



## Meeting of States Parties

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### Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties

## Annual report of the International Tribunal for the Law of the Sea for 2023

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## I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2023.

2. The Tribunal was established under the United Nations Convention on the Law of the Sea of 1982. It functions in accordance with the relevant provisions of parts XI and XV of the Convention, the statute of the Tribunal, as contained in annex VI to the Convention, and the Rules of the Tribunal.

## II. Organization of the Tribunal

3. The Tribunal is composed of 21 members, elected by the States parties to the Convention in the manner provided for in article 4 of the statute.

4. In accordance with article 5, paragraph 1, of the statute, the terms of office of seven members expired on 30 September 2023.

5. Until 30 September 2023, the composition of the Tribunal was as follows:

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
<i>President</i>		
Albert J. Hoffmann	South Africa	30 September 2023
<i>Vice-President</i>		
Tomas Heidar	Iceland	30 September 2023
<i>Judges</i>		
José Luis Jesus	Cabo Verde	30 September 2026
Stanislaw Pawlak	Poland	30 September 2023
Shunji Yanai	Japan	30 September 2023
James L. Kateka	United Republic of Tanzania	30 September 2023
Boualem Bouguetaia	Algeria	30 September 2026
Jin-Hyun Paik	Republic of Korea	30 September 2023
David Joseph Attard	Malta	30 September 2029
Markiyana Z. Kulyk	Ukraine	30 September 2029
Alonso Gómez-Robledo	Mexico	30 September 2023
Óscar Cabello Sarubbi	Paraguay	30 September 2026
Neeru Chadha	India	30 September 2026
Kriangsak Kittichaisaree	Thailand	30 September 2026

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
Roman A. Kolodkin	Russian Federation	30 September 2026
Liesbeth Lijnzaad	Netherlands	30 September 2026
María Teresa Infante Caffi	Chile	30 September 2029
Jielong Duan	China	30 September 2029
Kathy-Ann Brown	Jamaica	30 September 2029
Ida Caracciolo	Italy	30 September 2029
Maurice K. Kamga	Cameroon	30 September 2029

6. Further to the triennial election held in June 2023, since 1 October 2023, the composition of the Tribunal has been as follows:

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
<i>President</i>		
Tomas Heidar	Iceland	30 September 2032
<i>Vice-President</i>		
Neeru Chadha	India	30 September 2026
<i>Judges</i>		
José Luis Jesus	Cabo Verde	30 September 2026
Boualem Bouguetaia	Algeria	30 September 2026
David Joseph Attard	Malta	30 September 2029
Markiyany Z. Kulyk	Ukraine	30 September 2029
Óscar Cabello Sarubbi	Paraguay	30 September 2026
Kriangsak Kittichaisaree	Thailand	30 September 2026
Roman A. Kolodkin	Russian Federation	30 September 2026
Liesbeth Lijnzaad	Netherlands	30 September 2026
María Teresa Infante Caffi	Chile	30 September 2029
Jielong Duan	China	30 September 2029
Kathy-Ann Brown	Jamaica	30 September 2029
Ida Caracciolo	Italy	30 September 2029
Maurice K. Kamga	Cameroon	30 September 2029
Frida María Armas Pfirter	Argentina	30 September 2032

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
Hidehisa Horinouchi	Japan	30 September 2032
Thembile Elphus Joyini	South Africa	30 September 2032
Zha Hyoung Rhee	Republic of Korea	30 September 2032
Osman Keh Kamara	Sierra Leone	30 September 2032
Konrad Jan Marciniak	Poland	30 September 2032

7. The Registrar of the Tribunal is Ximena Hinrichs Oyarce (Chile). The Deputy Registrar is Antoine Ollivier (France).

## **A. Changes in the composition of the Tribunal**

### **1. Election of seven members of the Tribunal**

8. The terms of office of seven members of the Tribunal expired on 30 September 2023.

9. In a note verbale dated 17 November 2022, acting pursuant to article 4, paragraph 2, of the statute, the Registrar invited the States parties to submit, within a period of two months ending on 3 March 2023, the names of candidates whom they might wish to nominate for election as members of the Tribunal. An alphabetical list of all persons nominated, with an indication of the States parties nominating them, was then prepared by the Registrar and submitted to the States parties as document [SPLOS/33/5](#) of 17 April 2023. In addition, a list of nominations was made accessible through the website of the Tribunal.

10. The triennial election to fill the positions of the seven members took place at a plenary meeting of the thirty-third Meeting of States Parties, held from 12 to 16 June 2023. The Meeting re-elected Judge Heidar and elected Frida María Armas Pfirter, Hidehisa Horinouchi, Thembile Elphus Joyini, Osman Keh Kamara, Konrad Jan Marciniak and Zha Hyoung Rhee.

### **2. Solemn declaration**

11. Pursuant to article 11 of the statute, all members of the Tribunal are required, before taking up their duties, to make a solemn declaration that they will exercise their powers impartially and conscientiously.

12. The solemn declaration provided for in article 5 of the Rules of the Tribunal was made by newly elected Judges Armas Pfirter, Horinouchi, Joyini, Rhee, Kamara and Marciniak at a public sitting of the Tribunal, on 2 October 2023. The ceremony was streamed live on the Tribunal's website.

## **B. Election of the President and the Vice-President**

13. On 2 October 2023, the judges elected Judge Heidar as President of the Tribunal and Judge Chadha as Vice-President, for a term of three years each. The President and the Vice-President entered upon their functions forthwith.

### **III. Chambers**

#### **A. Seabed Disputes Chamber**

14. In accordance with article 35, paragraph 1, of the statute, the Seabed Disputes Chamber consists of 11 judges selected by the Tribunal from among its elected members. The members of the Chamber are selected triennially.

15. Pursuant to article 23 of the Rules, the terms of office of members selected on 7 October 2020 expired on 30 September 2023. Until that date, the composition of the Chamber, in order of precedence, was as follows: Judge Chadha, President; Judges Jesus, Bouguetaia, Paik, Gómez-Robledo, Cabello Sarubbi, Kittichaisree, Kolodkin, Lijnzaad, Duan and Brown, members.

16. On 4 October 2023, during its fifty-sixth session, the Tribunal selected the members of the Seabed Disputes Chamber. As required under the statute, the judges of the Chamber were selected in such a manner as to ensure the representation of the principal legal systems of the world and equitable geographical distribution. The members of the Chamber entered upon their duties forthwith and elected Judge Attard as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Attard, President; Judges Jesus, Kulyk, Kittichaisree, Kolodkin, Lijnzaad, Duan, Brown, Caracciolo, Armas Pfirter and Joyini, members.

17. The terms of office of the members of the Chamber expire on 30 September 2026.

#### **B. Special chambers**

##### **1. Chamber of Summary Procedure**

18. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the statute and consists of five members and two alternates. The Chamber is constituted annually.

19. On 4 October 2023, during its fifty-sixth session, the Chamber was constituted for the period from 1 October 2023 to 30 September 2024. The members of the Chamber, in order of precedence, are as follows: Judge Heidar, President (*ex officio*); Vice-President Chadha (*ex officio*) and Judges Jesus, Kolodkin and Infante Caffi, members; Judges Rhee and Marciniak, alternates.

