



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

Press Release

PRESIDENT WOLFRUM ADDRESSES GENERAL ASSEMBLY

Judge Rüdiger Wolfrum, President of the International Tribunal for the Law of the Sea, addressed the United Nations General Assembly on Thursday, 8 December 2006, on the occasion of its annual consideration of the agenda item 'Oceans and the law of the sea'.



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In his report on the activities of the Tribunal in the period under review, President Wolfrum referred to the Order of 29 December 2005 adopted by the Special Chamber of the Tribunal in the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*, by which the Special Chamber extended the time-limit for making preliminary objections until 1 January 2008. President Wolfrum drew the attention of the delegates to the system of *ad hoc* special chambers, which he described as “a flexible mechanism that combines the advantages of a permanent court with those of an arbitral body.”

With regard to organizational matters, President Wolfrum informed the General Assembly that, on 19 September 2006, the Tribunal had re-elected Mr Philippe Gautier as Registrar of the Tribunal for a term of five years.

In respect of the legal matters currently under consideration by the Tribunal, President Wolfrum referred to the possibility that the Tribunal would adopt guidelines for

the posting of a bond in prompt release proceedings with a view to rendering these proceedings more effective. Regarding the further question of the competence of the Tribunal in maritime delimitation cases, he stated that as a general rule all maritime delimitation disputes under the Convention were subject to compulsory binding settlement, unless a declaration is made in accordance with article 298, paragraph 1(a), of the Convention. According to the President, “the competence of the Tribunal, or any other court or tribunal, to deal with the main claim that maritime delimitation be effected according to article 15, 74 or 83 [of the Convention] includes the associated question of delimitation over land or islands.” Furthermore, by a reading *a contrario* of article 298, paragraph 1(a), of the Convention “in the absence of a declaration under article 298, paragraph 1(a), a maritime delimitation dispute including the necessarily concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory is subject to the compulsory jurisdiction of the Tribunal, or any other court or tribunal.”

The President recalled that the Tribunal celebrated this year its tenth anniversary and stated that, in its first decade of existence, “the Tribunal has established itself as an effective body to settle law of the sea disputes in accordance with the rule of law.” He noted that through the delivery of decisions in 13 cases, the Tribunal has been able to assist States in solving a variety of law of the sea related issues and apply efficient and cost-effective procedures. In this regard, the President 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.

The President recalled that there are currently 152 States Parties of the Convention and just 39 States have made declarations under article 287 of the Convention, and only 22 of which have accepted the compulsory jurisdiction of the Tribunal. President Wolfrum reminded the delegates that in the absence of any declaration under article 287, States are deemed to have accepted arbitration. He expressed the hope that an increasing number of States would make declarations in accordance with article 287, as stated in the draft resolution.

He went on to draw the attention of the delegates to the alternative of conferring jurisdiction on the Tribunal through the insertion of jurisdictional clauses in international agreements related to the law of the sea. Eight such multilateral agreements, including the Straddling Fish Stocks Agreement of 1995, have already been concluded. While observing that these agreements set out the settlement procedures provided for in Part XV of the Convention, President Wolfrum suggested that future international agreements should indicate the default forum and consideration be given to selecting the Tribunal as the compulsory procedure. He thanked the sponsors of the draft resolution for having noted that States parties to an international agreement related to the purposes of the Convention may submit to the Tribunal any dispute concerning the interpretation or application of that agreement which is submitted to it in accordance therewith. He also invited States to

consider making use of the option of inserting provisions conferring jurisdiction upon the Tribunal in future agreements.

President Wolfrum took the opportunity to address the question of the potential fragmentation of international law and stated that the Tribunal as a specialized judicial body has a role to play in maintaining the coherence of international law. He mentioned that “[t]he Tribunal, in interpreting and applying the Convention, is required to apply rules of international law and has striven therewith to preserve the integrity of general international law.” He also observed that “the harmonization of the Convention may be preserved through the adjudication of maritime disputes by the Tribunal” and highlighted the fact that “only permanent courts can ensure consistency in the dispute resolution and the development of a coherent corpus of jurisprudence.” As an important step to consolidate the international jurisprudence, President Wolfrum referred to a suggestion he had made at the Informal Meeting of Legal Advisors that a meeting with the Presidents of all international courts and the Chairman of the International Law Commission take place in 2007 in order to exchange views on ways to improve the unity of international law.

The President reported that the Tribunal was organizing a series of workshops on the settlement of law of the sea-related disputes in different regions of the world. He said that the first regional workshop took place in Dakar, Senegal, from 31 October to 2 November 2006 while further regional workshops would be held by the Tribunal in Jamaica and Singapore in 2007.

Lastly, President Wolfrum referred to the Trust Fund of the Tribunal established to assist States Parties in the settlement of disputes through the Tribunal. He invited States to consider the possibility of making voluntary financial contributions to the Fund.

The full texts in English and French 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;
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