

**Statement of Mrs Herta Däubler-Gmelin, Minister of Justice of the  
Federal Republic of Germany, on the occasion of the  
Opening of the Headquarters building of the Tribunal**

**3 July 2000**

Mr. Secretary-General, dear Mrs. Annan, Mr. President of the International Tribunal for the Law of the Sea, Mr. President of the Senate of the Free and Hanseatic City of Hamburg and First Mayor, Judges, Excellencies, Ladies and Gentlemen!

My best greetings to the International Tribunal for the Law of the Sea, its friends and its guests!

It is a great honour and a special pleasure for me to welcome you here today in the Tribunal's permanent building and to convey to you the best wishes and greetings of the Chancellor of the Federal Republic of Germany, Gerhard Schröder, and the whole Federal Government.

We wish you all the best not only for your work but also for your forthcoming move to this really beautiful court building on the impressive and equally beautiful Hamburg here at the Elbchaussee.

We all are particularly delighted – and proud – that you, Secretary-General, are here today to attend this opening ceremony. Your presence underlines the special importance of the International Tribunal as an essential factor for the peaceful use of the seas which is, as we all know, guaranteed by the United Nations. And – of course – your presence, Secretary-General, gives you the opportunity to see for yourself that we, the Federal Government, have kept to our special obligations after the decision in favour of Hamburg as the seat of this important Tribunal. As President Chandrasekhara Rao has rightly pointed out, we actively supported this decision, from the very beginning of negotiations in the Preparatory Commission.

We all are aware of the great importance of this Tribunal, which we have indeed supported from the very first beginning of negotiations in the Preparatory Commission, and of the United Nations Convention on the Law of the Sea, which contains, for the first time, a global maritime regime that is really accepted on a universal basis. The International Tribunal for the Law of the Sea applies the rules of this convention as a central body for dispute resolution, as a permanent court with its own powers, where states, and – in relation to seabed mining – also other legal entities can initiate proceedings.

And we all are equally aware that this tribunal enjoys the best of all reputations. It is well accepted and appreciated – though it has only been in existence for a relatively short time. That is why you, President Chandreshkhara Rao, were absolutely right when you pointed out, in your speech to the 54<sup>th</sup> United Nations General Assembly on 22 November 1999, that the International Tribunal has well succeeded in consolidating its worldwide special position.

Three and a half years ago, shortly after the Tribunal started its work sceptical voices could, indeed, be heard, that there would not be many cases where states would turn to the Tribunal, since – as we well know – contracting states are free to have recourse for dispute resolution to institutions other than the International Tribunal, such as the International Court of Justice in The Hague or an arbitration tribunal.

Today we observe that these fears were unjustified. Of those states making a declaration, under article 287 of the UN Convention, on the choice of means for the settlement of disputes, two-thirds have decided to choose the International Tribunal for the Law of the Sea. Most of these states have even given the International Tribunal their first preference.

Just two weeks after the adoption of the Tribunal's Rules – the first case came up: the "Saiga" case.

You remember: "Saiga", a ship owned by a Cypriot shipping company and managed by a Scottish one, was seized by Guinea in its exclusive economic zone – a truly international case. At the time of the incident in dispute, it had been chartered by a Swiss company and was sailing under the flag of St. Vincent and the Grenadines. The crew came from Ukraine; other workers were Senegalese citizens, and the cargo was owned by yet another Swiss company.

This case was also complicated from the legal point of view: questions of vessel registration, of arrest, of hot pursuit, of the use of force and of compensation had to be clarified – problems calling in each case for new solutions and approaches.

Not only this first case demonstrated the special and difficult questions the International Tribunal has to deal with in its daily work, but also the following ones, be it the interesting "Southern Bluefin Tuna" cases or the "Camouco" case and I am sure others will follow.

I am very confident that the International Tribunal for the Law of the Sea will successfully continue to intensify its activities in the settlement of disputes and in the development of the law.

This will be ensured by the judges who, as the most prominent and knowledgeable personalities and experts of the world's major legal systems and of the law of the sea, are not only excellently qualified for their function, but are also genuine custodians of the international law of the sea.

That is why the United Nations General Assembly, at its 54<sup>th</sup> session last year, took special note of the important contribution being made by the International Tribunal towards the peaceful settlement of disputes and it expressed its respect and appreciation for the Tribunal and its work. I think we all fully agree with this assessment.

Ladies and Gentlemen, this important international tribunal, of course, needed appropriate accommodation.

For this reason, in the spring of 1989, the Federal Republic of Germany organized an international competition. The winners, the architects Alexander and Emanuela von Branca, have built this wonderful and really impressive building. Mrs. von Branca, fortunately, can be with us today and I want to give her a warm welcome and many thanks for this wonderful building.

At the first jury meeting UN Undersecretary Nandan expressed what he imagined an ideal court building to be: it would have to express harmony and an atmosphere of peace and justice for the high seas. Really a great challenge.

Today, President Chandrasekhara Rao, Secretary-General Annan, Ladies and Gentlemen, we know and we can see and feel that with their creation the architects have met that challenge. Thank you for this, Mrs. von Branca, and thanks to all – the managers, the workers, the craftsmen – for giving shape and form to the initial vision.

We all do wish that you, President Chanrasekhara Rao, esteemed members of the Tribunal and all members of your staff will enjoy working in this wonderful building. I am personally convinced that the specific and renowned Hanseatic working environment will inspire decisions that underscore the excellent reputation and importance of the International Tribunal for the Law of the Sea.

I wish you all the best – that the spirit of liveliness, peace and hope which we experienced with the children down in the hall, singing the "Nienstedten Song" will live on in this building.