##### **2. Chamber for Fisheries Disputes**

20. On 20 February 1997, the Tribunal established the Chamber for Fisheries Disputes in accordance with article 15, paragraph 1, of the statute.

21. The terms of office of the members of the Chamber selected on 7 October 2020 expired on 30 September 2023. Until that date, the composition of the Chamber, in order of precedence, was as follows: Judge Pawlak, President; Judges Yanai, Bouguetaia, Paik, Attard, Gómez-Robledo, Cabello Sarubbi, Caracciolo and Kamga, members.

22. On 4 October 2023, during its fifty-sixth session, the Tribunal selected the members of the Chamber for Fisheries Disputes for a three-year term. The members of the Chamber entered upon their duties forthwith and elected Judge Kittichaisree as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge

Kittichaisaree, President; Judges Bouguetaia, Attard, Kulyk, Infante Caffi, Duan, Horinouchi, Joyini and Kamara, members.

23. The terms of office of the members of the Chamber expire on 30 September 2026.

### **3. Chamber for Marine Environment Disputes**

24. On 20 February 1997, the Tribunal established the Chamber for Marine Environment Disputes in accordance with article 15, paragraph 1, of the statute.

25. The terms of office of the members of the Chamber selected on 7 October 2020 expired on 30 September 2023. Until that date, the composition of the Chamber, in order of precedence, was as follows: Judge Attard, President; Judges Jesus, Yanai, Kateka, Kittichaisaree, Kolodkin, Infante Caffi, Brown and Kamga, members.

26. On 4 October 2023, during its fifty-sixth session, the Tribunal selected the members of the Chamber for Marine Environment Disputes for a three-year term. The members of the Chamber entered upon their duties forthwith and elected Judge Lijnzaad as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Lijnzaad, President; Judges Bouguetaia, Cabello Sarubbi, Kamga, Armas Pfirter, Horinouchi, Rhee, Kamara and Marciniak, members.

27. The terms of office of the members of the Chamber expire on 30 September 2026.

### **4. Chamber for Maritime Delimitation Disputes**

28. On 16 March 2007, the Tribunal established the Chamber for Maritime Delimitation Disputes in accordance with article 15, paragraph 1, of the statute.

29. The terms of office of the members of the Chamber selected on 7 October 2020 expired on 30 September 2023. Until that date the composition of the Chamber, in order of precedence, was as follows: Judge Hoffmann, President (ex officio); Vice-President Heidar and Judges Pawlak, Kulyk, Chadha, Lijnzaad, Infante Caffi, Duan and Caracciolo, members.

30. On 4 October 2023, during its fifty-sixth session, the Tribunal selected the members of the Chamber for Maritime Delimitation Disputes for a three-year term. The members of the Chamber entered upon their duties forthwith. The composition of the Chamber, in order of precedence, is as follows: Judge Heidar, President (ex officio); Vice-President Chadha and Judges Jesus, Kolodkin, Brown, Caracciolo, Kamga, Rhee and Marciniak, members.

31. The terms of office of the members of the Chamber expire on 30 September 2026.

## **IV. Committees**

32. On 4 October 2023, during its fifty-sixth session, the Tribunal reconstituted its committees. The new composition of the committees is provided in paragraphs 33 to 38 below.<sup>1</sup>

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<sup>1</sup> For the terms of reference of the committees, see: [SPLOS/27](#), paras. 37-40; [SPLOS/50](#), para. 37; and [SPLOS/136](#), para. 46.



**A. Committee on Budget and Finance**

33. The members of the Committee on Budget and Finance are: Judge Cabello Sarubbi, Chair; Judges Jesus, Kulyk, Kittichaisaree, Duan, Brown, Caracciolo, Kamga and Horinouchi, members.

**B. Committee on Rules and Judicial Practice**

34. The members of the Committee on Rules and Judicial Practice are: President Heidar, Chair; Vice-President Chadha and Judges Attard, Kolodkin, Lijnzaad, Duan, Brown, Armas Pfirter, Kamara and Marciniak, members.

**C. Committee on Staff and Administration**

35. The members of the Committee on Staff and Administration are: Judge Jesus, Chair; Judges Kolodkin, Lijnzaad, Infante Caffi, Brown, Kamga and Rhee, members.

**D. Committee on Library, Archives and Publications**

36. The members of the Committee on Library, Archives and Publications are: Judge Infante Caffi, Chair; Judges Bouguetaia, Kulyk, Caracciolo, Horinouchi, Joyini and Kamara, members.

**E. Committee on Buildings and Electronic Systems**

37. The members of the Committee on Buildings and Electronic Systems are: Judge Marciniak, Chair; Judges Bouguetaia, Attard, Cabello Sarubbi, Kittichaisaree, Joyini and Rhee, members.

**F. Committee on Public Relations**

38. The members of the Committee on Public Relations are: Judge Caracciolo, Chair; Judges Attard, Armas Pfirter, Joyini, Rhee, Kamara and Marciniak, members.

**V. Meetings of the Tribunal**

39. In 2023, the Tribunal held judicial meetings on the following matters:

**(a) Case No. 28 on the list of cases of the Tribunal (merits):**

*Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*

The Special Chamber constituted to deal with the case held several judicial meetings in relation to the case. It met from 30 January to 10 February 2023 and from 3 April to 28 April 2023 to deliberate on and to consider and adopt the draft judgment. The Special Chamber delivered its judgment on 28 April 2023.

**(b) Case No. 31 on the list of cases of the Tribunal (advisory opinion):**

*Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for Advisory Opinion submitted to the Tribunal)*

Initial deliberations of the Tribunal were held on 7 and 8 September 2023. The oral proceedings took place from 11 to 25 September 2023 and the Tribunal met for deliberations from 12 to 27 October 2023.

**(c) Case No. 32 on the list of cases of the Tribunal:**

*The M/T “Heroic Idun” (No. 2) Case (Marshall Islands/Equatorial Guinea)*

The Tribunal met on 27 April 2023 to consider and adopt an order to form a special chamber to deal with the dispute.

40. The Tribunal also held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the fifty-fifth session was held from 20 to 31 March and the fifty-sixth session from 25 September to 7 October 2023.

41. The Tribunal decided to hold its fifty-seventh session from 11 to 22 March 2024, to deal with both legal and judicial matters and organizational and administrative matters.

**VI. Judicial work of the Tribunal****A. *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)***

42. On 24 September 2019, the Maldives and Mauritius concluded a special agreement to submit the dispute concerning the delimitation of their maritime boundary in the Indian Ocean to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the statute. The Registrar received the special agreement and notification on the same date. The case was entered in the Tribunal’s list of cases as case No. 28.

43. By order dated 27 September 2019, the Tribunal constituted the Special Chamber as follows: Judge Paik, President; Judges Jesus, Cot, Yanai, Bouguetaia, Heidar and Chadha, Judge ad hoc Oxman (chosen by the Maldives) and a judge ad hoc to be chosen by Mauritius, members. Mauritius subsequently chose Nicolaas Schrijver to serve as judge ad hoc.

