

**Introduction by the President of the International Tribunal for the Law  
of the Sea of the 1999 Annual Report of the Tribunal at the  
Tenth Meeting of States Parties to the 1982 United Nations Convention  
on the Law of the Sea New York, 22 May 2000**

May I, on behalf of the Tribunal, convey to you our congratulations on your election as the President of this meeting and wish you well in the discharge of your functions.

The Tribunal's Annual Report 1999 is in front of you. It explains, in brief, the various activities of the Tribunal and also its financial position for the one-year period from 1 January to 31 December 1999. I do not propose to add anything substantially new to what is stated in the Report. Nevertheless, with your permission, I propose to present to this meeting a brief account of the judicial and other work of the Tribunal in 1999.

Let me first deal with the organization of the Tribunal. As the distinguished delegates are aware, the Ninth Meeting of States Parties re-elected Judges Akl, Bamela Engo, Chandrasekhara Rao, Kolodkin, Marotta Rangel, and Wolfrum, and elected Jose Luis Jesus, as Judges of the Tribunal for a nine-year term commencing from 1 October 1999. My predecessor, Judge Thomas A. Mensah, completed his three-year term as President of the Tribunal on 30 September 1999. On 1 October 1999, the Tribunal elected me to be President of the Tribunal for a three-year term. Similarly, Judge Dolliver Nelson was elected Vice-President of the Tribunal in place of Judge Rüdiger Wolfrum, and Judge Tullio Treves as President of the Seabed Disputes Chamber in place of Judge Akl.

The Seabed Disputes Chamber and the special chambers of the Tribunal – Chamber of Summary Procedure, Chamber for Fisheries Disputes, Chamber for Marine Environment Disputes – have been composed afresh. The Report sets out the composition of these Chambers. These chambers deal with judicial work of the Tribunal. The Convention itself does not establish the special chambers for fisheries and marine environment disputes. The Tribunal formed these chambers in exercise of the enabling powers conferred on it under article 15, paragraph 1, of its Statute. If need arises, the Tribunal may consider forming special chambers for dealing with other categories of disputes. Under the Statute of the Tribunal, a judgment given by any of its chambers is considered as rendered by the Tribunal. I wish to underline the flexible systems established by the Statute within the framework of the Tribunal for settlement of disputes arising under the United Nations Convention for the Law of the Sea. The Statute enables the Tribunal to form *ad hoc* chambers at the instance of parties to a particular dispute submitted to it whose composition too could be determined with the approval of the parties. We hope that States would take advantage of these mechanisms in resolving their disputes in the matter of interpretation or application of the Convention.

The Tribunal also constitutes every year committees and working groups to deal with its administrative or other work having a bearing on its judicial activities. During the period under review, the Tribunal reconstituted the following committees: Committee on Budget and Finance, Committee on Rules and Judicial Practice, Committee on Staff and Administration, Committee on Library and Publications, as

also its Working Group on Buildings and Electronic Systems. In view of the fact that judges meet in Hamburg only for brief periods, the Tribunal often finds it difficult to give adequate time to these bodies for undertaking necessary deliberations in respect of the mandates assigned to them. Not infrequently, judges meet on Saturdays and Sundays or beyond office hours on working days.

During 1999, the Tribunal held two sessions, the seventh session taking place from 25 February to 16 April 1999 and the eighth session from 27 September to 8 October 1999. Whereas the eighth session was held in conjunction with the proceedings concerning the *M/V "Saiga"* (no. 2) case, the eighth session was devoted to matters of organization of the Tribunal. During these sessions, the Tribunal dealt with important issues such as Instructions for the Registry, legal costs for parties appearing before the Tribunal, rules for the preparation of typed and printed texts and guidelines concerning proof reading of documents and publications of the Tribunal. Work is still in progress on these issues. At its eighth session, the Tribunal adopted Guidelines concerning Documents.

