

The Value for Hamburg of the Tribunal for the Law of the Sea

- Profile, Expectations and Reality

I. Preliminary comment

“Waiting for pirates, the Hamburg Tribunal for the Law of the Sea wants for nothing – just cases” was once a headline in the Spiegel, concealing a number of misunderstandings about the competences and procedures of the International Tribunal for the Law of the Sea. Only a penal court would be competent to try pirates, and the Tribunal is not such a court. On the contrary, the competences of the Tribunal for the Law of the Sea lie in the fields of fisheries, environmental protection and economic exploitation of the sea, insofar as international disputes are concerned; ultimately, the Tribunal cannot act on its own initiative but only on that of States. Furthermore, the media states that the cases dealt with are not of earth-shattering importance. I cannot say what is of earth-shattering importance but – to be frank – such matters are generally decided by States themselves or not at all. But the cases with which the Tribunal has dealt hitherto should not be dismissed so lightly. To date, its cases have covered: land reclamation in Singapore – of vital importance to that country and involving an area of an order of magnitude that would make the Muhlberger Loch look negligible in comparison; Japan’s fishing of endangered species, allegedly for research purposes, which is currently hotly discussed in relation to whaling (the Tribunal has dealt with cases involving the fishing of southern bluefin tuna for research

purposes, which, admittedly, is not supported by the same lobby as whales); the supply of nuclear waste to Sellafield nuclear energy plant (in the UK) and the threatened risk of pollution of the Irish Sea; and, in nine cases, the release of fishing vessel crews (one crew was detained for several months in Siberia, another for several months in West Africa – in neither case were German nationals involved). It is an established fact that the Tribunal is better known in Asia than in Hamburg. The last two cases – dealt with in 2007 – were followed closely by television crews from Japan, Russia and Asia – Hamburg television was less interested.

One response to all of this might be to dismiss it with regret; my inclination, however, is to take it more seriously and gratefully accept the opportunity given me by the Übersee Club to report on the functions and operation of the Tribunal, for the lack of appropriate information has clearly led to disappointed expectations, which has in turn led to repeated negative comments on the Tribunal's work. This again has a negative impact on the Tribunal's attempts to promote itself. The international judiciary is very much aware of the negative press the Tribunal receives in Germany. I should certainly like to stress here that the Tribunal has good relations with academia – the university and the Bucerius Law School – as well as with maritime law firms and shipping companies. Above all, the Tribunal's close association with the International Foundation for the Law of the Sea has led to a series of fruitful exchanges, which I will discuss in greater detail later.

If you will permit me, before going to the heart of the matter, I should like to make a few comments on international jurisdiction in general, since it does not appear to be generally known that procedures conducted before international courts follow different rules from, for example, domestic courts. Similarly, criticism directed at the Tribunal also fails to take account of the exceptional situation of a newly established international court, which has first to assert itself as a competitor of juridical institutions, some of which have been in existence for decades, such as the International Court of Justice and international arbitration.

International jurisdiction can be applied only when the States concerned have agreed to it. An international court can neither act of its own accord – and there are no exceptions to this – nor can it in any case be invoked by a State unilaterally. This means that usually cases can be submitted to an international court only when all parties to a dispute have accepted that court's jurisdiction. The International Tribunal for the Law of the Sea makes an exception to this rule only in a few cases: 14 of the 15 cases dealt with hitherto were presented on the basis of this rule of exception. Although this might seem contradictory, it is the reality, which is that, hitherto, the cases submitted to the Tribunal were submitted not according to "normal" procedure but according to a procedure designed to be an exception.

The reason why the International Tribunal for the Law of the Sea has to date not dealt with more cases under the normal procedure is obvious – there is no consensus in this respect between States. I shall return to the reasons why this should be – something which the Tribunal has considered at length – repeatedly during the course of my talk.