44. By order dated 10 October 2019, the President of the Special Chamber fixed 9 April 2020 as the time limit for the filing of the memorial by Mauritius and 9 October 2020 as the time limit for the filing of the counter-memorial by the Maldives and reserved the subsequent procedure for further decision.

45. On 18 December 2019, within the time limit set under article 97, paragraph 1, of the Rules, the Maldives filed with the Special Chamber written preliminary objections, under article 294 of the Convention and article 97 of the Rules, to the jurisdiction of the Special Chamber and the admissibility of the claims of Mauritius. Upon receipt of the preliminary objections by the Registry, the proceedings on the merits were suspended, pursuant to article 97, paragraph 3, of the Rules.

46. By letter dated 26 August 2020, the Registrar informed the parties that Judge Cot had tendered his resignation as member of the Special Chamber with effect from 26 August 2020 and that, accordingly, a vacancy had occurred in the Special Chamber. By order dated 15 September 2020, the Tribunal determined, with the approval of the parties, that Judge Pawlak should fill the vacancy left by the resignation of Judge Cot.

47. On 28 January 2021, the Special Chamber delivered its judgment on the preliminary objections.<sup>2</sup>

48. By order dated 3 February 2021, the President of the Special Chamber fixed 25 May 2021 as the time limit for the filing of the memorial by Mauritius and 25 November 2021 as the time limit for the filing of the counter-memorial by the Maldives. The memorial and the counter-memorial were filed within the time limits so prescribed.

49. By order dated 15 December 2021, the President of the Special Chamber fixed 14 April 2022 as the time limit for the filing of a reply by Mauritius and 15 August 2022 as the time limit for the filing of a rejoinder by the Maldives. These pleadings were also filed within the prescribed time limits.

50. By order dated 18 August 2022, the President of the Special Chamber fixed 17 October 2022 as the date for the opening of the oral proceedings. The hearing was held over seven public sittings between 17 and 24 October 2022. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions during the hearing:

*On behalf of Mauritius:*

On the basis of the facts and law set forth in the Memorial and the Reply, and during the oral hearing, the Republic of Mauritius respectfully requests the Special Chamber to adjudge and declare that:

- a. the Special Chamber has jurisdiction to determine Mauritius' claim to a continental shelf beyond 200 nautical miles and the claim is admissible;
- b. the entire maritime boundary between Mauritius and Maldives in the Indian Ocean, within 200 nautical miles and in the outer continental shelf, connects the 53 points, using geodetic lines, the geographic coordinates for which (in WGS 1984 datum) are set out on pages 54 and 55 of the Reply of Mauritius.

*On behalf of the Maldives:*

In accordance with Article 75, paragraph 2, of the Rules of the Tribunal, and for the reasons set out during the written and oral phases of the pleadings, the Republic of Maldives requests the Special Chamber to adjudge and declare that:

- (a) Mauritius' claim to a continental shelf beyond 200 M from the base lines from which its territorial sea is measured should be dismissed on the basis that it is:
  - (i) Outside the jurisdiction of the Special Chamber; and/or
  - (ii) Inadmissible.
- (b) The single maritime boundary between the Parties is a series of geodesic lines connecting the points 1 to 46 as set out in the Maldives' Rejoinder at pages 69–70;
- (c) In respect of the Parties' Exclusive Economic Zones, the maritime boundary between them connects point 46 to the point 47*bis* following the 200 M limit measured from the baselines of the Maldives as set out in the Maldives' Rejoinder at page 70;
- (d) In respect of the Parties' continental shelves, the maritime boundary between the Parties continues to consist of a series of geodesic lines connecting the points as set out in the Maldives' Rejoinder at page 70, until it reaches the edge of the

<sup>2</sup> A summary of the judgment on preliminary objections of 28 January 2021 is contained in paragraphs 34-43 of the annual report of the International Tribunal for the Law of the Sea for 2021 (SPLOS/32/2).

Maldives' entitlement to a continental shelf beyond 200 M from the baselines from which the breadth of its territorial sea is measured (to be delineated following recommendations of the Commission on the Limits of the Continental Shelf at a later date).

51. The Special Chamber delivered its judgment on 28 April 2023. The Special Chamber first considered the delimitation of the exclusive economic zone and the continental shelf within 200 nautical miles and found that the appropriate method to be applied in this respect was the equidistance/relevant circumstances method (para. 98). With regard to the construction of a provisional equidistance line, the key issue that divided the Parties was whether Blenheim Reef could be used as the location of base points (para. 116).

52. The Special Chamber first examined the question whether Blenheim Reef as a low-tide elevation (or low-tide elevations) could be a site of base points. In its judgment, the Special Chamber did not consider that there was "a general rule which requires that such a feature be disregarded in selecting base points for the purpose of delimitation", holding that "[t]he selection of base points on a low-tide elevation depends on whether it would be appropriate to do so by reference to the geographical circumstances of the given case" (para. 152). At the same time, the Special Chamber noted that international courts and tribunals have rarely placed base points on a low-tide elevation for the construction of the provisional equidistance line, and that it "would be hesitant to place base points on Blenheim Reef unless there is a convincing reason to do so" (para. 153).

53. Having considered the impact Blenheim Reef would have on the provisional equidistance line in the case before it (para. 154), the Special Chamber found that Blenheim Reef, as a low-tide elevation, was not a site for appropriate base points for the construction of the provisional equidistance line (para. 155).

54. The Special Chamber then scrutinized whether Blenheim Reef could be a site for base points as a drying reef (or drying reefs). In this regard, the Special Chamber noted that Mauritius and the Maldives "are two of 22 States which have declared themselves archipelagic States in accordance with article 46 of the Convention" (para. 178) and that, "[a]ccording to article 47, appropriate points for archipelagic baselines can be placed on outermost islands and drying reefs" (para. 184). However, the Special Chamber found that "there is nothing in article 47 which suggests that such points should also be base points for the construction of the provisional equidistance line" (para. 184).

55. The Special Chamber also observed that "there is no specific provision in the Convention which governs the delimitation of maritime zones between archipelagic States" and that "[a]rticles 15, 74, and 83 of the Convention govern the delimitation of the territorial sea, the exclusive economic zone and the continental shelf between archipelagic States as between any other States with opposite or adjacent coasts" (para. 189). In conclusion, the Special Chamber found no reason to "change its previous finding that no base points can be located on Blenheim Reef for the construction of the provisional equidistance line" (para. 192).

56. A further issue contested between the Parties concerned the question whether the distance requirements of article 47, paragraph 4, of the Convention applied in drawing Mauritius' archipelagic baselines at Blenheim Reef (para. 220). The Special Chamber observed that it was "common ground between the Parties that every drying reef is a low-tide elevation" and that the Parties agreed that Blenheim Reef was a drying reef (para. 221). It considered that there was "thus no question that Mauritius may draw straight archipelagic baselines joining the outermost points of outermost islands and drying reefs of the Chagos Archipelago, including Blenheim Reef" (*ibid.*).

