

Press Release ITLOS/Press 5
3 March 1997



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

Press Release

(Issued by the Registry)

**JUDGES OF THE TRIBUNAL SELECT THE SEABED DISPUTES CHAMBER,
THE CHAMBER FOR THE MARINE ENVIRONMENT AND
THE CHAMBER ON FISHERIES MATTERS**

HAMBURG, 3 March. The Judges of the International Tribunal for the Law of the Sea, meeting in Hamburg from 3 to 28 February, finished their second organizational session. In his concluding remarks the President of the Tribunal, Thomas A. Mensah, stated that it had again been a very successful session at which much had been achieved. Among the main results was the establishment by the Tribunal of its Seabed Disputes Chamber. In addition, two other specialized chambers were established: the Chamber on Fisheries Matters and the Chamber on the Marine Environment.

The Judges devoted over half of the session to the consideration of the Rules of the Tribunal. On a provisional basis the Tribunal adopted the Rules under which it would operate. The Judges also examined the privileges and immunities necessary for the Tribunal to function in the Host Country and internationally, as well as the future budgetary requirements of the Tribunal and a number of organizational matters.

Seabed Disputes Chamber

The Seabed Disputes Chamber is a distinct judicial body within the structure of the Tribunal and is established in accordance with Part XI, Section 5, of the United Nations Convention on the Law of the Sea and Article 14 of the Statute of the Tribunal. The Chamber enjoys a special status within the framework of the Convention and the Statute and has its own special jurisdiction. It deals with disputes arising out of the exploration and exploitation of the resources of the seabed and ocean floor beyond national jurisdiction as set out by Convention. The Convention designated the resources of this area to be “the common heritage of mankind”.

Like the Tribunal itself, the Seabed Disputes Chamber has competence over disputes between States. In addition, the Chamber has competence over disputes involving States, the

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International Seabed Authority, companies or private individuals. Another unique feature of the Chamber is the jurisdiction to give advisory opinions at the request of the Council or the Assembly of the International Seabed Authority.

The Seabed Disputes Chamber consists of eleven Judges who will serve for three years and are eligible for re-election. The Judges of the Chamber are selected by the Members of the Tribunal from among themselves. After consultations carried out by him, President Mensah proposed a list of Judges which the Tribunal agreed upon by consensus. As the Convention requires, the seats of the Chamber have been distributed in such a way as to ensure the representation of the principal legal systems of the world as well as equitable geographical distribution.

The members of the Chamber entered upon their duties forthwith and proceeded to elect the President from among their members. Judge Joseph Akl, of Lebanon, was elected President of the Chamber by consensus. The newly elected President of the Seabed Disputes Chamber pledged to serve the Chamber in a spirit of cooperation and collegiality. Judge Akl had previously represented Lebanon at various diplomatic conferences including the Third United Nations Conference on the Law of the Sea and the Conference on Succession of States in respect of Treaties. He had served as Ambassador of Lebanon to Colombia and to the German Democratic Republic, was Legal Adviser to the Ministry of Foreign Affairs and before that assistant professor of public law at the Saint Joseph University of Beirut.

Selected to serve on the Seabed Disputes Chamber are, in order of precedence, the following Judges:

President

Joseph Akl

Lebanon

Judges

Lihai Zhao

China

Vicente Marotta Rangel

Brazil

Paul Bamela Engo

Cameroon

L. Dolliver M. Nelson

Grenada

P. Chandrasekhara Rao

India

David Anderson

United Kingdom of Great

Britain and Northern Ireland

Budislav Vukas

Croatia

Joseph Sinde Warioba

United Republic of Tanzania

Tullio Treves

Italy

Tafsir Malick Ndiaye

Senegal

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Special Chambers

Article 15 of the Statute provides for special chambers to be formed. On the basis of its Rules the Tribunal established two standing special chambers: the Chamber on Fisheries Matters and the Chamber on the Marine Environment.

The reason for the establishment of standing special chambers is that the specific expertise available within the Tribunal, if focused in a smaller chamber, will lead to the expeditious and efficient dispatch of cases. The members of the chambers are specifically selected for their special knowledge, expertise and previous experience in the area the chamber deals with. Each of the standing special chambers consists of seven Judges. The Judges selected to each chamber will enter upon their duties forthwith and their term of office will end on 30 September 1999.

The creation of these chambers offers to States the possibility of quick resolution of their disputes. It does not prevent States from having a case heard by the full Tribunal, if they so desire.