The Tribunal also considered matters concerning relations with the United Nations and other international organizations, such as the International Seabed Authority, IMO, FAO, UNESCO, IOC, International Hydrographic Office and the Commission on the Limits of the Continental Shelf, whose activities are relevant to the work of the Tribunal. Efforts are being made to establish working contacts with such bodies. It is hoped that these contacts would help the judges of the Tribunal to acquaint themselves with the most recent developments in different areas of the law of the sea.

The Agreement on Cooperation and Relationship between the United Nations and the Tribunal has been, and is being, implemented to the mutual satisfaction of the Tribunal and the United Nations. I am also pleased to announce that steps have now been taken with a view to reaching an agreement with the UN in order to extend the jurisdiction of the United Nations Administrative Tribunal (UNAT) to the staff members of the Registry of the Tribunal. I wish to take this opportunity to express our thanks and appreciation to the Secretary-General of the United Nations, Mr. Kofi Annan, for his continuing support to the Tribunal and interest in its activities. We wish to thank the Legal Counsel of the United Nations, Mr Hans Corell, and the Division for Ocean Affairs and the Law of the Sea for their ongoing support. The Division for Ocean Affairs helped us in placing promptly the records of the Tribunal and the verbatim transcripts of the hearings in the cases before it on the website of the United Nations within hours of each daily session during the hearings of the *M/V "Saiga"* (No. 2) case and in the Southern Bluefin Tuna cases.

The financial situation of the Tribunal remains far from satisfactory. As the Annual Report for 1999 states, as of 31 December 1999, there was an unpaid balance of assessed contributions to the overall budget of the Tribunal in the amount of \$1,473,290. This included assessed contributions amounting to \$523,249 in respect of the 1996/1997 and 1998 budgets and \$740,346 in respect of the 1999 budget. No organization will be able to act effectively unless its financial position is in sound condition. May I in this regard draw attention to U.N. General Assembly resolution 54/31 of 16 December 1999, wherein an appeal was made to all States Parties to the United Nations Convention on the Law of the Sea to pay their

assessed contributions to the Tribunal in full and on time in order to ensure that it is able to carry out its functions as provided for in the Convention.

During 1999, the Tribunal had three cases before it for adjudication: the first case being the *M/V "Saiga"* (No. 2) case and the second and third cases being Southern Bluefin Tuna cases. The merits of the first case between Saint Vincent and the Grenadines and Guinea in respect of the arrest and detention of the vessel *Saiga* by Guinean authorities was entrusted to the Tribunal in February 1998. Following the filing of written pleadings of the parties, 18 public sittings were held in March 1999 and the Tribunal delivered its Judgment on 1 July 1999.

The third and fourth cases of the Tribunal involved requests made on 30 July 1999 by New Zealand and Australia, respectively, for the prescription of provisional measures, pending the constitution of an arbitral tribunal, in a dispute against Japan concerning southern bluefin tuna. The Tribunal made its Order in these cases on 27 August 1999.

The Tribunal, in the few cases with which it was seized so far, succeeded in delivering its Orders and Judgments within short periods. This should remain a matter of special satisfaction to litigants. Though the Tribunal is a standing body, it meets in Hamburg only when the business so demands. Judges assemble in Hamburg on very short notice and oftentimes work without breaks, establishing thereby a new judicial culture for promoting dispute settlement without unnecessary delay or expense.

Negotiations between the Tribunal and the Federal Republic of Germany in the matter of reaching agreement on the Headquarters of the Tribunal as also the use and occupancy of its premises have reached a crucial stage. Both sides are very keen to conclude these agreements before 3 July 2000.

Mr. President, the Tribunal will soon be moving to its permanent premises at Elbchaussee. 3 July of this year has been fixed as the date for the official opening of our new building, being constructed by the Federal Republic of Germany with the assistance of the Free and Hanseatic City of Hamburg. The ceremonial opening will take place in the presence of the Secretary-General of the United Nations, Mr. Kofi Annan. Invitations in this regard have been sent to all Governments of States Parties to the Convention and to various international organizations and distinguished personalities. I appeal to all States Parties to participate in the ceremony and make it a memorable occasion.