II. The International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea, with its seat in Hamburg, was established by the United Nations Convention on the Law of the Sea of 1982. It is an international court before which not only States but also international organizations and natural and juridical persons can appear as parties. In that respect, it is unique.

The Tribunal comprises 21 judges of 21 different nationalities. The judges are elected by the States Parties to the Convention (currently 155) with a two-thirds majority (i.e., 104 votes). Their mandate is for nine years and they may be re-elected. However, to ensure rotation, seven judges of the first generation retired after three years and seven others after six years. The retiring judges were selected by lots. Two of the qualities sought when a judge is being elected are impartiality and recognized technical aptitude in the field of the law of the sea. The composition of the Tribunal should reflect all legal systems of the world and must follow the principle of equitable geographical distribution – a principle

that applies generally for the composition of organs of the United Nations. In 1996 it was agreed that five of the judges would come from Africa, five from Asia, four from Latin America and the Caribbean, four from the Western European group and three from Eastern Europe. Invoking the principle of “equitable geographical distribution”, this composition has now been called into question. The African and Asian groups of States Parties are claiming a seat from the Western European group. This matter will no doubt be settled at the end of June this year when seven of the 21 seats become vacant.

From the legal standpoint, the International Tribunal for the Law of the Sea is an independent international organization, not an organ of the United Nations. It has concluded with the Federal Republic of Germany a headquarters agreement, which ensures its immunity and independence from the host State. This agreement also governs the use of the Tribunal’s building in Nienstedten.

The Statute of the Tribunal provides that an independent chamber – the Seabed Disputes Chamber, comprising eleven judges and its own president – be constituted. Essentially, this chamber is a court within the Tribunal and its objective is to decide on legal questions arising from the field of deep-sea mining; that is, the extraction of mineral resources, in particular manganese nodules.

III. Functions of the International Tribunal for the Law of the Sea

The functions of the Tribunal become clear only if the importance of the Convention on the Law of the Sea for the use of the sea is borne in mind. I shall deal with this briefly now.

1. The Convention on the Law of the Sea – a re-distribution of the sea's riches

The seas cover some 71 per cent of the earth's surface. Traditionally, exploitation of the sea beyond a coastal water strip 3 nautical miles wide was equally free to all States. For a long time, the principal uses of the sea were shipping, fisheries, research and military use. The possibility of mineral resources extracted from the deep seabed being exploited was triggered by the Third United Nations Conference on the Law of the Sea (1973-1982), with a run on resources. At the end of the conference, the sea's riches were permanently re-distributed, with Germany being a clear loser. At least 90 per cent of the fish stocks that had hitherto been freely available was allocated to the coastal States by the creation of a coastal sea 12 nautical miles wide, instead of the previous three, and the establishment of exclusive economic zones 200 nautical miles wide. As a result of the creation of these zones and the establishment of a national continental shelf of corresponding size or of up to 350 nautical miles or, in some individual cases, even more, practically all the crude oil and natural gas reserves fell under the full control of the coastal States. Germany did not benefit from this arrangement because of its geographical situation. The winners are island States, such as Indonesia, or individual Pacific island States, and States

with long coastlines, such as Chile, Russia, the USA and Canada, etc. Of all the different types of exploitation previously freely available to all, only shipping and military use remain largely untouched by any coastal-State regulations and controls. However, very recently, international shipping has fallen under coastal-State control. Paradoxically, these restrictions are advocated by States which, during the Third United Nations Conference on the Law of the Sea, had been among the most fervent supporters of this freedom and, as exporter States, are disposed towards a liberal shipping regime. At the head of the States seeking to apply a more restrictive policy is the European Union, citing ecological reasons but failing to mention that the greatest cause of pollution of the seas comes from the land or via the atmosphere. To a large extent, the radical decline in catches is the consequence of overfishing. What has been done to counter these pressures and this overfishing is less clear.

