



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 "*GRAND PRINCE*" CASE (Belize v. France)

- TRIBUNAL FINDS IT HAS NO JURISDICTION -

HAMBURG, 20 April. The Tribunal today delivered its Judgment in the "*Grand Prince*" Case between Belize and France. It found that it had no jurisdiction under article 292 of the Convention to entertain the Application. The Tribunal stated that the "documentary evidence submitted by the Applicant fails to establish that Belize was the flag State of the vessel when the Application was made".

The Tribunal observed that, the Tribunal must, at all times be satisfied that it has jurisdiction to entertain the Application submitted to it. The requirements to be satisfied in a prompt release case are set out in article 292 of the United Nations Convention on the Law of the Sea. Referring to paragraph 2 of article 292 of the Convention, the Tribunal stated that the Application for release could be made "only by or on behalf of the flag State of the vessel".

The Tribunal stated that the initial burden of establishing that Belize was the flag State when the Application was made was on the Applicant. The Tribunal observed that, in the light of the expiration of the provisional patent of navigation issued by the Marine Registry of Belize or of the de-registration of the *Grand Prince*, referred to in the note verbale dated 4 January 2001 of the Ministry of Foreign Affairs of Belize, and on the basis of an overall assessment of the material placed before it, the assertion made on behalf of Belize that the *Grand Prince* was still considered as registered in Belize did not provide sufficient basis for holding that Belize was the flag State of the vessel for the purposes of making an application under article 292 of the Convention.

The Tribunal found by 12 votes to 9 that it did not have jurisdiction to hear the Application and that it was therefore not called upon to deal with the remaining questions of jurisdiction, admissibility and merits (substance) of the Application.

Vice-President Nelson, Judge Wolfrum and Judge *ad hoc* Cot appended declarations to the Judgment of the Tribunal. Judges Anderson, Laing and Treves appended separate opinions thereto. Judges Caminos, Marotta Rangel, Yankov,

(more)

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

Yamamoto, Akl, Vukas, Marsit, Eiriksson and Jesus appended their joint dissenting opinion to the Judgment.

The Judgment was read at a public sitting of the Tribunal on Friday, 20 April 2001, by the President of the International Tribunal for the Law of the Sea, Judge P. Chandrasekhara Rao.

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.

Background of the case

The dispute concerns the fishing trawler "*Grand Prince*". It was arrested by the French authorities in the exclusive economic zone of the Kerguelen Islands in the French Southern and Antarctic Territories on 26 December 2000 for alleged illegal fishing. At the time of its arrest, it was flying the flag of Belize. The Court of first instance at Saint Paul, in Réunion, confirmed the seizure of the vessel, catch and equipment on board by an order of 12 January 2001, and fixed a bond for release of the vessel in the amount of 11,400,000 FF. On 23 January 2001, the criminal court at Saint Denis ordered the confiscation of the vessel.

On 21 March 2001, an application was made on behalf of Belize against France for the prompt release of the vessel under article 292 of the United Nations Convention on the Law of the Sea. The Tribunal heard oral arguments from the parties at three public sittings held on 5 and 6 April 2001.

Background information about the case may be found in Press Releases 46 and 47 and Press Notice 16. The text of the Judgment will be available shortly after its delivery on the United Nations website 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.org

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