

Statement of Mr Jörg Hennerkes, State Secretary of the Federal Ministry of Transport, Building and Housing, on the occasion of the tenth anniversary of the Tribunal

Honourable President Wolfrum
Honourable Judges
Excellencies
Ladies and Gentlemen

I would like to convey the greetings of the Federal Government and, especially, those of Federal Minister Wolfgang Tiefensee.

I congratulate the International Tribunal for the Law of the Sea on the tenth anniversary of its founding in Hamburg, the city in Germany with the longest maritime tradition and one of the most important ports in the world.

With its establishment in Hamburg in 1996 the International Tribunal for the Law of the Sea was the first important legal institution in the United Nations system to establish its headquarters on German soil.

That was a very good thing and has proven successful: ten years of valuable work as an important pillar of international ocean traffic. My warmest congratulations.

Today, more than ever, all countries of the world are dependent on the trouble-free and economic exchange of goods.

The use of the sea as a means of transportation between the various economic areas of the world is central to our globalized economy since over 90 per cent of intercontinental trade is carried out by sea, while 35 per cent of trade within Europe is of a maritime nature.

Twenty-five per cent of German exports are shipped through German ports, primarily through Hamburg, the Bremen ports and Wilhelmshaven.

Shipping in our country is above all an important part of the maritime economy.

The maritime economy is a branch of industry that has very bright prospects and, because it is closely bound up with the rest of the economy, it is of great overall economic importance.

Almost a quarter of a million jobs in Germany are directly or indirectly linked to the maritime sector, of which approximately 49,000 are in shipping.

But that does not apply to Germany alone.

The European Commission recently published a study on the potential for growth and employment within the maritime economy. The study shows that the maritime sectors are decisive for Europe's economic prosperity.

Throughout the European Union, 1.9 million people are employed in the traditional maritime sectors alone. When all sea-related activities are added together, this figure increases to over 5 million.

Thanks to an active shipping policy in recent years, Germany has been able to further increase the number of ships flying its flag.

In this connection, I would like to mention in particular the Maritime Alliance and the National Maritime Conference.

As you are aware, the Federal Government, together with the German Shipowners' Association (VDR) and the trade union ver.di – in agreement with coastal states - has made specific arrangements for strengthening the status of shipping in Germany.

These arrangements are aimed, above all, at reinforcing the training and employment of German and European Union crews on board German-registered merchant ships and on land; a further objective is the registration and re-registration of ships flying the German flag.

The Maritime Alliance, along with our tonnage tax, is the current focus of the Federal Government's shipping policy (which was included in the coalition agreement of 11 November 2005) and is an enormously important focus for the maritime economy as a whole.

Successful foreign trade is a vital part of the German economy.

What would the world's champion exporter be without the maritime economy?

The most important requirement is a high-quality, competitive and efficient merchant fleet, and this can only be attained if ship-owners can rely fully on valid legal regulations.

The arrangements made within the Maritime Alliance therefore set a trend for assuring Germany's future position in the maritime sector.

These arrangements have been implemented very successfully since August 2005 and have been highly productive - everyone has profited from them.

For this reason, all those involved in the Maritime Alliance will continue to support it.

Changes in the current basic conditions, however, will require certain adjustments to be made.

The National Maritime Conference

The fifth conference will take place this year on 3 and 4 December here in Hamburg.

It will further the dialogue that began in Emden (2000) and continued in Rostock (2001), Lübeck (2003) and Bremen (2005) and concerns improvements in the basic conditions for the maritime sector in Germany and ways of making its results endure.

This dialogue provided plenty of food for thought and the results implemented have been very successful.

Thanks to this cooperation over the past few years, our ranking among the leading countries of registry has improved considerably.

In 2004, Germany was in 24th place; this year we are ranked 14th.

Ladies and Gentlemen,

In the list of leading merchant fleets ranked according to the owner's nationality, Germany is in third place, just behind Greece and Japan.

All countries, not only the Federal Republic of Germany, have a vested interest in international shipping being clearly and legally regulated throughout the world.

Restrictions must remain within the bounds of what is necessary.

In our opinion, legal regulations should be imposed at international level, in particular through the International Maritime Organization.

In the global economy, European Union regulations make sense only to a very limited extent.

In this respect, it is highly important to strike the right balance between a dynamic maritime economy, the use of the maritime environment, the protection of natural resources and the necessary legal framework.

However, in order to function properly, shipping needs to establish a framework of stable fundamental requirements which are of equal validity throughout the world and must be observed.

As the seas and oceans of the world are interlinked, so must the basic legal conditions be.

It is therefore important, especially in the area of shipping and ship safety, that the successful work of existing international organizations continues.

Our goal is NOT to divide the oceans into a safe and tidy area around the territory of the European Union and apply a “laissez-faire” policy to the rest of the world.

Our wish is for the same objectives in terms of protection to be attained in comparable maritime situations worldwide.

Ladies and Gentlemen,

The United Nations Convention on the Law of the Sea (UNCLOS) establishes the legal framework for the use and protection of the oceans and regulates the details of its various uses.

Throughout the world, the International Tribunal for the Law of the Sea is recognized as a central component of a comprehensive system for settling disputes arising from the interpretation and application of the Convention on the Law of the Sea to which the signatories to the Convention have submitted.

The Tribunal's competence is derived not only from the Convention on the Law of the Sea but also from other international law conventions which refer to the Convention on the Law of the Sea and have expressly transferred jurisdiction to the Tribunal.

In addition, the European Commission's Green Paper on a Future Maritime Policy states that the application and enforcement of the regulations agreed within the context of the Convention on the Law of the Sea will be strengthened by the Convention's systematic reference to the International Tribunal for the Law of the Sea.

Germany vigorously supports this proposal.

As a friend and sponsor of international law of the sea, the International Tribunal for the Law of the Sea is an important United Nations institution in Germany.

In emphasizing its commitment to the International Tribunal for the Law of the Sea, Germany is also expressing its readiness to assume responsibility on an international scale and showing its great interest in the successful work of the United Nations and the strengthening of the system for the peaceful settlement of disputes.

Only if we establish uniform international standards, enforced by the competent bodies, can we ensure that international markets suffer no competitive bias resulting from different interpretations of the legal regulations.

Ladies and Gentlemen,

A jurisdiction of impressive size, litigation with effects on world trade and sometimes involving very high “values in dispute”, as we say in Germany, are indeed an impressive basis for the work of the International Tribunal for the Law of the Sea.

I would like once again to thank all current and former judges and, of course, all the staff for the outstanding work of the International Tribunal for the Law of the Sea.

I congratulate you on the tenth anniversary of the founding of the Tribunal and wish you continuing success in the future.

Thank you for your attention.