The increasingly intensive use of the seas by new forms of exploitation (for example, raw material extraction, wind parks and other forms of energy production) and greater use of traditional forms (shipping, fisheries, marine research) made it necessary to establish a court whose object is to ensure that the seas are used “according to the rule of law”. Thus, it could be said that the Tribunal for the Law of the Sea stands between the users, the coastal States, port States and the International Seabed Authority. Its purpose is to settle legal disputes concerning the implementation and interpretation of the Convention on the Law of the Sea. That is, ultimately and more specifically, it has competence

to decide on all conceivable legal disputes arising out of the exploitation of the seas, including boundary disputes. As concerns the deep seabed, the International Tribunal for the Law of the Sea is comparable to an administrative court.

I have already hinted at potential disputes: boundary problems, fisheries, disputes concerning the environment, compensation for pollution of the sea or beaches, marine research, etc. Cases concerning piracy could also be brought before the Tribunal, that is, in the form of a complaint submitted by one State against another, accusing the defending State of not doing enough to combat piracy. There are no limits to the potential cases imaginable. The actual restriction is the result of the structure of the judicial procedure, which explains why the Tribunal hitherto has not had, and could not have had, more cases.

2. Proceedings before the International Tribunal for the Law of the Sea

International dispute settlement is based on the prior or *ad hoc* acceptance of international jurisdiction, to which the Convention on the Law of the Sea makes only half an exception. Although the States Parties to the Convention on the Law of the Sea have generally accepted compulsory dispute settlement – which is not the case when States ratify the United Nations Charter in relation to the International Court of Justice – States are, however, free to choose one of three mechanisms: the International Tribunal for the Law of the

Sea, the International Court of Justice or an arbitral tribunal. If none of the mechanisms is chosen – and of the 155 States Parties, only 41 have made a specific choice – this means that States have tacitly chosen arbitration.

The test of competence – or, technically, jurisdiction – plays a central role in the jurisprudence of an international court, the background being that – as I have already stated – the competence of an international court to decide on disputes is based on the consensus of the States concerned. This might be regrettable; however, it should be remembered that international jurisprudence has no mechanisms for carrying out its judgments. If, nevertheless, international judgments have been complied with – and hitherto all of the judgments and orders of the International Tribunal for the Law of the Sea have been - this is solely due to the fact that the States, having accepted the Tribunal's jurisdiction, feel obliged to implement any judgments and orders made.

The rules governing the competence of the International Tribunal for the Law of the Sea are complex, so I will attempt to explain them as simply as possible.

The competence of an international court is determined according to the circle of potential parties to a dispute (*ratione personae*) and the scope of the disputes to be decided (*ratione materiae*).

The circle of potential parties to a dispute is not governed uniformly for law of the sea-related dispute-settlement mechanisms. Proceedings concerning the interpretation and application of the Convention on the Law of the Sea – apart from disputes which fall within the province of the Seabed Disputes Chamber – take place in principle only between States Parties. Theoretically, however, Japan and Greenpeace could agree to bring their dispute about whaling in the Antarctic before the Tribunal. Likewise, classification companies, such as Germanische Lloyd, could make a contractual agreement with flag States to bring disputes before the Tribunal. Further scenarios are also conceivable – and arouse interest – but no-one is prepared to depart from established practice. It is for that reason that many of these disputes, such as the claims for compensation made following the Prestige and Erika accidents, are dealt with by national courts. Obviously this is not proper. International courts should have the monopoly on the implementation and application of international public law.

