



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

Press Release

**TWENTY-THIRD MEETING OF STATES PARTIES TO THE UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA**

**PRESIDENT ACCLAIMS TRIBUNAL'S GROWING ROLE IN
INTERNATIONAL ADJUDICATION**

President Yanai gave his annual address to the twenty-third Meeting of the 165 States Parties to the United Nations Convention on the Law of the Sea on 10 June 2013. The Meeting of States Parties, which is taking place this week at United Nations Headquarters in New York, affords the Tribunal the opportunity to present its annual report and reports on budgetary matters to the States Parties, together with the other two bodies established by the Convention: the International Seabed Authority and the Commission on the Limits of the Continental Shelf.

The President informed the delegates that the Tribunal had worked over the last year on four complex cases related to a variety of issues, encompassing maritime delimitation, requests for the release of detained vessels, including a warship, and claims for damages arising out of the arrest of vessels. He noted that, in terms of procedure, the work of the Tribunal was also varied, ranging from cases on the merits to urgent proceedings and, for the first time, a counter-claim brought before the Tribunal. Of the four cases dealt with in 2012, two were disposed of by the Tribunal in the same year and a third was completed in the first half of 2013.

Drawing the delegates' attention to the Judgment in the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*, the first maritime delimitation case submitted to the Tribunal, the President recalled that the Tribunal had determined the maritime boundary between the Parties in relation to the territorial sea, the exclusive economic zone and the continental shelf. He highlighted the fact that the Tribunal's delimitation of the continental shelf beyond 200 nautical miles was unprecedented in international adjudication.

Referring to *The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*, the President cited the recent Judgment of 28 May 2013, in which the Tribunal found that no dispute concerning the interpretation or application of the Convention existed between the Parties at the time the Application was filed

and that, therefore, it had no jurisdiction *ratione materiae* to entertain the case. Turning to *The M/V “Virginia G” Case (Panama/Guinea-Bissau)*, which concerns the oil tanker M/V “Virginia G” and claims by Panama for reparation for damage allegedly suffered during its detention, the President noted that the written proceedings phase, including a counter-claim by Guinea-Bissau and the filing of an additional pleading by Panama, had concluded and he announced that hearings in the case had been scheduled to take place from 2 to 6 September 2013.

Referring to *The “ARA Libertad” Case (Argentina v. Ghana)*, the President explained that the Argentine warship had arrived on a courtesy visit in the port of Tema, near Accra, on 1 October 2012. The vessel had been prevented from leaving the port by the Ghanaian authorities pursuant to a decision of the High Court of Accra taken in connection with a commercial lawsuit. The Tribunal, in its Order, considered that “in accordance with general international law, a warship enjoys immunity” and that “any act which prevents by force a warship from discharging its mission and duties is a source of conflict that may endanger friendly relations among States”, and ordered Ghana to “forthwith and unconditionally release the frigate ARA Libertad”. President Yanai noted that the Ghanaian authorities had duly complied with the Tribunal’s Order of 15 December 2012 within four days.

Looking to the upcoming year, President Yanai reported that the Tribunal had received a request for an Advisory Opinion from the Sub-Regional Fisheries Commission (SRFC), headquartered in Dakar, on four questions relating to illegal, unreported and unregulated fishing and had invited the States Parties, the SRFC and several other intergovernmental organizations to present written statements, by the end of November 2013, on the questions contained in the Request.

President Yanai noted that the dispute settlement system established by the Convention is operating ever more frequently and effectively and that the Tribunal is playing a growing role in international adjudication. He assured the delegates that the Tribunal will gladly continue to offer its contribution to this development.

In conclusion, the President highlighted the importance of the Tribunal’s training and capacity-building programmes. He also referred to the Tribunal’s regional workshops, which provide representatives of States with information on its jurisdiction and procedural rules. In this context he expressed his appreciation to the authorities of Mexico for having co-organized such a workshop in Mexico City last week, which had been attended by representatives of 15 countries.

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