Chamber on Fisheries Matters

The Chamber on Fisheries Matters will be available to deal with any disputes which the parties agree to submit to it concerning the conservation and management of marine living resources. The Tribunal decided by consensus on a list of Judges proposed by the President on the basis of consultations carried out by him. The members of the Chamber were selected with regard to their special knowledge, expertise and previous experience in relation to fisheries.

Judge Caminos was elected President of the Chamber by its members. Judge Caminos had a long career with the United Nations in the Secretariat of the Third United Nations Conference on the Law of the Sea, was Legal Adviser of the OAS and Ambassador of Argentina to Brazil. He was United Nations observer at meetings on fisheries of the FAO and has widely published and lectured on issues relating to the Law of the Sea in general and on fisheries issues in particular.

The Chamber is composed as follows, in order of precedence:

President

Hugo Caminos

Argentina

Judges

Soji Yamamoto

Japan

Paul Bamela Engo

Cameroon

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P. Chandrasekhara Rao	India
David Anderson	United Kingdom of Great Britain and Northern Ireland
Arthur Laing	Belize
Gudmundur Eiriksson	Iceland

Chamber on the Marine Environment

The Chamber on the Marine Environment has been set up to provide a forum to settle disputes relating to the protection and preservation of the marine environment. In this case as well, the Tribunal accepted by consensus the list of Judges proposed by the President of the Tribunal after his consultations.

The Vice-President of the Tribunal is ex officio the President of the Chamber. Judge Wolfrum has published on matters relating to the marine environment, was a judge in a German court dealing predominantly with environmental law and served as the chairman of the Group of legal experts dealing with responsibility for environmental damages in the Antarctic.

The Chamber is composed as follows, in order of precedence:

President

Rüdiger Wolfrum	Germany
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Judges

Alexander Yankov	Bulgaria
Soji Yamamoto	Japan
Anatoly Lazarevich Kolodkin	Russian Federation
Choon-Ho Park	Republic of Korea
Joseph Sinde Warioba	United Republic of Tanzania
Mohamed Mouldi Marsit	Tunisia

Chamber of Summary Procedure

The Tribunal, at its first session, established its Chamber of Summary Procedure. The Chamber can deal with any case which may be submitted to the full Tribunal. Its unique character is that it can deal with cases on a summary basis. The Chamber can hear and determine a case on the request of the States that are parties to a dispute.

Under its Statute, the Tribunal is directed to form the Chamber annually from five of its elected Members. The President of the Tribunal, Judge Thomas A. Mensah, of Ghana, and the Vice-President, Judge Rüdiger Wolfrum, of Germany, are ex officio members of this Chamber.

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The three other Members of the Tribunal selected for the Chamber of Summary Procedure, are Judge Hugo Caminos, of Argentina; Judge Choon-Ho Park, of the Republic of Korea; and Judge Mohamed Mouldi Marsit, of Tunisia. Judge Anatoly Lazarevich Kolodkin, of Russia; and Judge L. Dolliver M. Nelson, of Grenada, were selected as alternate members of the Chamber.

Ad Hoc Chambers

At the request of the Parties to a dispute, the Tribunal may establish an ad hoc chamber to deal with a particular case. In such circumstances, the President of the Tribunal will consult with the Parties to the dispute in order to obtain their agreement as to how many and which Members of the Tribunal will constitute the ad hoc chamber to hear the case. The procedure of choosing an ad hoc chamber will give the Parties to a dispute every discretion to resort to the chamber of their choice.

Rules of the Tribunal

The Tribunal continued an intensive examination of the Rules of the Tribunal based on the Draft of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, which was recommended by the Meeting of States Parties to the Tribunal. More than half of the time of this session was devoted to scrutinizing the Rules. Considerable progress was made, the Tribunal having considered the Rules relating to its organization (Parts I and II of the Draft Rules of the Tribunal) and started considering those dealing with procedure and the receipt of cases (Part III of the Rules). The review of the Rules is undertaken with a view to making the Tribunal user-friendly, cost-effective and efficient. The ongoing review and refinement of the Rules is expected to be completed at the next session. In this respect, it is important to note that the Tribunal has agreed to apply on a provisional basis the Rules prepared for the Tribunal by the Meeting of States Parties. This means that the Tribunal is in a position to deal with a case or application should one be submitted to it now.

