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19 March 1999
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THE SAIGA

**CLOSING SPEECH BY THE HONOURABLE CARLYLE D. DOUGAN QC,
HIGH COMMISSIONER TO THE COURT OF ST. JAMES'
AND AGENT FOR ST VINCENT & THE GRENADINES
ON BEHALF OF SAINT VINCENT AND THE GRENADINES**

19th MARCH 1999

Mr President, Members of the Tribunal,

For the reasons given in writing and in oral argument or any of them or for any other reason that the International Tribunal deems to be relevant, the Government of St Vincent & the Grenadines asks the International Tribunal to adjudge and declare that:

- (1) the actions of Guinea (*inter alia* the attack on the m/v "Saiga" and her crew in the exclusive economic zone of Sierra Leone, its subsequent arrest, its detention and the removal of the cargo of gasoil, its filing of charges against St Vincent & the Grenadines and its subsequently issuing a judgment against them) violate the right of St Vincent & the Grenadines and vessels flying its flag to enjoy freedom of navigation and/or other internationally lawful uses of the sea related to the freedom of navigation, as set forth in Articles 56(2) and 58 and related provisions of the Convention;
- (2) Subject to the limited exceptions as to enforcement provided by Article 33(1)(a) of the Convention, the customs and contraband laws of Guinea, namely *inter alia* Articles 1 and 8 of Law 94/007/CTRN of 15

March 1994, Articles 316 and 317 of the Code des Douanes, and Articles 361 and 363 of the Penal Code, may in no circumstances be applied or enforced in the exclusive economic zone of Guinea;

- (3) Guinea did not lawfully exercise the right of hot pursuit under Article 111 of the Convention in respect of the m/v "Saiga" and is liable to compensate the m/v "Saiga" pursuant to Article 111(8) of the Convention;
- (4) Guinea has violated Articles 292(4) and 296 of the Convention in not releasing the m/v "Saiga" and her crew immediately upon the posting of the guarantee of US\$400,000 on 10 December 1997 or the subsequent clarification from Credit Suisse on 11 December;
- (5) The citing of St Vincent & the Grenadines as the Flag State of the m/v "Saiga" in the criminal courts and proceedings instituted by Guinea violates the rights of St Vincent & the Grenadines under the 1982 Convention;
- (6) Guinea immediately return the equivalent in United States Dollars of the discharged gasoil;
- (7) Guinea is liable for damages as a result of the aforesaid violations with interest thereon; and

(8) Guinea shall pay the costs of the proceedings before this Tribunal and the costs incurred by St Vincent & the Grenadines.

Carle J. Joseph