However, even if a dispute may be brought before the Tribunal for the Law of the Sea, States have reserved the right to apply a number of restrictions. This principally concerns disputes resulting from the exercise of coastal-State rights in relation to shipping, research, fishing or mining in the region of the coastal waters, the exclusive economic zone of the continental shelf. Further restrictions also apply to those restrictions, but I will not deal with them here. Moreover, a State can exclude certain types of dispute from being decided by the dispute-settlement mechanisms relating to the law of the sea. Such a situation can apply

to individual questions concerning delimitation, disputes concerning military activities and disputes in which the United Nations Security Council exercises its assigned rights. I should like to demonstrate the importance of this point by using the example of the USA, which is planning to make 15 declarations to the Convention on the Law of the Sea, if it accedes to it at all, which, after several months of looking likely, now appears doubtful again. One of these intended declarations states that all disputes affecting the security interests of the USA will be excluded from compulsory dispute settlement, and the USA alone will decide what affects its security interests. It is easy to see that, for the USA, dispute settlement will be largely ineffectual. But it is not only the USA which is cutting back the competence of international dispute settlement in matters related to the law of the sea and hence also the competence of the International Tribunal for the Law of the Sea. The European Union may possibly go one crucial step further. In a recent judgment, the Court of Justice of the European Communities established that law of the sea-related disputes between Member States which affect the competence of the European Union can be fought only before that Court. Ultimately, this means that, apart from boundary disputes, practically no law of the sea-related disputes between European Union Member States will be submitted to the International Tribunal for the Law of the Sea. Remarkably, this judgment and its far-reaching consequences have hardly been mentioned in the European public sector. Even more remarkable is the fact that this development has been publicized more widely outside Europe.

Although it is possible for international disputes to be settled by law of the sea dispute-settlement mechanisms, recourse can be made unilaterally to the International Tribunal for the Law of the Sea only when all parties to this dispute have specifically chosen the Tribunal as the means for settling disputes. If, on the other hand, the parties to the dispute have not agreed to a particular form of dispute settlement, the dispute is submitted to an especially constituted arbitral tribunal – a possibility I have already mentioned. This rule is the decisive reason why more cases have not found their way to the International Tribunal for the Law of the Sea, since only 23 of the 41 States which have made a declaration at all have selected this mechanism as their dispute-settlement mechanism of choice. How did this rule come about? It goes back to a French intervention. Arbitration, in the eyes of many States, has less effect on sovereignty since the parties to the dispute can have an influence on the composition of the bench.

However, there are two exceptions to this principle. In these cases, the competence of the International Tribunal for the Law of the Sea is of an exclusive nature. Irrespective of the dispute-settlement mechanism chosen, the Tribunal intervenes when the prescription of provisional measures has been requested following submission of a dispute to an arbitral tribunal. In such cases, each individual party to the dispute can request the Tribunal to prescribe provisional measures before the arbitral tribunal is constituted (article 290, paragraph 5, of the United Nations Convention on the Law of the Sea), unless some other procedure has been agreed upon. In addition, a flag State can apply to the

Tribunal for the prompt release of a vessel under that State's flag or of the crew of such vessel by port State authorities. Cases of this type arise in the event of a ship's being arrested: for failing to observe coastal-State regulations governing fishing in the exclusive economic zone; for violation of international rules and standards concerning prevention of pollution of the sea by ships; and when investigations into the pollution of the sea by ships are carried out. As mentioned before, fourteen of the fifteen cases dealt with so far by the Tribunal fell into one of these two categories.

The competence of the Tribunal can also be established by an agreement that specifically confers jurisdiction on it. This rule covers different cases, including all disputes concerning the interpretation and implementation of an agreement which confers jurisdiction upon the Tribunal and is in conformity with the objectives of the Convention on the Law of the Sea. It is also possible to confer on the Tribunal competence to decide on the interpretation and implementation of already existing agreements, provided they concern issues which are also covered by the Convention on the Law of the Sea and all parties to said agreements concur. So far, this situation has applied to two agreements: the Straddling Fish Stocks Agreement and the Convention on the Removal of Wrecks, which has not yet come into force. This is a further reason as to why law of the sea-related cases are heard before the ICJ rather than the Tribunal. For the ICJ, there are over 150 agreements of this nature, most of which were concluded long before the Tribunal was established in 1996. The last two law of

the sea-related cases pending before the ICJ are the dispute between Romania and Ukraine concerning the exclusive economic zone of an island in the Black Sea, and the maritime boundary dispute between Peru and Chile. In both cases, the competence of the ICJ was established by long-standing special agreements.

