



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

Press Release

(Issued by the Registry)

THE TRIBUNAL CONCLUDES ITS FIRST SESSION AND ORGANIZES ITS FUTURE WORK

HAMBURG, 1 November. The President of the International Tribunal for the Law of the Sea declared the first session of the Tribunal closed.

The Judges of the International Tribunal for the Law of the Sea have been meeting over the past four weeks in Hamburg, the seat of the newly established Tribunal to settle organizational matters. The first session of the International Tribunal for the Law of the Sea has been a great success. The Tribunal has taken up and resolved a plethora of issues, ranging from the election of officials to the examination and the adoption of certain rules of procedure.

[PICTURE IN ORIGINAL]

The twenty-one Judges and the Registrar of the International Tribunal of the Law of the Sea

The President of the Tribunal, Thomas A. Mensah, in his closing speech thanked all the Judges for their dedication and hard work. The President of the Tribunal expressed his conviction that the achievements of the present session are a solid basis for the future work of the Tribunal. The Tribunal has taken the necessary decisions to enable it to deal with a case or application that may be submitted to it.

Future Meetings of the Tribunal.

The Judges of the Tribunal are permanently at the disposal of the Tribunal and will be ready to meet at short notice in the event that a case is received by the Tribunal. Apart from the situation that the Tribunal would meet to review a case, the Judges decided to meet for two and possibly three sessions in 1997. The Judges set the calendar for a session during the whole month of February and a further session during the month of April. A third session was agreed on provisionally for the month of October. It will depend on funds being made available to the Tribunal by the State Parties to the Law of the Sea Convention. The Judges considered it important to have an additional session to ensure the swift resolution of urgent organizational matters and to ensure the continuity of the work of the Tribunal.

Establishment of the Chamber of Summary Procedure.

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Beyond doubt one of the most important decisions by the Tribunal during its first session was to establish its Chamber of Summary Procedure. The Chamber is established with a view to the speedy dispatch of business. The Chamber can hear and determine cases on the request of States that are parties to a dispute. The disputes that can be referred to the Chamber are the same that can be submitted to the full Tribunal and range from the prompt release of vessels and crews to fisheries disputes or maritime delimitations.

Under its Statute, the Tribunal is directed to form the Chamber annually from five of its elected members. It was concluded in the rules approved by the Tribunal that by definition the President and the Vice-President are members of this Chamber. The three other members of the Tribunal selected for the Chamber of Summary Procedure, are Judges Hugo Caminos, Choon-Ho Park and Mohamed Mouldi Marsit. Judges Anatoly Lazarevich Kolodkin and L. Dolliver M. Nelson were selected as alternate Members of the Chamber.

Rules of Procedure and Evidence.

During the session, certain rules of procedure were provisionally adopted to facilitate the sessional work of the Tribunal. A formidable project is under way to scrutinize the rules drafted by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, which were recommended by the meeting of States Parties to the Tribunal. This undertaking will be executed with a view to making the rules user-friendly, cost-effective and efficient. An informal consultative mechanism has been set up among the Judges to undertake this work.

Privileges and Immunities.

The Tribunal discussed the Draft Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, which specifies the privileges and immunities of the Tribunal on a global level. The Judges also examined the Final Draft of the Headquarters Agreement, which specifies the privileges and immunities of the Tribunal in the Host Country. The Headquarters Agreement was approved by the Preparatory Commission and recommended to the Tribunal by the Meeting of States Parties as an appropriate basis to negotiate the Agreement. The Judges authorized the President and the Registrar to negotiate the Headquarters Agreement with the German authorities on the basis of this preparatory work.

Relationship Agreement with the United Nations.

The Secretary-General of the United Nations, in his speech on the occasion of the inauguration of the Judges of the Tribunal, noted that: "Though not an Organ of the United Nations the Tribunal finds its origin in efforts sponsored by the United Nations. As a sign of this excellent linkage a relationship agreement should soon be signed between the Tribunal and the United Nations." The Judges discussed the terms of the future relationship Agreement and decided to adopt *mutatis*

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mutandis the United Nations Common System, to proceed with the application for Staff Members to be admitted to the United Nations Pension Fund, and to apply for observer status at sessions of the General Assembly of the United Nations.

Budget of the Tribunal.

The Judges also examined the future budgetary requirements of the Tribunal. The Judges reviewed the current budget and identified important needs for which provision should be made. These needs will be brought to the attention of the next meeting of the State Parties to the Convention. A working group has been established to consider proposals for the 1998 budget. The Tribunal took note of a report of its Registry indicating that there is a substantial delay in the receipt of the contributions to its budget from the States Parties to the Convention.

Election of the President, Vice-President and Registrar.

