

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 1998

20 February 1998

List of cases:
No. 2

THE M/V "SAIGA" (No. 2) CASE

(SAINT VINCENT AND THE GRENADINES *v.* GUINEA)

ORDER

Present: *President* MENSAH; *Vice-President* WOLFRUM; *Judges* ZHAO, CAMINOS, MAROTTA RANGEL, YANKOV, YAMAMOTO, KOLODKIN, PARK, BAMELA ENGO, NELSON, CHANDRASEKHARA RAO, AKL, ANDERSON, VUKAS, WARIOBA, LAING, TREVES, MARSIT, EIRIKSSON, NDIAYE; *Registrar* CHITTY.

The International Tribunal for the Law of the Sea,

Composed as above,

After deliberation,

Having regard to article 27 of the Statute of the Tribunal,

Having regard to paragraph 4 of article 287 of the United Nations Convention on the Law of the Sea (hereinafter "the Convention"),

Having regard to the Notification submitted by Saint Vincent and the Grenadines on 22 December 1997 instituting proceedings in accordance with Annex VII of the Convention in respect of the M/V "Saiga",

Having regard to the Request submitted by Saint Vincent and the Grenadines to the Tribunal on 13 January 1998, for the prescription of provisional measures by the Tribunal in accordance with article 290, paragraph 5, of the Convention, the Response of Guinea submitted on 30 January 1998, the Reply filed by Saint Vincent and the Grenadines on 13 February 1998 and the Rejoinder filed by Guinea on 20 February 1998,

Having regard to the Order made by the President of the Tribunal on 20 January 1998 by which the date for the opening of the oral proceedings with respect to the Request for the prescription of provisional measures was fixed,

Having regard to the Exchange of Letters of 20 February 1998 constituting an agreement between Guinea and Saint Vincent and the Grenadines to submit the dispute between them relating to the M/V "Saiga" to the International Tribunal for the Law of the Sea,

Having regard to the appointment by Saint Vincent and the Grenadines of Mr. Bozo A. Dabinovic as its Agent and the appointment by Guinea of Mr. Hartmut von Brevern as its Agent,

Whereas the President of the Tribunal has by communication dated 20 February 1998 received copies of the Exchange of Letters between Guinea and Saint Vincent and the Grenadines,

Whereas the Exchange of Letters constituting the agreement to submit the dispute to the Tribunal contains the following conditions:

- “1. The dispute shall be deemed to have been submitted to the International Tribunal for the Law of the Sea on the 22 December 1997, the date of the Notification by St. Vincent and the Grenadines;
2. The written and oral proceedings before the International Tribunal for the Law of the Sea shall comprise a single phase dealing with all aspects of the merits (including damages and costs) and the objection as to jurisdiction raised in the Government of Guinea’s Statement of Response dated 30 January 1998;
3. The written and oral proceedings shall follow the timetable set out in the Annex hereto;
4. the International Tribunal for the Law of the Sea shall address all claims for damages and costs referred to in paragraph 24 of the Notification of 22 December 1997 and shall be entitled to make an award on the legal and other costs incurred by the successful party in the proceedings before the International Tribunal;
5. The Request for the Prescription of Provisional Measures submitted to the International Tribunal for the Law of the Sea by St. Vincent and the Grenadines on 13 January 1998, the Statement of Response of the Government of Guinea dated 30 January 1998, and all subsequent documentation submitted by the parties in connection with the Request shall be considered by the Tribunal as having been

submitted under Article 290, paragraph 1, of the Convention on the Law of the Sea and Article 89, paragraph 1, of the Rules of the Tribunal”,

Whereas the Tribunal is satisfied that Saint Vincent and the Grenadines and Guinea have agreed to submit the dispute to it,

Orders:

(1) That the Notification submitted by Saint Vincent and the Grenadines on 22 December 1997 instituting proceedings against Guinea in respect of the M/V "Saiga" shall be deemed to have been duly submitted to the Tribunal on that date;

(2) That the Request for the prescription of provisional measures, the Response, Reply, Rejoinder, all communications and all other documentation relating to the Request for the prescription of provisional measures be considered as having been duly submitted to the Tribunal under article 290, paragraph 1, of the Convention and article 89, paragraph 1, of the Rules of the Tribunal (hereinafter “the Rules”);

(3) That the Agents appointed by Saint Vincent and the Grenadines and Guinea, respectively, be considered as duly appointed for the purpose of the proceedings under article 290, paragraph 1, of the Convention and article 89, paragraph 1, of the Rules;

(4) That the Order made by the President on 20 January 1998 be considered as having been duly made for the purpose of the proceedings under article 290, paragraph 1, of the Convention and article 89, paragraph 1, of the Rules; and

(5) That the case be recorded in the List of cases as the M/V "SAIGA" (No. 2) case.

Done in English and in French, the English text being authoritative, in the Free and Hanseatic City of Hamburg, this twentieth day of February, one thousand nine hundred and ninety-eight, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Saint Vincent and the Grenadines and the Government of Guinea, respectively.

(Signed) Thomas A. MENSAH,
President.

(Signed) Gritakumar E. CHITTY,
Registrar.