



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

Press Release

(Issued by the Registry)

**DISPUTE CONCERNING SOUTHERN BLUEFIN TUNA
AUSTRALIA AND NEW ZEALAND VERSUS JAPAN**

**HEARING TO COMMENCE ON 18 AUGUST 1999
SHORT PUBLIC SITTING ON 16 AUGUST 1999 TO DEAL WITH PRELIMINARY
PROCEDURAL MATTERS**

HAMBURG, 13 August. The hearing on the requests for provisional measures in the dispute concerning Southern Bluefin Tuna between Australia and New Zealand against Japan will be held from 18 to 20 August 1999. The hearing will be held in the courtroom at the temporary premises in the centre of Hamburg. The sittings are scheduled from 10.00 a.m. to 4.30 p.m. on Wednesday and Thursday, 18 and 19 of August 1999, and from 9.30 a.m. to 1.00 p.m. on Friday, 20 August 1999.

A brief public sitting of the Tribunal will be held at 10.00 a.m. on 16 August 1999. It is expected that the sitting will deal with preliminary proceedings regarding the Judge ad hoc chosen by Australia and New Zealand.

Every State that is a party in a case before the Tribunal is entitled to choose a person to participate as a Judge (ad hoc) if the Tribunal does not include a Judge upon the bench who has the nationality of that party. In this case, there is a Judge of Japanese nationality on the 21 Judges' bench.

Before a Judge ad hoc can take up his duties, he has to make the solemn declaration that he will exercise his powers impartially and conscientiously. This declaration has to be made at a public sitting of the Tribunal. A public sitting at which the solemn declaration is to be made will be held before the commencement of the Tribunal's deliberations on the case, which commence before the opening of the hearing. After the swearing in ceremony, the Judge ad hoc will participate in the proceedings on the same basis as the other Judges.

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Members of the Press are invited to attend the hearing. Unobtrusive movie and still photography, audio and video recording of parts of the proceedings are authorized. The audio recording in English and French will be possible by using XLR plugs. Photographs may be taken before the opening, during the first few minutes of the sitting; and also for a few minutes towards the end. Filming is subject to special authorization. There will be supplementary lighting for filming.

Press Releases and further information can be obtained from the Tribunal's Registry. Please contact Mr. Robert van Dijk, Legal Officer at the Tribunal, at Tel: (49) (40) 35607-228/227 or Fax: (49) (40) 35607-245. Press information will also be available at the sitting itself.

Because there will be only a limited number of seats available, members of the Press are requested to contact the Registry to guarantee admission. Identification will be required for admission.

Professor Ivan A. Shearer AM

Australia and New Zealand have jointly nominated Professor Ivan A. Shearer AM as their Judge ad hoc. Professor Shearer is an Australian citizen. He is the Challis Professor of International Law at the University of Sydney. Professor Shearer was awarded his LLM from the University of Adelaide in 1964 and his SJD from Northwestern University, Chicago in 1968. Before taking up his Chair at the University of Sydney, Professor Shearer was a Professor at the University of New South Wales and Dean of the Law Faculty from 1984-1990. Professor Shearer was a Special Adviser in International Law for the Australian Department of Foreign Affairs and Trade in 1991. He has been a member of the Australian delegation to the United Nations Sixth Committee and to the Meetings of States Parties to the Law of the Sea Convention. Moreover, he has been a member of the Panel of Arbitrators of the Permanent Court of Arbitration, The Hague from 1986-1998. Professor Shearer has been a member of the International Institute of Humanitarian Law, San Remo, since 1983. He is also a co-rapporteur of the International Law Association's Committee on International Law in National Courts. Professor Shearer's publications include *O'Connell's International Law of the Sea*, Editor, (1982,1984) and *Starke's International Law* (1994).

The curricula vitae of the 21 elected Judges can be found in document SPLOS/11. Abbreviated biographies of the Judges may also be obtained from the Registry of the Tribunal.

Background information

Australia and New Zealand filed their requests for provisional measures with the Tribunal on 30 July 1999. The request is for an interim injunction against Japan to

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immediately cease the unilateral experimental fishing of the Southern Bluefin Tuna, which commenced at the beginning of June 1999 (See Press Release No. 24). Japan filed its response to the requests on 9 August 1999. In its response Japan submits that the Tribunal should deny the provisional measures requested by Australia and New Zealand. The response also contains a counter-request by Japan for provisional measures (See Press Release No. 25).

The Governments of Australia and New Zealand decided to submit their dispute with Japan to an arbitration procedure under Annex VII of the United Nations Convention on the Law of the Sea. Pending the constitution of such an arbitral tribunal, the Governments of Australia and New Zealand have requested the International Tribunal for the Law of the Sea to prescribe provisional measures, pursuant to paragraph 5 of Article 290 of the Convention.

The Press Releases of the Tribunal, documents and other information are available on the United Nations website: <http://www.un.org/Depts/los/> and from the Registry of the Tribunal, Wexstrasse 4, 20355 Hamburg, Germany, Tel: (49) (40) 35607-227/228, Fax: (49) (40) 35607-245/275 or United Nations DC-1, suite 1140, New York, NY 10017, Tel: (1) (212) 963-6480, Fax: (1) (212) 963-0908, E-mail: itlos@itlos.hamburg.de

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