Privileges and Immunities

During the session, the Judges discussed the Draft Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, which specifies the privileges and immunities of the Tribunal on a global level. As requested by the Meeting of States Parties, recommendations of the Tribunal on the Draft Agreement were prepared for submission to the next Meeting of States Parties (New York, 10-14 March 1997).

At the Tribunal's first session, the Judges authorized the President and the Registrar to negotiate the Headquarters Agreement with the German authorities on the basis of the Draft Headquarters Agreement prepared by the Preparatory Committee. Following this decision, the

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President, Vice-President and Registrar have held preliminary meetings with representatives of the German government in January and February. A further meeting will be held in April.

Working groups

The Tribunal decided to entrust the preparatory work regarding specific parts of the organizational work to working groups. Working groups were established in the following areas: Staff Regulations, Budget and Financial Regulations and Library Facilities and Publications.

Budget for 1998

The Judges considered an outline for the budget of 1998. It was decided that the working group on budgetary matters would formulate budgetary proposals for submission to the States Parties during their meeting in May.

Relations with the United Nations

During the first session, the Judges discussed the terms of the future relationship agreement and decided to adopt *mutatis mutandis* the United Nations Common System, proceed with the application for staff to be admitted to the United Nations Pension Fund and to apply for participation in the sessions of the General Assembly of the United Nations in the capacity of Observer.

Observer Status

On the 17th of December 1996, day of the ceremonial closing of the fifty-first session of the United Nations General Assembly, the Tribunal was invited to participate in the sessions and in the work of the General Assembly in the capacity of Observer. Observer Status at the General Assembly will enable the Tribunal to participate in the deliberations of the Assembly on topics of interest to the Tribunal. In his statement following the adoption of the resolution to grant Observer Status to the Tribunal, and speaking on behalf of the Tribunal, the Registrar thanked States for their support. The Registrar emphasized the strong links between the United Nations and the Tribunal and the important role of the Tribunal in the peaceful settlement of disputes consistent with the objective of the United Nations to maintain international peace and security. The Registrar also took the opportunity to convey to Mr. Kofi Annan, whose election took place immediately prior to the resolution, the warmest congratulations of the President and the Judges of the Tribunal on his elevation to the office of Secretary-General of the United Nations.

Relationship Agreement

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The States Parties to the Convention recommended that the Tribunal enter into a relationship agreement with the United Nations. The Tribunal decided that the President and the Registrar should consult with the United Nations for the purposes of finishing an appropriate relationship agreement. Following this decision, meetings were held between the Tribunal and the Office of Legal Affairs of the United Nations on the terms of the relationship agreement. As pointed out by the Secretary-General of the United Nations on the occasion of the ceremonial inauguration of the Tribunal, an agreement should be signed soon.

Report of the United Nations Joint Staff Pension Board

The States Parties Meeting considered that because the Tribunal was too small to run its own pension fund, it should become a member of the United Nations Joint Pension Fund. Following that decision, an application was made by the Tribunal to become a member of the Fund. Pursuant to the decision of the United Nations General Assembly, membership will be effective from 1 January 1997. The membership of the Tribunal in the Fund cements the participation of the Tribunal in the Common System of the United Nations.

Resolution on the Law of the Sea

In its Resolution on the Law of the Sea, the General Assembly welcomed the establishment of the International Tribunal for the Law of the Sea and requested the Secretary-General of the United Nations to continue to provide assistance to the Tribunal. The General Assembly also requested the Secretary-General to take steps to conclude a relationship agreement between the United Nations and the Tribunal to be applied provisionally pending its approval by the General Assembly.

In addition to the good wishes for the newly established Tribunal, concern was expressed in the statements on the Resolution. The Malaysian delegate urged all States Parties to pay their assessed contribution in full and on time, as agreed by consensus at the Fourth Meeting of States Parties on 4-8 March 1996. He added that failure to strictly adhere to this commitment would create yet another financial crisis and render the Tribunal dysfunctional, and that without adequate regular and reliable financial resources, the Tribunal would not be able to carry out its mandated task effectively.

The delegate of the United States of America stated that, "recognizing the fiscal challenges inherent in the establishment of [the International Seabed Authority and the Tribunal], the States Parties adopted an evolutionary, cost-effective approach which could serve as a model for other organizations within the United Nations system."

