, e.g. the acceptance of the jurisdiction of the Tribunal.

Two other resolutions were adopted under agenda item 40. Resolution 54/32 is titled the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. It *inter alia* expresses concern over illegal, unregulated and unreported fishing, which threatens serious depletion of populations of certain fish species. It urges States and entities to collaborate in efforts to address these types of fishing activities.

Resolution 54/33 is on the Results of the review by the Commission on Sustainable Development of the sectoral theme of “oceans and seas”: international coordination and cooperation. Under that resolution, the General Assembly decided to establish an open-ended informal consultative process to consider developments in ocean affairs. The working group is to consider the Secretary-General’s report on “Oceans and the law of the sea” and identify where coordination and cooperation at intergovernmental and inter-agency levels should be enhanced.

**Statements under the item “Oceans and the law of the sea”**

The representative of Finland introduced the draft resolution on “Oceans and the law of the sea” as its coordinator. Speaking on behalf of the European Union, she observed that the Tribunal “is now fully functioning and has already delivered major

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decisions in four cases. The Tribunal has an important role in the dispute settlement mechanism established by the Law of the Sea Convention.” This view was shared by the Republic of Korea, which acknowledged “with satisfaction that the International Tribunal for the Law of the Sea, now fully operational, has demonstrated professional expertise and efficiency in dealing with the cases brought to the Tribunal.”

Ukraine attached “great importance to the work of the international judicial institutions, in particular the International Tribunal for the Law of the Sea” and stated that it “considers the judgement rendered by the Tribunal on 1 July in the case of M/V ‘Saiga’, its first judgement on the merits, as an important occasion in the implementation and promotion of international maritime law. The International maritime community needs [to] be assured that ships are secure from unlawful arrests and other arbitrary practices, which are unacceptable obstacles to free merchant shipping. In this context the Tribunal serves as a very useful mechanism in restoring the rights of injured parties.”

India noted the many important issues, such as the conservation of highly migratory fish species, the freedom of navigation and other internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea and the right of hot pursuit, with which the Tribunal has dealt. Croatia observed that the Tribunal “has contributed to the interpretation of the Convention’s solutions concerning the rights of coastal States, the freedom of navigation and the protection of the living resources of the sea.”

Australia, a party to a recent case before the Tribunal, said that the “case demonstrated the Tribunal’s important role and authority in the interpretation and application of the Convention.”

Australia also placed on record “how impressed Australia was with the expeditious and smooth manner in which the Tribunal was able to deal with and grant our application for provisional measures”. The representative of Norway said that the Tribunal has through its judgements and deliberations on the M/V “Saiga” cases and the Southern Bluefin Tuna cases, shown its readiness to handle cases in a prompt and effective manner.

The representative of Slovakia, who was the President of the Ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea held in May 1999, reported on the achievements of the Meeting, which included the triennial election of Judges, adoption of the budget of the Tribunal, and approval of a pension scheme for the Judges.

### **Meetings with dignitaries**

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While in New York to address the General Assembly of the United Nations, President P. Chandrasekhara Rao and the Registrar of the Tribunal, Mr. Gritakumar E. Chitty, met with the Secretary-General of the United Nations, Mr. Kofi Annan. They discussed the progress made by the Tribunal in its work and the planning for the move to its permanent premises.

The President and the Registrar also called on the President of the General Assembly, Mr. Theo-Ben Gurirab, Minister of Foreign Affairs of the Republic of Namibia. The Assembly President indicated the importance of the Tribunal, especially for developing countries that are trying to exploit the living resources of the sea. Its work, he added, was important for the environmentally sound development of the oceans.

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.

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