57. Furthermore, in the Special Chamber's view, "because a drying reef is a low-tide elevation, it is plain that article 47, paragraph 4, which applies to low-tide elevations, should apply when archipelagic baselines are drawn joining the outermost points of outermost

islands and ‘drying reefs’” (para. 222). The Special Chamber thus considered that “the requirements of article 47, paragraph 4, apply in drawing archipelagic baselines in accordance with article 47, paragraph 1, of the Convention” (para. 229). Consequently, the Special Chamber found “that a low-tide elevation of Blenheim Reef, situated wholly or partly within 12 [nautical miles] of [the nearest island], [could] be used as a baseline for measuring the 200 [nautical mile] limit of Mauritius” (para. 230).

58. The Special Chamber then constructed a provisional equidistance line from the base points it had selected (paras. 223-236). Thereafter, it proceeded to examine whether any relevant circumstances existed requiring an adjustment of the provisional equidistance line in order to achieve an equitable solution. In this respect, the Special Chamber found that Blenheim Reef constituted such a relevant circumstance and decided to give Blenheim Reef half effect and to adjust the provisional equidistance line accordingly (para. 247).

59. Having completed the delimitation within 200 nautical miles, the Special Chamber turned to the question of the delimitation of the continental shelf beyond 200 nautical miles. In this regard, the Special Chamber found that its jurisdiction included the delimitation not only of the continental shelf within 200 nautical miles but also of any portion of the continental shelf beyond that limit (para. 343). However, it noted that “whether and to what extent it should exercise such jurisdiction ... depend[ed] on whether the Parties ha[d] demonstrated that they ha[d] fulfilled the requirements of article 76 of the Convention” (para. 344).

60. The Special Chamber then considered the question whether the Parties had entitlements to the continental shelf beyond 200 nautical miles in the area concerned. It noted that both Parties had made submissions to the Commission on the Limits of the Continental Shelf (“CLCS”) with respect to the area at issue in this case, but the CLCS had not yet made recommendations to them (para. 430). Addressing first Mauritius’ claim of entitlement to the continental shelf beyond 200 nautical miles, the Special Chamber noted that Mauritius had advanced three different routes for natural prolongation to the foot of slope point on which it based its claim. However, the Special Chamber considered that the first route was “impermissible on legal grounds under article 76 of the Convention”, and that there was “significant uncertainty as to whether the second and third routes could form a basis for Mauritius’ natural prolongation to the critical foot of slope point” (para. 449). In the view of the Special Chamber, the application of this standard of significant uncertainty “serves to minimize the risk that the CLCS might later take a different position regarding entitlements in its recommendations from that taken by a court or tribunal in a judgment” (para. 433). The judgment also explained that caution was further warranted in the case by the risk of prejudice to the interests of the international community in the international seabed area and the common heritage principle (para. 453).

61. The Special Chamber concluded that, given the significant uncertainty, it was not in a position to determine the entitlement of Mauritius to the continental shelf beyond 200 nautical miles in the Northern Chagos Archipelago Region (para. 450). Consequently, in the circumstances of the case, the Special Chamber did not proceed to delimit the continental shelf beyond 200 nautical miles between Mauritius and the Maldives (para. 451).

62. The operative provisions of the Special Chamber’s judgment of 28 April 2023 are set out below.

THE SPECIAL CHAMBER,

(1) Unanimously,

Decides that the single maritime boundary delimiting the exclusive economic zones and the continental shelves of the Parties within 200 nm extends from west to east between the intersections of the respective 200 nm limits determined in paragraphs 248 and 250 above and is composed of geodetic lines connecting the following points in WGS 84 as geodetic

datum: Point 1 with coordinates 2° 17' 21.4" S and 70° 11' 56.2" E; turning points 2 to 36 with the coordinates identified in paragraph 249 above; Point X (Point 37) with coordinates 3° 07' 28.9" S and 73° 19' 11.0" E; and Point Y (Point 38) with coordinates 3° 20' 54.8" S and 75° 12' 52.1" E.

(2) Unanimously,

*Finds* that its jurisdiction to delimit the continental shelf between the Parties includes the continental shelf beyond 200 nm.

(3) Unanimously,

*Rejects* the objection raised by the Maldives to the admissibility of Mauritius' claim to the continental shelf beyond 200 nm on the grounds that Mauritius' submission to the CLCS was not filed in a timely manner.

(4) Unanimously,

*Finds* that, in the circumstances of the present case, it is not in a position to determine the entitlement of Mauritius to the continental shelf beyond 200 nm in the Northern Chagos Archipelago Region and decides that, consequently, it will not proceed to delimit the continental shelf between Mauritius and the Maldives beyond 200 nm.

**B. *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for Advisory Opinion submitted to the Tribunal)***

63. At its third meeting on 26 August 2022, the Commission of Small Island States on Climate Change and International Law ("the Commission") decided to request an advisory opinion from the Tribunal on the following questions:

What are the specific obligations of State Parties to the United Nations Convention on the Law of the Sea ('UNCLOS'), including under Part XII:

(a) to prevent, reduce and control pollution of the marine environment in relation to the deleterious effects that result or are likely to result from climate change, including through ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse gas emissions into the atmosphere?

(b) to protect and preserve the marine environment in relation to climate change impacts, including ocean warming and sea level rise, and ocean acidification?

64. This decision was adopted pursuant to article 2, paragraph 2, of the Agreement for the establishment of the Commission of Small Island States on Climate Change and International Law, which provides that "the Commission shall be authorized to request advisory opinions from the International Tribunal for the Law of the Sea ('ITLOS') on any legal question within the scope of the 1982 United Nations Convention on the Law of the Sea, consistent with Article 21 of the ITLOS Statute and Article 138 of its Rules."

65. The request for an advisory opinion was filed with the Registry on 12 December 2022 and entered into the list of cases as case No. 31.

66. On 16 December 2022, the President of the Tribunal adopted an order and fixed 16 May 2023 as the time limit for the presentation of written statements. The time limit was extended to 16 June 2023 by a further order of the President of 15 February 2023.

67. Within this time limit, written statements were submitted by the following 31 States parties to the Convention, which are listed in the order in which their statements were received: the Democratic Republic of the Congo, Poland, New Zealand, Japan, Norway,

Germany, Italy, China, the European Union, Mozambique, Australia, Mauritius, Indonesia, Latvia, Singapore, the Republic of Korea, Egypt, Brazil, France, Chile, Bangladesh, Nauru, Belize, Portugal, Canada, Guatemala, the United Kingdom, the Netherlands, Sierra Leone, Micronesia (Federated States of) and Djibouti. Within the same time limit, written statements were also submitted by the Commission and the following seven organizations: the United Nations; the International Union for Conservation of Nature and Natural Resources; the International Maritime Organization; the Pacific Community; the United Nations Environment Programme; the African Union and the International Seabed Authority. Three further States parties (Rwanda, Viet Nam and India) and one further organization (the Food and Agriculture Organization of the United Nations) filed written statements after the time limit. All written statements were made accessible to the public on the Tribunal's website.

