



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

Press Release

(Issued by the Registrar)

**JUDGE P. CHANDRASEKHARA RAO, PRESIDENT OF THE TRIBUNAL ADDRESSES
MILLENNIUM GENERAL ASSEMBLY**

- TRUST FUND TO PROVIDE ASSISTANCE TO PARTIES TO A DISPUTE -

HAMBURG, 14 November 2000. The President of the International Tribunal for the Law of the Sea, Judge P. Chandrasekhara Rao, addressed, on 30 October 2000, the fifty-fifth session of the General Assembly of the United Nations on "Oceans and the Law of the Sea". In his statement, the President, *inter alia*, welcomed the establishment of a Trust Fund for the purpose of providing financial assistance to parties to a dispute before the Tribunal (see below). He expressed his appreciation to the delegations that announced contributions to the Fund.

The President expressed the Tribunal's gratitude to the German Authorities for providing the Tribunal with a magnificent new headquarters building and the Secretary-General of the United Nations, Mr. Kofi Annan, for his support of the Tribunal.

The President emphasized the Tribunal's ability to bring about dispute settlement without unnecessary delay or expense. While stating that the Tribunal could offer flexible mechanisms for settlement of disputes, the President observed that: "Parties may choose between having a dispute heard by the full Tribunal, which includes all its judges, and having a dispute heard by one of its special chambers." The special chambers formed by the Tribunal to deal with particular categories of disputes are the Chamber of Summary Procedure, the Chamber for Fisheries Disputes, and the Chamber for Marine Environment Disputes.

The President of the Tribunal noted the option of parties to bring cases to *ad hoc* chambers of the Tribunal. An *ad hoc* chamber is constituted to deal with a particular dispute at the request of the parties to the dispute with Judges of the parties' choice. The President stated that "[t]his option would be of particular interest to parties who are considering arbitration. The costs of an *ad hoc* chamber are met from the general budget of the Tribunal and are not borne by the parties to the case. Parties also have the option of choosing *ad hoc* judges on their behalf." Moreover, "a judgment given by any of the special chambers of the Tribunal shall be considered as rendered by the Tribunal."

(more)

For information media - not an official record - also available at <http://www.un.org/Depts/los/>

The President said that the rule of law in international relations could not be maintained unless international disputes were resolved by peaceful means and that it was equally important that judgments rendered by international courts and tribunals were implemented in good faith and in time.

Welcoming the establishment of new tribunals, the President observed that “such bodies fulfil complementary needs [. . .]. The effect of more tribunals being available to the litigants is that more disputes have come to be resolved by parties by means of their choice.” Importantly, “the newly created tribunals are also accessible to non-State entities.”

Commenting on the financial situation of the Tribunal, the President stated that it “remains far from satisfactory.” He mentioned that “as many as 35 States Parties to the Convention have never paid their assessed contributions” and that “timely payments of contributions have an important bearing on the ability of our Tribunal to discharge its functions effectively.” He thanked the sponsors of the draft resolution on “Oceans and law of the sea” for inviting the General Assembly to make an appeal to States Parties to the Convention to pay their assessed contributions to the Tribunal, in full and on time.

The full text of the statement of the President is contained in Press Release 39/Add.1, which can be obtained from the United Nations website at <http://www.un.org/Depts/los/> or from the Registry of the Tribunal.

Establishment of the Trust Fund

The General Assembly concluded its consideration of its agenda item on “Oceans and the law of the sea” with the adoption of two resolutions: Resolution 55/7 on “Oceans and the law of the sea” and Resolution 55/8 on “Large-scale pelagic drift-net fishing”.

Resolution 55/7 requests the Secretary-General to establish and administer a Trust Fund to assist parties in the settlement of disputes through the Tribunal. The Fund would provide assistance in appropriate cases.

Delegations applauded the establishment of the Fund in their statements under the item on “Oceans and the law of the sea” stating it would increase access to the Tribunal for developing States.

A panel of independent experts would review applications made by States Parties and make recommendations to the Secretary-General of the United Nations on the amount of financial assistance to be given.

The Resolution invites States, international organizations, non-governmental organizations, as well as natural and juridical persons to make financial contributions to

(more)

For information media - not an official record - also available at <http://www.un.org/Depts/los/>

the fund. Some delegations have already announced contributions to the Fund and others indicated that they would consider doing so.

Other aspects of the Resolution on "Oceans and the law of the sea"

Resolution 55/7 notes with satisfaction the continued contribution of the Tribunal to the peaceful settlement of disputes, underlines its important role and authority concerning the interpretation or application of the United Nations Convention on the Law of the Sea, and encourages States to consider making a declaration choosing from the means set out in article 287 for the settlement of disputes that may arise under the Convention.

The Resolution recalls the obligations of parties to cases to ensure prompt compliance with the decisions rendered. The Resolution further calls upon States to ratify or accede to the Agreement on the Privileges and Immunities of the Tribunal.

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.

Please contact Mr. Robert van Dijk at 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

* * *