Finally, the competence of the International Tribunal for the Law of the Sea can also be contractually agreed upon for specific cases. In practice, this is a common means of establishing international judicial competence. The Tribunal's judgment in the *M/V Saiga (No. 2) Case* was based on such a regulation. A further case of this type is pending: the dispute between Chile and the European Community concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean.

Disputes dealt with before the Seabed Disputes Chamber are essentially proceedings which can be decided by that chamber alone. Certain other disputes in this category may also be submitted to commercial arbitral tribunals whose decisions are binding. Apart from these possibilities, however, the Seabed Disputes Chamber's primary competence is to deal with disputes arising from the exploitation of the deep seabed, and such competence is not dependent on the Chamber's being specifically selected. Accordingly, the possibility of such proceedings being submitted to the ICJ or arbitration is excluded, even if the parties are States alone. The problem as regards the International Tribunal for the Law of the Sea is that, at present, no deep-sea mining is taking place. This

completely contradicts the premise on the basis of which the United Nations Convention on the Law of the Sea was adopted. The possibility of deep-sea mining, the prospect of the huge gains to be made from it and the fear of a collapse of the raw materials market as a result of deep-sea mining were the driving force behind the adoption of the Convention. I would like at this point to free all the diplomats and politicians involved from any blame in this respect; the appropriate expert scientific reports – in particular produced by the MIT – were available and they were simply too optimistic. Since the price of raw materials is now on the rise again, it is certainly possible that deep-sea mining will begin in the near future. I should add that Germany is carrying out research in the field reserved for it in the Pacific.

The jurisdiction of the Seabed Disputes Chamber is governed by the provisions of article 187 of the Convention, which covers disputes between States Parties concerning the implementation and application of Part XI of the Convention (mining of the seabed); disputes between a State Party and the International Seabed Authority in which it is claimed that the Authority is in violation of the relevant rules of the Convention or is in excess of its jurisdiction; disputes between parties (States Parties, the International Seabed Authority, state enterprises, or natural or juridical persons) concerning deep-sea mining contracts or the interpretation or application of a relevant contract or plan of work; disputes between the Seabed Authority and a prospective contractor; disputes concerning the liability of the Seabed Authority; and finally – by their very nature

– disputes which fall in the province of the Seabed Disputes Chamber in application of the Convention and its implementation agreement.

As concerns its functions, the Seabed Disputes Chamber is comparable to a German administrative court. However, these functions are restricted in two respects: the Chamber can examine discretionary decisions only to a limited extent; and it cannot generally declare legal rules invalid.

Unlike the International Court of Justice, under the Convention, the International Tribunal for the Law of the Sea does not expressly have the right to give legal opinions. However, the Seabed Disputes Chamber can give such opinions, namely at the request of the Council or Assembly of the International Seabed Authority on legal questions arising from the sphere of activity of these organs, or at the request of the Assembly on the question of whether a proposal before the Assembly is compatible with the Convention. The narrow restriction that requests should come from organs of the International Seabed Authority and the fact that competence to give legal opinions lies with the Seabed Disputes Chamber alone means that results are inadequate. Thus, for example, the International Maritime Organization could ask the ICJ for a legal opinion on law of the sea-related questions but not the International Tribunal for the Law of the Sea. However, there are also considerations of legal policy pointing towards this competence.

