



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

Press Release

**PRESIDENT JESUS ADDRESSES GENERAL ASSEMBLY AND MEETS WITH
SECRETARY-GENERAL BAN KI-MOON AND LEGAL COUNSEL PATRICIA
O'BRIEN**

On Friday, 5 December 2008, Judge José Luis Jesus, President of the International Tribunal for the Law of the Sea, addressed the United Nations General Assembly on the occasion of its annual consideration of the agenda item 'Oceans and the law of the sea'.

President Jesus outlined the activities of the Tribunal during the period under review and reported on organizational matters. He informed the General Assembly that Mr Zhiguo Gao (China) had been elected as a judge of the Tribunal at a Special Meeting of States Parties held on 30 January 2008 to replace Judge Guangjian Xu, who had resigned from office on 15 August 2007. Furthermore, the President reported that five judges had been re-elected (Judges Marotta Rangel (Brazil), Chandrasekhara Rao (India), Akl (Lebanon), Wolfrum (Germany) and himself (Cape Verde)) and two new judges elected (Mr Boualem Bouguetaia (Algeria) and Mr Vladimir Golitsyn (Russian Federation)) by the Meeting of States Parties on 13 June 2008. He also reported that President Rüdiger Wolfrum had completed his term of office on 30 September 2008 and that on 1 October 2008 he had been elected President of the Tribunal for a term of three years.

It was also the sad duty of the President to inform the delegates of the passing away of Judge Choon-Ho Park (Republic of Korea) on 12 November 2008. Judge Park had been a member of the Tribunal since its inauguration in 1996.

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. Furthermore, he highlighted some unique aspects of the Tribunal's jurisdiction, first drawing the delegates' attention to the advisory jurisdiction of the Seabed Disputes Chamber, which may give an advisory opinion at the request of the Assembly or Council of the International Seabed Authority, and then highlighting the fact that the Tribunal itself could give an advisory opinion if an agreement related to the purposes of the Convention so provided. He stated that such a possibility may prove to be a useful tool to States as the international community faces new challenges in ocean activities, such as piracy and armed robbery.

In addition, the President pointed out the compulsory jurisdiction of the Tribunal to prescribe provisional measures where a dispute on the merits has been

submitted to an arbitral tribunal under Annex VII of the Convention. He stated that the Tribunal may prescribe provisional measures not only to preserve the respective rights of the parties to the dispute but also to prevent serious harm to the marine environment. The President went on to draw the attention of the delegates to article 292 of the Convention, which deals with the prompt release of vessels and crews. He stated that this provision enables the flag State or an entity acting on its behalf to submit an application to the Tribunal for the prompt release of a vessel or its crew detained by the authorities of a State Party. In this regard, he highlighted that the Tribunal has entertained a number of applications for the prompt release of fishing vessels and crews detained for alleged violations of fishing laws in the exclusive economic zone of a coastal State. The President emphasized that these applications have provided the Tribunal with the opportunity to develop a well-established jurisprudence.

On the previous day, President Jesus had paid a courtesy visit to Mr Ban Ki-moon, Secretary-General of the United Nations, and had also met with Ms Patricia O'Brien, Legal Counsel of the United Nations, when the President had expressed his appreciation for the continuing support given to the Tribunal by the Secretary-General and by the Legal Counsel and her staff in the Office of Legal Affairs. He had also met with Mr Yuriy Sergeyev, Ambassador of Ukraine and President of the Meeting of States Parties, and with Mr Vaclav Mikulka, Director of the Division for Ocean Affairs and the Law of the Sea, with whom he had discussed issues of common concern.

The full text 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 or Ms Johanna van Kisfeld at:

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