On 5 October, the Judges elected Judge Thomas A. Mensah to serve as the first President of the Tribunal. On the same day, Judge Rüdiger Wolfrum was elected Vice-President.

President Mensah, a national of Ghana, had been with the International Maritime Organization (IMO) for more than twenty years; first as its Director of Legal Affairs and later as its Assistant Secretary-General. He was involved in the negotiations of the Law of the Sea Convention. After retiring from the IMO, he was appointed Professor of Law and Director of the Law of the Sea Institute at the University of Hawaii and to the Cleveringa Chair at the University of Leiden in the Netherlands. Since 1995, he has been the High Commissioner of Ghana to the Republic of South Africa.

Vice-President Wolfrum, a German national, has a long-standing career as a Professor of International Law at the Universities of Mainz, Kiel and Heidelberg. He was a member of the German delegation to the negotiations leading up to the Law of the Sea Convention. Since 1993, he has been director of the Max Planck Institute for Comparative Public Law and International Law.

On 23 October, the Tribunal elected Mr. Gritakumar E. Chitty, of Sri Lankan nationality, as the first Registrar of the International Tribunal for the Law of the Sea. In May 1995, Mr. Chitty had been appointed by the Secretary-General of the United Nations as the Officer responsible for making preparations for the establishment of the Tribunal, which was followed by his appointment as Director-in-Charge of the Registry of the Tribunal in August 1996. Mr. Chitty brings to the Tribunal over twenty years of experience with the United Nations Secretariat, during which time he was the officer responsible for the subject of the settlement of disputes under the law of the sea.

On 25 October, the Tribunal elected Mr. Philippe Gautier, of Belgian nationality, as its Deputy Registrar.

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The Ceremonial Inauguration of the Judges.

On 18 October, the Judges of the International Tribunal for the Law of the Sea took their oath of office and signed solemn declarations in the presence of high dignitaries including: Dr. Boutros Boutros-Ghali, the Secretary-General of the United Nations, Dr. Klaus Kinkel, the German Federal Minister of Foreign Affairs, and Dr. Henning Voscherau, the First Mayor of the Free and Hanseatic City of Hamburg. In addition, representatives from over sixty-seven countries, representatives of the International Court of Justice and the International Seabed Authority, and an audience of five to six-hundred others witnessed the event.

The twenty-one Judges made their solemn declarations at a special inaugural session of the Tribunal in the stately Great Hall of Hamburg's City Hall. The Judges pledged that they will perform their duties and exercise their powers as judges honourably, faithfully, impartially and conscientiously.

The International Tribunal for the Law of the Sea.

The International Tribunal for the Law of the Sea is an independent international organization which has been established pursuant to the United Nations Convention on the Law of the Sea. This Convention is one of the most comprehensive international treaties ever completed. It provides for the outer limits to which coastal States can claim jurisdiction in their adjacent waters and regulates prominent issues such as fisheries and navigation. A whole chapter of the Convention is devoted to the prevention of pollution of the marine environment. The Convention also pronounces the deep seabed as the common heritage of mankind and sets up the International Seabed Authority to regulate the exploitation of the deep seabed.

The Convention on the Law of the Sea is unique in that the mechanism for the settlement of disputes is incorporated into the document, making it obligatory for parties to the Convention to go through the settlement procedure in case of a dispute with another party. The Tribunal is the central forum for the settlement of disputes arising from the Convention. At present, one hundred and eight States are party to the Convention, indicating the world wide approval which the Convention has obtained.

The Convention gives the Tribunal jurisdiction to resolve a variety of international disputes. Disputes amongst States that can be referred to the Tribunal may involve *inter alia* the delimitation of maritime zones, fisheries, navigation and ocean pollution. The Tribunal also has compulsory jurisdiction over the prompt release, upon the deposit of a bond, of arrested vessels and their crews. In addition, the Tribunal is competent to resolve disputes amongst States, the International Seabed Authority, companies and private individuals, arising out of the exploitation of the deep seabed. Furthermore, the International Seabed Authority may request advisory opinions from the Tribunal's Seabed Disputes Chamber. The Seabed Disputes Chamber will be elected during the next session. The Chamber is composed of 11 Judges selected from the

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Gudmundur Eiriksson
Tafsir Malick Ndiaye

Iceland
Senegal

(The *curricula vitae* of the Members of the International Tribunal for the Law of the Sea are contained in United Nations Document SPLOS/11. A summary of the relevant part of the Document will be released in due course.)

Previous Press Releases of the Tribunal can be obtained from the Tribunal's Registry. Please contact the office of the Registry at Tel: (49) (40) 3560-70 / Fax: (49) (40) 3560-7245 / (49) (40) 3560-7275

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