68. In addition, statements were submitted by the following: the United Nations Special Rapporteurs on human rights and climate change, toxics and human rights, and human rights and the environment; the High Seas Alliance; ClientEarth; Opportunity Green; the Center for International Environmental Law and Greenpeace International; the Advisory Committee on Protection of the Sea; the World Wide Fund for Nature; Our Children's Trust and Oxfam International; the Observatory for Marine and Coastal Governance; and One Ocean Hub. Those representatives and entities were informed by the Registrar that their statements would not be included in the case file but would be posted on the website of the Tribunal in a separate section of documents relating to the case.

69. By order dated 30 June 2023, the President of the Tribunal fixed 11 September 2023 as the date for the opening of the hearing.

70. Prior to the opening of the hearing, the Tribunal held initial deliberations on 7 and 8 September 2023.

71. The hearing took place from 11 to 25 September 2023, during which statements were made at 18 public sittings by 33 States parties and 4 international organizations in the following order: the Commission, Australia, Germany, Saudi Arabia, Argentina, Bangladesh, Chile, Portugal, Djibouti, Guatemala, India, Nauru, Indonesia, Latvia, Mauritius, Micronesia (Federated States of), New Zealand, the Republic of Korea, China, Mozambique, Norway, Belize, the Philippines, Sierra Leone, Singapore, Timor-Leste, the European Union, Viet Nam, the Pacific Community, Comoros, the Democratic Republic of the Congo, the International Union for Conservation of Nature and Natural Resources, the African Union, France, Italy, the Netherlands, and the United Kingdom.

72. After the closure of the hearing, the Tribunal met for deliberations from 12 to 27 October 2023.

### **C. *The M/T "Heroic Idun" (No. 2) Case (Marshall Islands/Equatorial Guinea)***

73. Further to consultations held by the President of the Tribunal with representatives of the Marshall Islands and Equatorial Guinea on 18 April 2023, a special agreement was concluded between the two States on 18 April 2023 to submit to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the statute, the dispute concerning the M/T "*Heroic Idun*" and her crew. The case was entered in the Tribunal's list of cases as case No. 32.

74. By an order dated 27 April 2023, the Tribunal decided to accede to the request of the parties to form a special chamber of five judges to deal with the case and determined the composition of the Special Chamber with their approval as follows: Judge Hoffmann, President; Judges Infante Caffi and Brown; Judges ad hoc Eiriksson (chosen by the Marshall Islands) and Couvreur (chosen by Equatorial Guinea).

75. By order of 19 May 2023, the President of the Special Chamber, having ascertained the views of the parties, fixed 20 November 2023 and 20 May 2024 as the time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of Equatorial Guinea, respectively. Further to a request of the Marshall Islands, and having sought the views of the parties, the President of the Special Chamber, by order of 16 November 2023, extended the time limit for the submission of the memorial of the Marshall Islands and the counter-memorial of Equatorial Guinea to 18 December 2023 and 15 July 2024, respectively.

## **VII. Legal matters**

76. During the period under review, the Tribunal devoted part of its fifty-fifth and fifty-sixth sessions to the consideration of legal and judicial matters. In this respect, the Tribunal examined various legal issues of relevance to its jurisdiction, its Rules and its judicial procedures. The review was undertaken by both the Tribunal and its chambers. Some of the subjects considered are listed below.

### **A. Jurisdiction of the Tribunal**

77. During the period under review, the Tribunal took note of the information presented by the Registry concerning the status of declarations made under articles 287 and 298 of the Convention.

### **B. Recent developments in law of the sea matters**

78. During the period under review, the Tribunal considered reports prepared by the Registry concerning recent developments in law of the sea matters.

### **C. Chambers**

79. During the period under review, the chambers of the Tribunal held meetings at which they considered reports prepared by the Registry on matters falling under their responsibilities.

## **VIII. Agreement on Privileges and Immunities**

80. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea was adopted by the seventh Meeting of States Parties on 23 May 1997. The Agreement was opened for signature for 24 months as from 1 July 1997<sup>3</sup> and entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. As at 31 December 2023, 41 States had ratified or acceded to it.

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<sup>3</sup> SPLOS/24, para. 27.



## IX. Relations with the United Nations

81. At its fifty-first session, the General Assembly, by its resolution 51/204 of 17 December 1996, granted observer status to the Tribunal.

82. On 5 December 2023, at a plenary meeting of the seventy-eighth session of the Assembly, the President delivered a statement under agenda item 76 (a), entitled “Oceans and the law of the sea”.<sup>4</sup> In his statement, the President gave an overview of the judicial work of the Tribunal and an update on the developments which had taken place since the previous meeting of the Assembly, in particular in the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*, the *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for Advisory Opinion submitted to the Tribunal)* and *The M/T “Heroic Idun” (No. 2) Case (Marshall Islands/Equatorial Guinea)*. The President also provided information to the Assembly on the Tribunal’s capacity-building activities.

## X. Headquarters Agreement

83. The Agreement between the International Tribunal for the Law of the Sea and the Federal Republic of Germany regarding the Headquarters of the Tribunal was signed on 14 December 2004. In addition, the Agreement between the Tribunal and the Government of the Federal Republic of Germany on the Occupancy and Use of the Premises of the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg was concluded on 18 October 2000.

84. During the period under review, the Registry, in cooperation with the Federal Building Authorities of Germany, made several improvements to the Tribunal’s equipment and systems. In particular, the Federal Building Authorities completed the replacement of the audiovisual equipment in the main courtroom of the Tribunal, the official handover of which took place in March 2023.

## XI. Finances

### A. Budgetary matters

#### 1. Supplementary budget of the Tribunal for 2023–2024

85. On 12 December 2022, the Tribunal received a request from the Commission of Small Island States on Climate Change and International Law to render an advisory opinion. The request has been entered in the list of cases of the Tribunal as case No. 31 (see paras. 63–72). As case No. 31 was filed after the budget for 2023–2024 had been approved, no provision for the costs for that case was included in the 2023–2024 budget. As a consequence, supplementary budget proposals for the period 2023–2024, approved by the Tribunal at its fifty-fifth session, were submitted to the thirty-third Meeting of States Parties (SPLOS/33/9). The estimated costs for case No. 31 amounted to €2,484,900.

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<sup>4</sup> The text of the statement is available on the Tribunal’s website at [www.itlos.org](http://www.itlos.org) and [www.tidm.org](http://www.tidm.org).

86. The Meeting of States Parties approved the supplementary budget proposals of the Tribunal for the period 2023–2024 and authorized the Tribunal to use part of the cash surplus from the 2021–2022 budget in the amount of €1,241,200 to finance part of the costs of case No. 31 that could not be absorbed by the approved budget of the Tribunal for the period 2023–2024. The remaining costs for case No. 31 will be financed through savings from case No. 28 and the provision for one urgent case included in the 2023–2024 budget ([SPLOS/33/13](#)).

