

**Statement of Dr. Klaus Kinkel, German Federal Minister of Foreign Affairs, on the
occasion of the Ceremonial Inauguration of the Judges
18 October 1996**

I am pleased that today Hamburg becomes the seat of the International Tribunal for the Law of the Sea. The United Nations have made a good choice - in Hamburg the Tribunal has the perfect base for its work, since this city represents an all but unique maritime tradition and a modern, pragmatic, liberal and cosmopolitan outlook.

It is a special pleasure for me that you, Mr. Secretary-General, are our honoured guest today. You are a frequent and welcome visitor to Germany; yesterday you joined me in Lübeck, and in June we jointly opened Villa Carstanjen as the headquarters of the United Nations in Bonn. Allow me to thank you once again, Mr. Secretary-General, for your part in making this decision in favour of Hamburg possible.

On behalf of the German government I would like to warmly welcome the members of the International Tribunal for the Law of the Sea to Germany. Today's swearing-in is a milestone in the long history of the international law of the sea. You come from all over the world and cover a broad spectrum of maritime law. We can be proud of this bench. This high quality, of course, also means high expectations. I hope you feel at home here in Hamburg and I wish you every success in the fulfilment of your responsible task.

Ladies and gentlemen, this is a special day for the law of the sea. By creating this International Tribunal we have committed ourselves to an important shared goal, the establishment and safeguarding of peace and justice at sea. The force of the law will triumph over the law of brute force, and we will make sure that the oceans are protected and preserved as one of mankind's life-giving resources. Significant problems for the future must be addressed:

- Rising sea levels, the exhaustion of marine resources and the changing climate pose a threat to all countries. We must find common solutions to the problems of global environment protection. Only thus will we ensure that Planet Earth will remain viable for our children and grandchildren.
- The dumping and transport of pollutants increasingly endanger the sensitive marine ecology. We must make sure that the oceans' natural balance, their unique flora and fauna, are not destroyed forever.
- We must secure an equitable food supply for all - a gigantic task in view of decreasing fish stocks and increasing world population.
- Maritime transport must become safer. Accidents involving ferries and other shipping time and again result in the loss of life. Tanker disasters often cause almost irreparable damage to animal and plant life.

Although many of these issues go beyond the realm of the classical law of the sea, they are becoming more and more important. Our citizens rightly demand action from the international community in order to improve the situation. The world forum, the United Nations, is facing one of its greatest tests, it must think across national frontiers and regard the security of

the seas and safeguarding mankind's sources of life as a common task. All UN Member States bear their share of the responsibility in this connection.

Ladies and gentlemen, the 1982 Convention on the Law of the Sea together with the 1994 Implementation Agreement governing sea-bed mining is the most comprehensive and significant treaty to date in the history of international law. Twenty-five years of negotiations were required. The task was to reasonably reconcile differing interests, the protection of the endangered maritime environment and the fair distribution of decreasing resources. This aim was achieved, and the result is a true "constitution" for the seas governing all possible marine uses, such as trade and maritime transport, overflying rights and cable-laying, oceanography and environment protection, the conservation and use of fish stocks, and the economic exploitation of the continental shelf and the sea bed.

The history of the international law of the sea has always been one of conflict, too - between countries over their rights to the sea, between ships over their behaviour at sea, and between economic and ecological interests.

The United Nations' "first commandment" is the non-use of force. The principle of the peaceful settlement of disputes also applies to the law of the sea. This has resulted in the creation of an arbitration system, of which the International Tribunal is the core. The Tribunal is open to countries involved in any dispute regarding the interpretation and application of the Convention on the Law of the Sea. A separate Sea-Bed Disputes Chamber will deal with disputes concerning sea-bed mining. Germany has been actively involved in the Third Conference on the Law of the Sea since it began.

The Federal Republic of Germany has always felt a particular commitment to the peaceful settlement of disputes, a fundamental lesson we have learned from our history. We actively promote the establishment of international arbitration procedures; our application to have the International Tribunal based here in Hamburg must also be seen in this light. Thus we are all the more pleased that the Tribunal is now about to begin its work.

Germany will continue its strong commitment to the United Nations; this applies to peace-keeping, safeguarding human rights world-wide and narrowing the gap between rich and poor. We are prepared to assume greater responsibility also within the framework of the UN Security Council. The UN can only be as strong as its members make it.- Yes, it must be urgently reformed, but what it needs above all is commitment, not just criticism.

Ladies and gentlemen, today's ceremony to "launch" the International Tribunal is not only a climax in the development of the international law of the sea but also a major step for Hamburg and Germany which makes all of us happy. The Federal Government and the Free and Hanseatic City of Hamburg have cooperated smoothly in erecting the Tribunal building. Let me warmly thank you, Herr Voscherau, for this. We will continue to help ensure that the Tribunal can fulfil its role in a manner appropriate to its status and the prestige of its members. Hamburg and Germany will be a good home for this institution!