



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

Press Release

(Issued by the Registrar)

**JUDGMENT TO BE DELIVERED IN THE "GRAND PRINCE" CASE
ON FRIDAY, 20 APRIL 2001 AT 3 P.M.**

The President of the International Tribunal for the Law of the Sea, Judge P. Chandrasekhara Rao, will read the Judgment in the "Grand Prince" Case at a public sitting of the Tribunal at 3 p.m. on Friday, 20 April 2001.

The dispute concerns the fishing trawler "Grand Prince". It was arrested by the French authorities in the exclusive economic zone of the Kerguelen Islands in the French Southern and Antarctic Territories on 26 December 2000 for alleged illegal fishing. At the time of its arrest, it was flying the flag of Belize. The Court of first instance at Saint Paul, in Réunion, confirmed the seizure of the vessel, catch and equipment on board by an order of 12 January 2001, and fixed a bond for release of the vessel in the amount of 11,400,000 FF. On 23 January 2001, the criminal court at Saint Denis ordered the confiscation of the vessel.

On 21 March 2001, an application was made on behalf of Belize against France for the prompt release of the vessel under article 292 of the United Nations Convention on the Law of the Sea.

At a public sitting of the Tribunal held on 5 April 2001, Mr. Jean-Pierre Cot, the *ad hoc* Judge chosen by France, made the solemn declaration required under article 9 of the Rules of the Tribunal. The hearing in this case was held on 5 and 6 April 2001.

The hearings concluded with the final submissions of both parties which read as follows:

On behalf of Belize:

1. "To declare that the Tribunal has jurisdiction under article 292 of the United Nations Convention on the Law of the Sea to hear the present application.
2. To declare the present application admissible.

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3. To declare that France failed to comply with article 73, paragraph 2, of the Convention, as the guarantee fixed for release of *Grand Prince* is not reasonable as to its amount, nature or form.
4. To declare that France failed to comply with article 73, paragraph 2, of the Convention by having evaded the requirement of prompt release under this article by not allowing the release of the vessel upon the posting of a reasonable, or any kind of, guarantee alleging that the vessel is confiscated and that the decision of confiscation has been provisionally executed.
5. To decide that France shall promptly release the *Grand Prince* upon the posting of a bond or other security to be determined by the Tribunal.
6. To determine that the bond or other security shall consist of an amount of two hundred and six thousand one hundred and forty nine (206,149) Euros or its equivalent in French Francs.
7. To determine that the monetary equivalent to (a) 18 tonnes of fish on board the *Grand Prince* held by the French authorities, and valued on 123,848 Euros (b) the fishing gear, valued on 24,393 Euros (c) the fishing materials valued on 5,610 Euros, totalling 153,851 Euros, shall be considered as security to be held or, as the case may be, returned by France to this party.
8. To determine that the bond shall be in the form of a bank guarantee.
9. To determine that the wording of the bank guarantee shall, among other things, state the following:
 - A. In case France returns to the shipowner the items referred to under point 7 (of the present submissions):

“The bank guarantee it is issued in consideration of France releasing the *Grand Prince*, in relation to the incidents dealt with in the Order of 12 January 2001 of the Court of First Instance of Saint-Paul and that the issuer undertakes and guarantees to pay to France such sums, up to 206,149 Euros, as may be determined by a final and firm judgement or decision of the appropriate domestic forum in France or by agreement of the parties. Payment under the guarantee would be due promptly after receipt by the issuer of a written demand by the competent authority of France accompanied by a certified copy of the final and firm judgement or decision or agreement.”
 - B. In case France does not return to the shipowner the items referred to under point 7 (of the present submissions):

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"The bank guarantee is issued in consideration of France releasing the *Grand Prince*, in relation to the incidents dealt with in the Order of 12 January 2001 of the Court of First Instance of Saint-Paul and that the issuer undertakes and guarantees to pay to France such sums, up to 52,298 Euros, as may be determined by a final and firm judgement or decision of the appropriate domestic forum in France or by agreement of the parties. Payment under the guarantee would be due promptly after receipt by the issuer of a written demand by the competent authority of France accompanied by a certified copy of the final and firm judgement or decision or agreement."

10. To determine that the bank guarantee shall be invoked only if the monetary equivalent of the security held by France is not sufficient to pay the sums as may be determined by a final and firm judgement or decision of the appropriate domestic forum in France."

On behalf of France:

"The Government of the French Republic requests the Tribunal, rejecting all submissions to the contrary made on behalf of the State of Belize,

1. First, to note that the Application for prompt release filed on 21 March 2001 on behalf of Belize is not admissible, that, in any case, the Tribunal has no jurisdiction to entertain the Application and that it must, therefore, be rejected.
2. Alternatively, to adjudge and declare that the conditions normally governing the adoption by the Tribunal of a decision concerning prompt release upon the posting of a reasonable bond have not been fulfilled under the circumstances of this case, and that, therefore, the Application by the Applicant should be denied."

Belize was represented by Mr. Alberto Penelas, Avocat, Bar of Vigo, Spain, as Agent; and, Mrs. Beatriz Golcochea Fábregas, Avocat, Bar of Vigo, Spain, as Counsel. France was represented by Mr. François Alabrune, Deputy Director of Legal Affairs of the Ministry of Foreign Affairs, as Agent; and Mr. Jean-Pierre Quéneudec, Professor of International Law at the University of Paris I, Paris, France, Mr. Michel Trinquier, Deputy Director for the Law of the Sea, Fisheries and the Antarctic, Office of Legal Affairs of the Ministry of Foreign Affairs, and Mr. Jacques Belot, Avocat, Bar of Saint-Denis, Réunion, France, as Counsel.

Further information about the case can be found in Press Release 46 and Press Notice 16.

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The text of the Judgment will be available shortly after its delivery on the United Nations website at www.un.org/depts/los.

The Press Releases of the Tribunal, documents and other information are available on the United Nations website: <http://www.un.org/Depts/los/> and from the Registry of the Tribunal. Please contact Mr. Robert van Dijk at Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: (49) (40) 35607-227/228, Fax: (49) (40) 35607-245/275; or United Nations DC-1, suite 1140, New York, NY 10017, Tel.: (1) (212) 963-6480, Fax: (1) (212) 963-0908, E-mail: press@itlos.org

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