## **2. Budget of the Tribunal for 2025–2026**

87. During the fifty-sixth session of the Tribunal, the Committee on Budget and Finance gave preliminary consideration to the budget of the Tribunal for the financial period 2025–2026 on the basis of draft proposals submitted by the Registrar.

## **3. Report on budgetary matters for the financial periods 2021 and 2022**

88. At its fifty-fifth session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial periods 2021 and 2022 ([SPLOS/33/3](#)). Following consideration by the Tribunal, the report was submitted to the thirty-third Meeting of States Parties for its consideration. The report included the performance report for 2021–2022 and a report on action taken pursuant to the Financial Regulations and Rules of the Tribunal (surrender of the cash surplus from the financial period 2019–2020; investment of Tribunal funds; and establishment of trust funds pursuant to regulation 6.5 of the Financial Regulations and Rules of the Tribunal).

## **4. Cash flow situation**

89. At its fifty-fifth and fifty-sixth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

## **B. Status of contributions**

90. As at 31 December 2023, 117 States parties had made contributions to the budget for the financial period 2023, totaling €11,248,016, while 52 States parties had not made any payments with respect to their assessed contributions for the financial period 2023. The balance of unpaid contributions with respect to the financial period 2023 was €473,934. An amount of €4,816,734 was credited against the assessed contributions for 2024.

91. Furthermore, assessed contributions amounting to €659,781 in respect of the Tribunal's budgets for the budget periods 1996/1997 to 2021–2022 were still pending as at 31 December 2023.

92. As at 31 December 2023, the balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €1,133,715. In July 2023, the Registrar sent notes verbales to the States parties concerning their assessed contributions for the year 2024 of the 2023–2024 budget of the Tribunal and information about outstanding contributions to the previous budgets.

### C. Financial Regulations and Rules

93. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.<sup>5</sup> On 9 December 2020, the thirtieth Meeting of States Parties approved amendments to the Financial Regulations of the Tribunal, as set out in the annex to document [SPLOS/30/6](#), which became effective on 1 January 2021 ([SPLOS/30/16](#)).

94. Pursuant to financial regulation 10.1 (a), the Tribunal, at its seventeenth session, approved the Financial Rules, which were submitted to the fourteenth Meeting of States Parties for its consideration. The Meeting took note of the Financial Rules of the Tribunal, which, in accordance with rule 114.1, became effective on 1 January 2005.<sup>6</sup>

95. Pursuant to financial regulation 14.2, the thirty-first Meeting of States Parties on 24 June 2021 endorsed the amendments to the Financial Rules proposed by the Tribunal ([SPLOS/31/8](#)). The amended Rules became effective on 1 January 2021 and apply to the financial period 2021 and subsequent financial periods.

96. Pursuant to financial regulation 12.1, the thirtieth Meeting of States Parties appointed BDO AG Wirtschaftsprüfungsgesellschaft as the Tribunal's auditor for the financial periods 2021–2024.

### D. Report of the external auditor for the financial period 2022

97. The results of the audit for the financial period 2022 were presented by the Registrar at the fifty-fifth session of the Tribunal. The Committee on Budget and Finance noted the auditor's opinion that the financial statements gave a true and fair view of the assets, liabilities and financial position of the Tribunal as at 31 December 2022 and of its financial performance for the period from 1 January to 31 December 2022 in accordance with the International Public Sector Accounting Standards. The Tribunal took note of the audit report for the financial period 2022 ([SPLOS/33/4](#)) and requested that the report be submitted to the thirty-third Meeting of States Parties. The thirty-third Meeting of States Parties took note with satisfaction of the report of the external auditor ([SPLOS/33/15](#), para. 33).

### E. Trust funds and donations

98. On the basis of resolution 55/7 on oceans and the law of the sea, adopted by the General Assembly on 30 October 2000, a voluntary trust fund has been established by the Secretary-General to assist States in connection with disputes to be settled by the Tribunal. According to information provided by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat, the financial statements of the trust fund showed a balance of \$248,065.32 as at 31 December 2023.

99. In addition, the Registrar has established the following trust funds pursuant to regulation 6.5 of the Financial Regulations and Rules of the Tribunal: Nippon Foundation trust fund, trust fund for the Law of the Sea, China Institute of International Studies trust fund (closed in 2018), twentieth anniversary trust fund (closed in 2017) and a special account for a workshop to be held for legal advisers.

100. The Nippon Foundation trust fund was established in 2007, further to a grant provided the same year by the Nippon Foundation to fund the participation of fellows in a capacity-

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<sup>5</sup> Financial Regulations, regulation 14.1.

<sup>6</sup> The Financial Regulations and Rules of the Tribunal are contained in document [SPLOS/120](#).

building and training programme on dispute settlement under the Convention. During the period 2007–2023, the Nippon Foundation made contributions to the trust fund in the amount of €3,832,700. As at 31 December 2023, the balance of net assets/equity stood at €103,936.

101. The trust fund for the Law of the Sea was established in 2010, pursuant to a decision of the Tribunal at its twenty-eighth session. The terms of reference for the trust fund were adopted by the Tribunal and submitted to the twentieth Meeting of States Parties for its consideration. The trust fund is intended to promote human resource development in developing countries in the law of the sea and maritime affairs in general. Contributions made to the trust fund are used to provide applicants from developing countries with financial assistance to enable them to participate in the Tribunal’s internship programme and the summer academy as well as for the organization of regional workshops. States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, are invited to make voluntary financial or other contributions to the trust fund. Several contributions to the trust fund from different sources (Korea Maritime Institute, Government of China, Government of Cyprus, Government of France and Korwind) were received between 2009 and 2023. During the financial period 2023, two contributions from the Korea Maritime Institute totaling €31,000, and one contribution from Cyprus in the amount of €15,000 were received. As at 31 December 2023, the balance of net assets/equity stood at €271,944.

102. The Tribunal received voluntary contributions from the Government of the Republic of Korea in the amount of \$195,595 in 2020, \$176,033 in 2021, \$200,000 in 2022 and €170,684 in 2023. According to the concept paper on the utilization of voluntary contributions to the Tribunal approved on 9 March 2020, the contributions are to be used for capacity-building of legal advisers in the field of international dispute settlement in matters pertaining to the law of the sea. In accordance with regulation 6.5 of the Financial Regulations and Rules of the Tribunal, a special euro bank account was set up with Deutsche Bank for a workshop for legal advisers sponsored by the Republic of Korea. The contributions covered the expenses of high-level professionals involved in decision-making related to the law of the sea to enable them to participate in the workshop, the second of which was held on the premises of the Tribunal from 2 to 7 July 2023 (see para. 137). As at 31 December 2023, the balance of net assets/equity stood at €171,923.

## **XII. Administrative matters**

103. During the period under review, the committees of the Tribunal considered various administrative matters within the scope of their activities; reference is made below to some of those matters.

### **A. Staff Regulations and Staff Rules**

104. In order to ensure compatibility of the Staff Regulations of the Tribunal with the United Nations common system of salaries, allowances and benefits, as required under regulation 12.6 of the Staff Regulations, the Tribunal, during the period under review, approved the recommendations of the Committee on Staff and Administration regarding amendments to the Staff Regulations concerning the salary scale for staff in the Professional and higher categories.

