



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

## Press Release

### **PRESIDENT WOLFRUM ADDRESSES GENERAL ASSEMBLY, MEETS WITH SECRETARY-GENERAL KOFI ANNAN AND PARTICIPATES IN ROUND TABLE ON ADVISORY PROCEEDINGS BEFORE THE TRIBUNAL**

Judge Rüdiger Wolfrum, President of the International Tribunal for the Law of the Sea, addressed the United Nations General Assembly on Monday, 28 November 2005 on the occasion of its annual consideration of the agenda item 'Oceans and the law of the sea'.



UN Photo

President Wolfrum outlined the activities of the Tribunal in the period under review. He referred to the judgment in *The "Juno Trader" Case (Saint Vincent and the Grenadines v. Guinea-Bissau)*, *Prompt Release*, which was delivered on 18 December 2004, and noted that the judgment had been adopted unanimously and that the vessel had been released pursuant to it. He also mentioned that, for this case, use was made for the first time of the trust fund which is administered by the United Nations (DOALOS) to assist developing countries in the settlement of disputes through the Tribunal.

As regards organizational matters, he informed the General Assembly that two judges had been re-elected (Judges Park (Republic of Korea) and Nelson (Grenada)) and five new judges elected (Mr Stanislaw Pawlak of Poland, Mr Shunji Yanai of Japan,

(more)

For information media - not an official record  
also available at <http://www.itlos.org> and <http://www.tidm.org>

Mr Helmut Türk of Austria, Mr James Kateka of United Republic of Tanzania and Mr Albert Hoffmann of South Africa) by the Meeting of States Parties on 22 June 2005. He also reported that Judge Dolliver Nelson had completed his presidency on 30 September 2005 and that on 1 October 2005 he was elected President of the Tribunal for a term of three years.

In respect of the jurisprudence of the Tribunal, observing that the majority of the cases dealt with by it have been confined to instances where its jurisdiction is compulsory, the President affirmed that the jurisdictional powers of the Tribunal had not yet been exhausted. In this regard, he drew the attention of the delegates to the fact that the jurisdiction of the Tribunal is based not only on the United Nations Convention on the Law of the Sea but also on any international agreement related to the purposes of the Convention which specifically confers jurisdiction on the Tribunal. Seven such multilateral agreements, including the Straddling Fish Stocks Agreement of 1995 and the Convention on the Protection of the Underwater Cultural Heritage of 2001, have already been concluded. He encouraged States to consider the possibility of including provisions conferring jurisdiction upon the Tribunal in future bilateral and multilateral agreements concerning law of the sea matters.

He thanked the sponsors of the draft resolution on Oceans and the Law of the Sea for noting the continued contribution of the Tribunal to the peaceful settlement of disputes in accordance with Part XV of the Convention and for underlining the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement relating to the implementation of Part XI of the Convention. He also thanked them for having noted that States parties to an international agreement related to the purposes of the Convention may submit to the Tribunal or a chamber of the Tribunal any dispute concerning the interpretation or application of that agreement which is submitted to it in accordance therewith.

President Wolfrum took the opportunity to point out the advantages of submitting a dispute to an *ad hoc* chamber of the Tribunal as a suitable alternative to arbitration. Parties would not only have control over the composition of the *ad hoc* chamber, they would also have at their disposal the Rules of the Tribunal. They could indicate the specific questions upon which the chamber should decide, and, of course, would benefit from the fact that States Parties do not have to bear the cost of proceedings before the Tribunal or one of its chambers. The President recalled that in the case pending on the docket of the Tribunal, the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile / European Community)*, the Parties had in fact had recourse to an *ad hoc* chamber.

He went on to draw the attention of the delegates to the advisory jurisdiction of the Seabed Disputes Chamber, which may give an advisory opinion at the request of the Assembly or Council of the International Seabed Authority. The President further highlighted the fact that the Tribunal itself could give an advisory opinion if an agreement related to the purposes of the Convention so provided. He stated that such a possibility could constitute an interesting option for parties seeking a non-binding agreement on a

(more)

legal question or an indication as to how a particular dispute might be solved through negotiation.

The advisory jurisdiction of the Tribunal was the subject of a round table discussion entitled "Advisory proceedings before the International Tribunal for the Law of the Sea", held at the United Nations on the afternoon of Tuesday, 29 November 2005. The panellists at the round table were President Wolfrum, the Secretary-General of the International Seabed Authority, Mr Satya Nandan, and Mr Tomas H. Heidar, Legal Adviser of the Ministry for Foreign Affairs of Iceland. The round table was opened by Mr Nicolas Michel, Legal Counsel, and moderated by Mr Vladimir Golitsyn, Director of the Division of Ocean Affairs and Law of the Sea. An interesting debate concerning the possible situations where advisory opinions might play a useful role followed the presentations given by the members of the panel.

On the same day, President Wolfrum paid a courtesy visit to Mr Kofi Annan, Secretary-General of the United Nations, during which the President expressed his appreciation for the continuing support provided to the Tribunal by the Secretary-General, the Legal Counsel and his staff in the Office of Legal Affairs. Their exchange of views focussed on ways to increase recourse to dispute settlement mechanisms in law of the sea matters.

The full text of the President's statement before the General Assembly may be found on the Tribunal's website.

The Press Releases of the Tribunal, documents and other information are available on the Tribunal's websites: <http://www.itlos.org> and <http://www.tidm.org> and from the Registry of the Tribunal. Please contact Ms Julia Ritter at Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227, Fax: +49 (40) 35607-245;  
E-mail: [press@itlos.org](mailto:press@itlos.org)