



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

Press Release

(Issued by the Registrar)

TRIBUNAL DELIVERS JUDGMENT IN THE "*MONTE CONFURCO*" CASE (Seychelles vs. France)

HAMBURG, 18 December. The Tribunal today delivered its Judgment in the "Monte Confurco" case (Application for Prompt Release), Seychelles vs. France, ordering the prompt release of the vessel and its Master by France, upon the furnishing of a security of 18 million French Francs (FF) by Seychelles, the flag State of the "Monte Confurco". The Tribunal decided that the bond set by the national court in Réunion of 56.4 million FF for the release of the vessel and its Master was not reasonable.

The President of the Tribunal, P. Chandrasekhara Rao, read the Judgment in open court. The Judgment was delivered three weeks after receipt of the Application for the release on behalf of Seychelles.

Judgment available at United Nations website: <http://www.un.org/Depts/los/>

The Judgment will be made available by the Division of Ocean Affairs and the Law of the Sea of the United Nations on the United Nations Website shortly after its issuance

The Tribunal unanimously found that it has jurisdiction under article 292 of the Convention to entertain the Application made on behalf of Seychelles on 27 November 2000, that the claims of Seychelles that France failed to comply with article 73, paragraphs 3 and 4, of the Convention were inadmissible, and that the Application with respect to the allegation of non-compliance with article 73, paragraph 2, of the Convention was admissible. The Tribunal found that the allegation made by the Applicant was well-founded by 19 votes to 1. By 19 votes to 1, the Tribunal decided that France shall promptly release the *Monte Confurco* and its Master upon the posting of a bond or other security to be determined by the Tribunal. The Tribunal determined, by 17 votes to 3, that the bond or other security shall consist of: (1) an amount of nine million French francs (9,000,000 FF) as the monetary equivalent of the 158 tonnes of fish seized

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

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by the French authorities and (2) a bond in the amount of nine million French francs (9,000,000 FF). The Tribunal unanimously determined that the bond shall be in the form of a bank guarantee or, if agreed to by the parties, in any other form. By 18 votes to 2, the Tribunal decided that the bank guarantee shall be invoked only if the monetary equivalent of the security held by France was not sufficient to pay the sums as may be determined by a final judgment or decision of the appropriate domestic forum in France.

The case was considered and decided by the full Tribunal consisting of: *President* P. Chandrasekhara Rao, *Vice-President* L. Dolliver M. Nelson, *Judges* Hugo Caminos, Vicente Marotta Rangel, Alexander Yankov, Soji Yamamoto, Anatoly Lazarevich Kolodkin, Choon-Ho Park, Paul Bamela Engo, Thomas A. Mensah, Joseph Akl, David Anderson, Budislav Vukas, Rüdiger Wolfrum, Edward Arthur Laing, Tullio Treves, Mohamed Mouldi Marsit, Gudmundur Eiriksson, Tafsir Malick Ndiaye and Luis Jesus.

Judges Mensah, Vukas and Ndiaye have appended declarations to the Judgment. Vice-President Nelson has appended a separate opinion. Judges Anderson, Laing and Jesus have appended dissenting opinions.

The Registrar of the Tribunal, Mr. Gritakumar E. Chitty, announced the sitting, and the Judgment was delivered in the presence of the representatives of the parties and the general public.

General Background

The case concerned the vessel "Monte Confurco" registered in the Republic of the Seychelles and licensed by it to fish in international waters. The vessel was spotted by the French Frigate "Floréal", which apprehended the vessel for alleged illegal fishing and failure to announce its presence in the exclusive economic zone of the Kerguelen Islands.

The Tribunal was requested on behalf of Seychelles to order the prompt release of the "Monte Confurco" and its Master. France requested the Tribunal to declare that the bond set by the competent French authorities was reasonable and that the Application was inadmissible.

Further information about the case is contained in Press Releases 40 and 41 and Press Notice 15. The Verbatim Records of the oral proceedings can be consulted on the website of the United Nations at www.un.org/Depts/los/.

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 Am Internationalen Seegerichtshof 1, 22609 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: press@itlos.hamburg.de