Future Meetings of the Tribunal

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The Judges are permanently at the disposal of the Tribunal and will be ready to meet at short notice in the event that a case is received by the Tribunal. Apart from the situation that the Tribunal would meet to deal with a case or application submitted to it, the Judges have decided to meet for a total of two and possibly three sessions in 1997. The next session of the Tribunal will be during the month of April. A third session was agreed upon provisionally for the month of October. This session will depend on the availability of funds. The Judges considered it important to have an additional session to ensure the swift resolution of urgent organizational matters and to ensure the continuity of the Tribunal's work.

The International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea is an independent international judicial body which has been established pursuant to the United Nations Convention on the Law of the Sea. This Convention is one of the most comprehensive international treaties ever completed. It provides for the outer limits to which coastal States can claim jurisdiction in their adjacent waters and regulates prominent issues such as fisheries and navigation. A whole chapter of the Convention is devoted to the prevention of pollution of the marine environment. The Convention also pronounces the deep seabed as the common heritage of mankind and sets up the International Seabed Authority to regulate the exploitation of the deep seabed.

The Convention is unique in that the mechanism for the settlement of disputes is incorporated into the document, making it obligatory for parties to the Convention to go through the settlement procedure in case of a dispute with another party. The Tribunal is the central forum for the settlement of disputes arising from the Convention. At present, one hundred and fourteen States are party to the Convention, indicating the world wide approval which the Convention has obtained.

The Convention gives the Tribunal jurisdiction to resolve a variety of international disputes. Disputes amongst States that can be referred to the Tribunal may involve *inter alia* the delimitation of maritime zones, fisheries, navigation and ocean pollution. The Tribunal also has compulsory jurisdiction over the prompt release, upon the deposit of a bond, of arrested vessels and their crews. In addition, as discussed earlier, the Tribunal's Seabed Disputes Chamber has its own specialized jurisdiction.

On 5 October, the Judges elected Judge Thomas A. Mensah from Ghana to serve as the first President of the Tribunal. On the same day, Judge Rüdiger Wolfrum, a German national, was elected Vice-President. The Judges take precedence as set out below.

President

Thomas A. Mensah

Ghana

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Vice-President

Rüdiger Wolfrum

Germany

Judges

Lihai Zhao

China

Hugo Caminos

Argentina

Vicente Marotta Rangel

Brazil

Alexander Yankov

Bulgaria

Soji Yamamoto

Japan

Anatoly Lazarevich Kolodkin

Russian Federation

Choon-Ho Park

Republic of Korea

Paul Bamela Engo

Cameroon

L. Dolliver M. Nelson

Grenada

P. Chandrasekhara Rao

India

Joseph Akl

Lebanon

David Anderson

United Kingdom of Great

Britain and Northern Ireland

Budislav Vukas

Croatia

Joseph Sinde Warioba

United Republic of Tanzania

Edward Arthur Laing

Belize

Tullio Treves

Italy

Mohamed Mouldi Marsit

Tunisia

Gudmundur Eiriksson

Iceland

Tafsir Malick Ndiaye

Senegal

On 23 October, the Judges elected Mr. Gritakumar E. Chitty, of Sri Lankan nationality, as the first Registrar of the International Tribunal for the Law of the Sea. On 25 October, the Tribunal elected Mr. Philippe Gautier, of Belgium, as its Deputy Registrar.

The City of Hamburg, with its rich maritime history as part of the League of Hanseatic Cities, obtained the seat of the Tribunal during the negotiation of the Convention. The temporary Tribunal building is situated at Wexstrasse in the centre of Hamburg. On 18 October 1996, the Secretary-General of the United Nations and other high dignitaries participated in the ceremony to lay the foundation stone for the future Tribunal premises at the site on the Elbchaussee at Nienstedten in Hamburg overlooking the river Elbe. The future facility is scheduled to be ready just before the new millennium.

States Parties

As of 27 February 1997, the following 114 States had deposited ratifications, accessions or successions to the Convention with the Secretary-General of the United Nations:

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Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Cape Verde, China, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Dominica, Egypt, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, Spain, Sri Lanka, Sudan, Sweden, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe. The United Kingdom has indicated its intention to become a party.

Previous Press Releases of the Tribunal and any clarifications can be obtained from the Tribunal's Registry in Hamburg, Germany, at: Tel: (49) (40) 35607-227/228, Fax: (49) (40) 35607-245 / (49) (40) 35607-275, E-mail: itlos@itlos.hamburg.de

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