In many cases, States are reluctant for questions which are of great political importance for them to be decided on the basis of international public law alone by a procedure which is ultimately uncertain. On the other hand, negotiations do not always lead to a result when the defendant is relatively powerful politically or economically or if the decision is not of great importance to them. Allow me to illustrate this by citing a particular case. A dispute concerning the limits of the continental shelf and the attribution of individual islands has been smouldering for some time off the coast of West Africa. One of the two States involved has sufficient crude oil reserves and is therefore not interested in the development of the disputed oil fields; the other party is at present extremely dependent on the exploitation of the oil fields. Even if that party had the better legal arguments, it is likely that it would have to make concessions owing to the pressure of time and because it might be financially impossible for it to make adequate legal preparations for the claim. In such a case it would be helpful to have a legal opinion, showing both States their legal starting point. However, legal opinions may also be an effective means of settling disputes from another aspect. In Asian countries, an attempt to settle disputes before a court is considered an unfriendly act. Legal opinions would be one way of overcoming this problem. Therefore the International Tribunal for the Law of the Sea has used the possibility provided by the Convention to initiate the establishment of legal opinions through its rules of procedure.

To sum up, the following can be said of the complex regulations governing the competence of the International Tribunal for the Law of the Sea: first, it is not the only court competent to decide maritime disputes and, second, it is dependent on the goodwill of States. And finally it is dependent on the goodwill of the international bar.

So what is the basis for the decisions of the International Tribunal? It is the United Nations Convention on the Law of the Sea, other special agreements or international public law, insofar as it is compatible with the Convention. In that respect, the Convention has virtually the status of a constitution. When the parties to a dispute so agree, the Tribunal can also make a decision *ex aequo et bono*. As attractive as this possibility might seem, in practice it has hitherto been insignificant.

3. Proceedings

The procedure before the Tribunal is divided into written and oral proceedings, great importance being attached to the latter, which are of considerably longer duration than is usual in German courts. From the procedural point of view, the Tribunal tends rather to follow Anglo-Saxon law; i.e., the proceedings are contentious and it is the judge's task to ensure that both parties are treated fairly and fight on an equal footing. The oral proceedings are public – although the public frequently does not avail itself of the opportunity to attend. the

languages of the proceedings being English and French. In most cases, proceedings are conducted by attorneys from the Anglo-Saxon world, which was a big surprise for the International Tribunal since its rules state that each Party would also have to be represented by an attorney based in Hamburg or Berlin. When this did occur – and it was certainly so in the first two cases – these attorneys were not given a leading role. It has only been in two cases thus far that a Hamburg law firm itself has appeared. I should add that the situation is the same at the ICJ.

4. Length and cost of proceedings

The International Tribunal for the Law of the Sea has been praised for the particular brevity of the duration of its proceedings. The proceedings concerning a claim for compensation in the *Saiga (No. 2) Case* lasted some 18 months, almost 15 of them being the time taken for the parties to prepare their written statements. All the other cases was concluded in approximately one month. This one-month period included oral proceedings lasting several days. The length of the proceedings is our great advantage over the ICJ, which usually takes two to three years to process a case.

The International Tribunal for the Law of the Sea does not impose any legal fees since the Tribunal – the judiciary and the Registry – are supported financially by the States Parties. The largest contributor is Japan, covering 22 per cent of the budget; the next largest contributor is Germany, with 11.4 per cent

(approximately €976,000), followed by France, the United Kingdom and Italy. The biennial budget of the Tribunal is €17.2 million. In comparison with international arbitration, the Tribunal is extremely cost-favourable, since the former incurs costs for the entire infrastructure of the arbitral tribunal, for paying the judges and for the international attorneys. Rumour has it that the last arbitration case, involving five judges, cost between US\$ 25 and 27 million, which had to be borne by the two States involved. Economically speaking, it is difficult to comprehend why developing countries choose to take this path.

IV. Appraisal of existing jurisdiction

The jurisdiction of the International Tribunal for the Law of the Sea is viewed extremely positively within the United Nations and other international courts and tribunals. Praise is given not only for the efficient manner in which proceedings are conducted but above all for the fact that the Tribunal is able to create between the parties an atmosphere conducive to reaching a consensus following pronouncement of the judgment or order. This was particularly apparent in the cases between Japan and Australia and Japan and New Zealand, the case between Singapore and Malaysia and in the two last cases, between Japan and the Russian Federation. The Tribunal's jurisdiction as concerns questions of compensation, the implementation of compulsory measures at sea, fisheries and environmental protection played a positive role here.

