

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



**Statement given by His Excellency, Judge Jin-Hyun Paik,
President of the International Tribunal for the Law of the Sea
at the opening of the regional workshop in Mindelo (2 May 2018)**

Your Excellency, Mr José Gonçalves,
Minister of Maritime Economy,

Honourable members of the Government,

Ladies and Gentlemen,

Mr José Gonçalves, we are honoured by your presence here today for the opening of the Mindelo regional workshop, organized by the International Tribunal for the Law of the Sea in cooperation with your country. I also would like to express our gratitude to the Korea Maritime Institute and the China Institute of International Studies, whose funding made the organization of the workshop possible. Moreover, my special thanks go to the University of Mindelo for providing the facilities.

Dear participants, your presence today bears witness to the commitment of West and Central African States to the law of the sea and the peaceful settlement of disputes. It is a sign of great encouragement to us in our mission. We would like to thank you for your support for and active participation in the organization of this workshop.

The theme of our workshop, “The role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea”, is in keeping with Cabo Verde’s tradition as a country related geographically and historically to the sea, and with the longstanding and sustained interest it has shown in the law of the sea.

Your country, Minister of Maritime Economy, made an enormous contribution to initiating the movement to codify and develop the law of the sea. Subsequently, within the African group, it played a decisive role in this movement, which led to the adoption of the United Nations Convention on the Law of the Sea of 10 December 1982. The Convention established the International Tribunal for the Law of the Sea, an institution which developing countries, especially those in Africa, had desired for a long time.

It may not be a coincidence that the first case submitted to the Tribunal (The *M/V “SAIGA” Case (Saint Vincent and the Grenadines v. Guinea)*) involved an

African State. In the same vein, out of twenty-three contentious cases submitted so far to the Tribunal, six have involved parties from Africa. It is also telling that the first advisory opinion was delivered by the Tribunal at the request of the Sub-Regional Fisheries Commission ("SFRC"), an inter-governmental organization for fisheries cooperation among seven States in West Africa.

I want to add that Cabo Verde has also made an indelible mark on the Tribunal through one of its most outstanding jurists and diplomats, Judge José Luís Jesus. He has been an elected member of the Tribunal since 1999 and served as its President from 2008 to 2011. During this period, Judge Jesus has been instrumental in transforming the fledgling institution into the world's premier judicial body.

Minister of Maritime Economy, Excellencies, Ladies and Gentlemen,

The Mindelo workshop is one of a series of regional workshops organized annually by the Tribunal throughout the world in order to raise awareness of what the Tribunal can offer in settling disputes related to the law of the sea. Four workshops have already been organized in Africa: in Dakar, Libreville, Cape Town and Nairobi. We are pleased to be holding a regional workshop in Africa again.

This year's workshop deals not only with procedural issues related to the proceedings before the Tribunal but also with two substantive issues particularly relevant to West and Central African States, namely maritime boundary delimitation and illegal, unreported and unregulated fishing - IUU fishing. You may know that the Tribunal has handed down landmark decisions on those subjects.

In the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal* (Bangladesh/Myanmar)), for the first time in the history of international adjudication, the Tribunal ruled on the delimitation between two parties of their continental shelf beyond 200 nautical miles. In the *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean* (Ghana/Côte d'Ivoire), a Special Chamber of the Tribunal, presided over by Judge Boualem Bouguetaia - whose presence here today I welcome - delimited maritime areas (the territorial sea, exclusive economic zones, continental shelf within and beyond 200 nautical miles) between the two Parties. The Judgment was welcomed by both Parties, who can now explore and exploit the natural resources in their maritime areas.

In its Advisory Opinion, delivered at the request of the SFRC, the Tribunal made important contributions to the law of the sea by clarifying several notions, such as the scope and contents of the obligations and liability of flag states in relation to IUU fishing in the exclusive economic zones of the SFRC Member States. The Tribunal also addressed the related issue of the liability of international organizations. Furthermore, it elaborated on the rights and obligations of the SFRC Member States in managing certain fish stocks.

Within this context, the theme of our work, “The role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea”, came about quite naturally. Of course, we are well aware that peace cannot be the result of law alone and that judges are not the sole guarantors of peace. However, we also know that we can play a considerable role in the resolution of differences and the prevention of conflicts. This is the mission the Tribunal is called upon to pursue. Its jurisprudence has constantly promoted the rule of law and has contributed to the development of the rule of law in the oceans.

Minister of Maritime Economy, Excellencies, Ladies and Gentlemen,

I will now briefly introduce the programme for the following two days. My colleagues and I will introduce different aspects of the proceedings before the Tribunal by way of practice-oriented presentations, and we will be available to answer your questions.

Workshop 1 will give you an “Overview of proceedings before the Tribunal”. To begin, the Registrar, Mr Gautier, will explain the different steps to be completed in order to submit a case to the Tribunal.

Judge Jesus will deal with “Urgent proceedings”. The Tribunal has extensive experience in handling urgent proceedings, which normally take no more than one month. It may be an efficient tool for States which are faced with a situation requiring an immediate response. Judge Bouguetaia will then present “Advisory proceedings”. Advisory proceedings may also be very useful for States which do not wish to bring a dispute to the Tribunal but which would prefer to negotiate on the basis of an authoritative legal opinion on an issue dividing them.

In the afternoon, **Workshop 2** will focus on “Delimitation cases”. Judge Jesus, President of the Tribunal during the proceedings in the *Dispute concerning delimitation on the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal*, will give a detailed overview of that case.

Judge Bouguetaia, President of the Special Chamber of the Tribunal in the *Delimitation of the maritime boundary in the Atlantic Ocean (Ghana/Côte d’Ivoire)*, will also give you an overview of that case.

Tomorrow, **Workshop 3** will focus on “Fisheries cases before the Tribunal”. I will present the issues addressed by the Tribunal in its Advisory Opinion on IUU fishing. The Registrar will deal with fisheries disputes submitted to the Tribunal.

In a final session, participants will be given the opportunity to put questions to the members of the different panels, exchange views on issues of common interest, and comment on the organization of the workshop.

Minister of Maritime Economy, Excellencies, Ladies and Gentlemen,

As I conclude this brief statement, on behalf of both the organizers and sponsors of the workshop and myself, I would like to express our sincere appreciation for the warm welcome given to us and all the assistance we have received in preparing the workshop.

I thank you for the opportunity to be here today, and I look forward to the exchanges that will take place during the workshop. Finally, in the name of the Tribunal, I would like to present you, Minister of Maritime Economy, with a copy of the *Basic Texts of the Tribunal* as well as a collection of *Judgments, Advisory Opinions and Orders of the Tribunal*.