105. During the period under review, further to the recommendation of the Committee on Staff and Administration, the Tribunal took note of the amendments to the Staff Rules of the

Tribunal concerning the pensionable remuneration for staff in the Professional and higher categories, the salary scale for staff in the General Service category and the new parental leave framework. Pursuant to regulations 12.2, 12.3 and 12.4 of the Staff Regulations, the amendments to the Staff Rules that had been applied provisionally entered into full force and effect on 1 January 2024.

## **B. Staff recruitment**

106. In 2023, the Tribunal recruited staff members for the posts of Legal Officer (P-4), Associate Legal Officer (P-2) and Building Coordinator (G-7). At the end of 2023, recruitment was in progress with respect to the posts of Head of Personnel and Building (P-4), Information Systems Officer (P-4) and Legal Officer (P-3).

107. A list of the staff members of the Registry as at 31 December 2023 is contained in annex I to the present report.

108. Temporary personnel were recruited to assist the Tribunal during its fifty-fifth and fifty-sixth sessions and during the hearings and deliberations in case Nos. 28 and 31.

109. The Registry comprises 38 posts, of which 18 are in the Professional and higher categories.

110. The recruitment of staff members in the Professional category, excluding language staff, is subject to the principle of equitable geographical distribution, in accordance with regulation 4.2 of the Staff Regulations, which provides as follows:

The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

111. Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard. The Tribunal has taken steps to ensure that vacancy announcements for posts in the Professional category are disseminated in such a way as to enable recruitment of staff on as wide a geographical basis as possible. Information on vacancies is transmitted to the embassies of the States parties to the Convention in Berlin and the permanent missions in New York. Information is also posted on the Tribunal's website and in the Tribunal's social media accounts (X, LinkedIn) and disseminated to United Nations Headquarters and the specialized agencies.

112. Although the principle of geographical distribution does not apply to the recruitment of General Service staff, the Tribunal has also made efforts to recruit staff in that category on as wide a geographical basis as possible.

## **C. Junior Professional Officer programme**

113. During its fifty-second session, on 30 September 2021, the Tribunal established a Junior Professional Officer programme for young professionals to serve in the Legal Office of the Tribunal's Registry or in other departments of the Registry, as necessary. The programme is governed by guidelines concerning the Junior Professional Officer programme of the International Tribunal for the Law of the Sea, as adopted by the Tribunal. Junior Professional Officers are recruited under memorandums of understanding concluded between the Tribunal and participating States.<sup>7</sup> On 1 December 2022, a memorandum of

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<sup>7</sup> The text of the guidelines and a model memorandum of understanding are available on the Tribunal's website at [www.itlos.org](http://www.itlos.org) and [www.tidm.org](http://www.tidm.org).

understanding between the Tribunal and the Government of China concerning the Junior Professional Officer programme was signed. At the end of 2023, recruitment was in progress for one post of Junior Professional Officer.

#### **D. Staff Pension Committee**

114. Further to the proposal of the Tribunal, the sixteenth Meeting of States Parties decided that a Staff Pension Committee would be established with the following composition: (a) one member and one alternate member to be chosen by the Meeting; (b) one member and one alternate member to be appointed by the Registrar; and (c) one member and one alternate member to be elected by the staff. The term of office of members and alternates is three years.

115. On 15 June 2022, the thirty-second Meeting of States Parties adopted a decision extending the nominations of Indonesia as member and Canada as alternate member of the Staff Pension Committee for a three-year term of office starting on 1 January 2023 ([SPLOS/32/13](#)).

#### **E. Language classes at the Tribunal**

116. English and French classes for Registry staff members were held in 2023.

### **XIII. Buildings and electronic systems**

#### **A. Building arrangements and new requirements**

117. During the fifty-fifth and fifty-sixth sessions, the Registrar presented reports on building arrangements and use of the Tribunal's premises. These reports were prepared by the Registry for review by the Committee on Buildings and Electronic Systems and by the Tribunal with a view to improving working conditions at the Tribunal.

#### **B. Use of the premises and public access**

118. The following events took place on the premises of the Tribunal during 2023:

- (a) Second workshop for legal advisers (sponsored by the Republic of Korea), from 2 to 7 July 2023 (see para. 137); and
- (b) International Foundation for the Law of the Sea Summer Academy, from 30 July to 25 August 2023.

### **XIV. Library facilities and archives**

119. During the fifty-fifth and fifty-sixth sessions, the Registrar reported on several matters pertaining to the Library, including the collections and an integrated library management system. The Registrar also presented reports on the archive collections and databases.

120. A list of donors to the Library is contained in annex II to the present report.

## **XV. Publications**

121. During the period under review, the status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications and by the Tribunal.

122. In 2023, the following volumes were published:

- (a) *Yearbook 2022, vol. 26*;
- (b) *Pleadings, Minutes of Public Sitings and Documents 2022, vol. 32*.

## **XVI. Public relations**

123. During the period under review, the Committee on Public Relations gave consideration to a set of measures to provide and disseminate information on the work of the Tribunal and participation by representatives of the Tribunal in international legal meetings.

124. The Tribunal publicized its work by means of its website, press releases and briefings by the Registry, and through the distribution of its judgments, orders and publications.

125. The website of the Tribunal can be accessed at the following addresses: [www.itlos.org](http://www.itlos.org) (English) and [www.tidm.org](http://www.tidm.org) (French). The texts of judgments and orders of the Tribunal and the verbatim records of hearings, as well as other information about the Tribunal, are available on the website.

126. In 2023, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

## **XVII. Capacity-building activities**

127. A number of capacity-building activities relating to the work of the Tribunal continued to be conducted in 2023.

### **A. Internship programme**

128. The internship programme of the Tribunal, which was established in 1997, is designed to give participants the opportunity to gain an understanding of the work and functions of the Tribunal. Funding has been available for applicants from developing countries to assist them in covering the costs incurred for travelling to Hamburg and participating in the programme. The trust fund for the Law of the Sea is currently used to provide financial assistance to interns.

129. As of 31 December 2023, a total of 418 interns from 110 States had participated in the programme, 180 of whom had received funding.

130. During 2023, 13 interns from 13 States (Albania, Cameroon, Greece, India, Indonesia, Japan, Lebanon, Mauritius, Mexico, Panama, Senegal, Spain and United States of America) participated in the programme at the Tribunal.

131. Information on the programme and an online application form can be obtained from the Tribunal's website.

**B. Capacity-building and training programme**

132. In 2023, for the seventeenth time, a capacity-building and training programme on dispute settlement under the Convention was conducted with the support of the Nippon Foundation. The Nippon Foundation Grant was set up in 2007 to provide fellows with capacity-building and training and to assist them in covering the costs of participation in the programme. Programme participants attend lectures on topical issues related to the law of the sea and maritime law and training courses on negotiation and delimitation. They also visit institutions engaged in work in the fields of law of the sea, maritime law and dispute settlement. At the same time, they carry out individual research on selected topics. Information about the programme can be obtained from the Registry or from the Tribunal's website.