V. Reasons for the hitherto light workload of the International Tribunal and reactions

The judges have thought long and hard about the reasons for the low number of cases. Certainly, there are many reasons and we only have limited influence on them. I can only give my opinion here, and it is, admittedly, only speculative.

I have already mentioned some of the reasons, for example, the fact that the Tribunal is a very young institution, is not very well known, and existing international courts and tribunals are firmly anchored in the traditional international dispute-settlement system.

A crucial reason is without a doubt the fact that, as the Convention has it, the *de facto* normal procedure followed is arbitration. If the parties have not agreed to submit a case to the International Tribunal for the Law of the Sea, then it is submitted to an arbitral tribunal. This is a structural error, and a deliberate one. It can be overcome only if more than the hitherto approximately 23 of the 155 States which have done so make a declaration to accept the jurisdiction of the International Tribunal. Despite an intensive campaign, during my term of office only one State has done this.

A further possible reason is that the international bar is predominantly Anglo-Saxon and appears to favour the ICJ and arbitration. The reason for this is the Anglo-Saxon dominance of international law firms and hence their somewhat different orientation. Cases before international courts and tribunals require longer and sometimes more intensive preparation. Cases first have to be made. It is the attorney's task to compile the factual material, establish the arguments and, above all, convince the national decision-makers of the necessity to bring a case. This work is unpaid and is probably frequently fruitless. Furthermore, the large Anglo-Saxon law firms appear to be more prepared and capable than others. Whatever the reasons, international cases are firmly in Anglo-Saxon hands and their work is greatly facilitated by procedural law and the language. It is very well known that the Tribunal reaches its decisions more rapidly than the ICJ and is therefore more cost-effective than the Court, and that it is above all more cost-favourable than arbitration. But all that does not help. As far as maritime arbitration is concerned, there is no difference between German maritime arbitration and the Tribunal when compared with English maritime arbitration. According to a recent study carried out in Newcastle, 100 cases are dealt with in Hamburg, as opposed to 500 in London. The German system is evidently used predominantly only by Germans, whilst the London system has a far more international clientele, including a large German contingent.

A further reason for the Tribunal's low workload is certainly the fact that it is still not widely known at international level. To counter this, I have introduced a

system of regional workshops in which judges from the region concerned present the proceedings before the Tribunal to representatives of the State in question. This programme has met with great approval and had been positively received by the United Nations General Assembly.

What is the International Tribunal for the Law of the Sea dealing with at present? The Tribunal is using the time currently available to enhance training and in this respect is working closely with the Bucerius Law School and the University; contact has also been established with the science institutes in Kiel. I should in particular like to draw your attention to the Summer Academy organized by the International Foundation for the Law of the Sea. The Academy is being held for the second time this year and some 30 students will be trained in matters concerned with the law of the sea. A number of judges are participating as lecturers. All the students are, ultimately, ambassadors for the International Tribunal and if we manage to establish a group familiar with our institution, it will also be beneficial for the Tribunal. For several years, with the help of funding from a foundation based in the Republic of Korea, we have been training interns at the Tribunal, and the Tribunal has designed a further training programme with the aid of a Japanese foundation. You notice that I haven't mentioned any German names; apart from the Zeit foundation's promotion of the Summer Academy run by the International Foundation for the Law of the Sea, we have not managed to arouse any interest from sponsors from Germany for any training programmes.

On the whole, I am sure that these activities will ultimately bear fruit and – after a further start-up phase – the Tribunal will be as active in Hamburg as the International Court of Justice in the Hague came to be after a long period of inactivity.