

**Statement of Judge Vladimir Golitsyn,  
President of the International Tribunal for the Law of the Sea,  
on the occasion of the ceremony to commemorate  
the Twentieth Anniversary of the Tribunal,  
7 October 2016**

Mr Gauck, President of the Federal Republic of Germany,  
Mr Ban, Secretary-General of the United Nations,  
Mr Scholz, First Mayor of the Free and Hanseatic City of Hamburg,  
Excellencies,  
Ladies and Gentlemen,

It is a great honour for me to speak before you today on behalf of the International Tribunal for the Law of the Sea, on the occasion of the celebration of the 20<sup>th</sup> anniversary of the Tribunal's inauguration.

I wish to express our deep appreciation to you, Mr President, and to you, Mr Secretary-General, for honouring the Tribunal with your presence here today. Your attendance at the Tribunal's anniversary ceremony demonstrates the commitment of the international community and of our host State to the work and role of the Tribunal and we gain inspiration and confidence from it to continue to act in pursuance of our mission.

I also wish to extend our sincere gratitude to the high representatives of the German Government and of the Free and Hanseatic City of Hamburg, in particular the First Mayor of the City of Hamburg. Your presence is the confirmation of the strong and excellent relations between the Tribunal and our esteemed hosts who have gone to great lengths over the years to facilitate and support the work of the Tribunal in Hamburg.

Excellencies,  
Ladies and Gentlemen,

It was 20 years ago that, in this magnificent hall, the first 21 Judges of the International Tribunal for the Law of the Sea assembled to take their oath of office in the presence of many dignitaries from Germany and abroad, among them the then Secretary-General of the United Nations, the late Boutros Boutros-Ghali. In his statement on that occasion, Mr Boutros Boutros-Ghali pointed to the potential of maritime disputes to cause confrontation and conflict between States and expressed his conviction that – and I quote – “the Tribunal has an important role to play in the building of an international society governed by the Rule of Law” – end of quote –.

Now, 20 years later, we can say that the Tribunal is living up to these expectations. With an increasing number of cases being submitted to it, the Tribunal has had ample opportunity to discharge the key responsibilities entrusted to it by the United Nations Convention on the Law of the Sea; namely to settle peacefully disputes between States Parties concerning the interpretation or application of the Convention and to contribute to the progressive development of the international law of the sea.

When the Tribunal adjudicates a dispute submitted to it, it is bound to apply the law, in particular the United Nations Convention on the Law of the Sea and other rules of international law not incompatible with the Convention. The Tribunal provides a forum for the peaceful resolution of international disputes, a resolution firmly grounded in legal reasoning based on public international law. In this way, just as Secretary-General Boutros Boutros-Ghali said, the Tribunal contributes to the implementation of the rule of law in international relations.

Many of the cases submitted to the Tribunal relate to intricate disputes between the States involved that they are unable to solve by themselves despite their extensive efforts to negotiate. Thus, it was through adjudication by the Tribunal that a long-standing maritime delimitation dispute in the Bay of Bengal was finally settled after decades of negotiations between the Parties.

Equally, the Tribunal provided efficient legal remedies in a number of cases related to shipping and fishing activities, in particular where vessels and crews have been arrested by coastal States. While States have always had an opportunity to resolve such disputes by negotiations, it was the ruling of the Tribunal that facilitated the resolution of the dispute by ensuring the release of the vessel and the crew in an expedient manner and, where appropriate, by awarding compensation.

Currently, the Tribunal is dealing with two cases where States are also seeking a solution to long-standing disputes. One will be decided by a Special Chamber of the Tribunal and concerns the maritime delimitation between two neighbouring African States in the Atlantic Ocean. The other case is being handled by the full Tribunal and relates to a claim for compensation made with regard to the arrest of a vessel.

The significance of the Tribunal's work extends, however, beyond the settlement of individual disputes. Frequently, when exercising either its contentious or its advisory jurisdiction, the Tribunal encounters legal issues that are new and require clarification. Often, those issues relate to new developments in the law of the sea.

Thus, the Tribunal was breaking new ground when, as the first international judicial body, it embarked upon a delimitation of the continental shelf beyond 200 nautical miles. In so doing, it provided important clarifications regarding key issues arising in this context, such as the meaning of the term "natural prolongation" or the relationship between the functions of the Tribunal and the Commission on the Limits of the Continental Shelf.

In a recent advisory opinion, the Tribunal elaborated on the legal regime applicable to combatting illegal, unreported and unregulated fishing, so-called "IUU" fishing activities, a practice that contributes heavily to the depletion of fish-stocks worldwide and endangers the survival of local communities depending upon them. The clarifications provided by the Tribunal in its opinion will serve as a useful tool in helping States to take effective measures against this wrongful practice.

In another advisory opinion, the Tribunal's Seabed Disputes Chamber gave advice on a number of issues arising from the work of the International Seabed Authority. The opinion elucidated the obligations and responsibilities incumbent on States sponsoring entities that intend to conduct exploration or exploitation activities for the resources of the deep seabed.

The Chamber determined that a sponsoring State's failure to carry out its responsibilities might trigger its liability. It also clarified the significance of key legal concepts such as the "duty of due diligence" and strengthened the status of the "precautionary approach" in international law. These developments are relevant not only to the law of the sea but also to international law in general and international environmental law in particular.

One of the important outcomes of the opinion was that clarifications provided by the Seabed Disputes Chamber opened the door to developing States to become active players in deep seabed mining activities.

Excellencies,  
Ladies and Gentlemen,

The Law of the Sea Convention was negotiated in a spirit of appreciation of international law and cooperation between States. One of its key objectives, as spelt out in its preamble, is to establish "a legal order for the seas and oceans". The drafters of the Convention were aware that the effective implementation of such a comprehensive legal order also requires a system for the peaceful settlement of disputes arising within this order.

The International Tribunal for the Law of the Sea, over the twenty years of its existence that we are celebrating today, has demonstrated its important role as an international judicial body ensuring compliance with the United Nations Convention on the Law of the Sea in a fair, impartial and efficient manner. This is evidenced by the constantly growing number of cases submitted to the Tribunal, which is the confirmation of confidence that Member States have in the Tribunal.

Building on the experience of the last 20 years, the Tribunal stands ready to meet the challenges of the future. We, the Judges of the Tribunal, are ready to serve the international community and the States Parties to the Convention for the settlement of their disputes related to the implementation and application of the Convention. In the pursuance of this task, we rely on the staff members of the Registry and I would like to take this opportunity to thank them for their professional work and commitment.

Before I conclude, let me quote again from a statement made by a Secretary-General of the United Nations. In the year 2000, at the official opening of the Tribunal's headquarters, Secretary-General Kofi Annan put the mandate of the Tribunal in a global perspective when he said (and I quote):

“[S]ocieties and cultures can co-exist, blossom and flourish only when international law, firmly rooted in global values, is fully implemented and enforced. The Tribunal is there to help us implement an important aspect of international law, and so put those global values into practice.” (end of quote)

Excellencies,  
Ladies and Gentlemen,

Let me assure you that the Tribunal is conscious of this enormous responsibility. The United Nations Convention on the Law of the Sea is a landmark international agreement and it embodies universal values shared by its States Parties. Under the Convention, the Tribunal is the prime guardian of those values that it strives to uphold and to promote in the service of all humankind. To quote again from Mr Annan's statement from the year 2000: “Long may it continue to do so!”

Thank you for your attention.