133. Nationals of Malawi, Mauritius, Mexico, Peru, Solomon Islands and Türkiye are currently participating in the 2023/24 programme (July 2023-March 2024).

**C. Regional workshops**

134. The Tribunal has organized a series of workshops in different regions of the world on the settlement of disputes related to the law of the sea. The purpose of the workshops is to provide government experts engaged in work on maritime and law of the sea matters with insight into the procedures for dispute settlement contained in part XV of the Convention, with special emphasis on the jurisdiction of the Tribunal and the procedural rules applicable to cases before the Tribunal.

135. On 1 and 2 June 2023, a workshop was organized in Nice, France, by the Tribunal, in cooperation with the Institute for Peace and Development at Côte d'Azur University and with the financial support of Cyprus, France and the Korea Maritime Institute, on the theme of "The role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea". The workshop was attended by representatives of Algeria, Bosnia and Herzegovina, Croatia, France, Italy, Malta, Montenegro, Morocco, Slovenia and the European Union.

**D. Summer academy**

136. The International Foundation for the Law of the Sea held the fifteenth summer academy on the Tribunal's premises from 30 July to 25 August 2023. An open event entitled "Regional Approaches to the Law of the Sea" was held in the second week of the academy. A total of 40 participants from 29 countries attended lectures on issues relating to the law of the sea and maritime law. The lectures were given by judges of the Tribunal and the Registrar, as well as by experts, practitioners, representatives of international organizations and scientists.

**E. Workshop for legal advisers (sponsored by the Republic of Korea)**

137. The Tribunal, with the financial support of the Republic of Korea (see para. 102), held the second workshop for legal advisers on international dispute settlement in matters pertaining to the law of the sea, at the seat of the Tribunal, from 2 to 7 July 2023. The aim of the workshop was to familiarize legal advisers, in particular from developing countries, with the dispute settlement mechanisms under the Convention and provide insight into the Tribunal's procedure and practice. The second workshop was designed for legal advisers



from African States. Representatives from the following 21 States participated in the workshop: Angola, Botswana, Cameroon, Comoros, Congo, Democratic Republic of the Congo, Equatorial Guinea, Eswatini, Gabon, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe. The lectures were given by the President and Vice-President of the Tribunal, judges of the Tribunal and the Registrar, as well as experienced international adjudication practitioners and leading academics in the field.

## Annex I

## Information on staff (2023)

## A. Professional and higher categories

<i>Name</i>	<i>Title</i>	<i>Country of nationality</i>	<i>Level of post</i>	<i>Level of incumbent</i>
Hinrichs Oyarce, Ximena	Registrar	Chile	ASG	ASG
Ollivier, Antoine	Deputy Registrar	France	D-2	D-2
Füracker, Matthias	Senior Legal Officer, Head of Legal Office	Germany	P-5	P-5
Gaultier, Léonard	Senior Translator/Reviser, Head of Linguistic Services	France	P-5	P-5
Mizerska-Dyba, Elzbieta	Head of Library and Archives	Poland	P-4	P-4
Gbadoe, Alfred	Information Systems Officer	Germany	P-4	P-4
Ritter, Roman	Head of Budget and Finance	Germany	P-4	P-4
Burke, Naomi	Legal Officer	Ireland	P-4	P-4
Pak, Joomi	Translator/Reviser (English)	France	P-4	P-4
Benatar, Marco	Legal Officer	South Africa	P-4	P-3
Vacant	Head of Personnel and Building		P-4	
Vacant	Legal Officer		P-3	
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Ritter, Julia	Press Officer <sup>a</sup>	United Kingdom	P-2	P-2
Buergers-Vereshchak, Svitlana	Associate Administrative Officer (Contributions/Budget)	Ukraine	P-2	P-2
Berberovic, Dejan	Associate Archivist	Bosnia and Herzegovina	P-2	P-2
Steenkamp, Robert	Associate Press Officer <sup>a</sup>	South Africa	P-2	P-2
Bothe, Andreas	Building Facilities Management and Security Officer	Germany	P-2	P-2
De Herdt, Sandrine	Associate Legal Officer	Burkina Faso	P-2	P-2

*Abbreviations:* ASG, Assistant Secretary-General.

*Note:* Number of posts totals 18.

<sup>a</sup>Fifty per cent part-time post.

**B. General Service**

<i>Name</i>	<i>Title</i>	<i>Country of nationality</i>	<i>Level of post</i>	<i>Level of incumbent</i>
Egert, Anke	Publications/Personal Assistant (Registrar)	Germany	G-7	G-7
Winkelmann, Jacqueline	Administrative Assistant (Procurement)	Germany	G-7	G-7
Mba, Patrice	Information Systems Assistant	Cameroon	G-7	G-7
Albiez, Berit	Linguistic Assistant/Judiciary Support	Germany	G-7	G-7
Goldhagen, Sylvia	Personal Assistant (President)	Germany	G-7	G-7
Rabe, Nicolai	Building Coordinator	Germany	G-7	G-6
Naegler, Thorsten	Finance Assistant	Germany	G-6	G-6
Karanja, Elizabeth	Administrative Assistant	Kenya	G-6	G-6
Koch, Béatrice	Legal Assistant	France	G-6	G-6
Bartlett, Emma	Personnel Assistant	United Kingdom	G-6	G-6
Heim, Svenja	Library Assistant	Germany	G-6	G-6
Gomez Ramirez, Sebastian	Administrative Assistant (Finance)	Germany	G-6	G-6
Rouault, Stéphanie	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Fusiek, Christoph	Finance Assistant (Accounts Payable)	Germany	G-5	G-5
Schneider, Inga	Administrative Assistant <sup>a</sup>	Germany	G-5	G-5
Fislage, Sylvie	Personal Assistant (Deputy Registrar)	France	G-5	G-5
Banerjee, Mita	Administrative Assistant	Germany	G-5	G-5
Duddek, Sven	Senior Security/Administrative Assistant	Germany	G-5	G-5
Aziamble, Papagne	Senior Security/Administrative Assistant	Togo	G-5	G-5
Ntinugwa, Chuks	Security/Administrative Assistant	Germany	G-4	G-4

*Note:* Number of posts totals 20.

<sup>a</sup>Eighty per cent part-time post for the period from 1 January 2021 to 30 September 2023.

**Annex II**

**List of donors to the Library of the International Tribunal for the Law of the Sea as at 31 December 2023**

Valérie Boré Eveno, Centre de droit maritime et océanique, Nantes Université, France

Corte Interamericana de Derechos Humanos, San José, Costa Rica

Alexander Ehrle, Berlin, Germany

Leopoldo M. A. Godio, Facultad de Derecho, Departamento de Derecho Público, Universidad de Buenos Aires, Argentina

International Court of Justice, The Hague, Netherlands

Japanese Society of International Law, Tokyo, Japan

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María Belén Sánchez Ramos, Facultad de Derecho, Universidade de Vigo, Ourense, Spain

Walther Schücking Institut für Internationales Recht an der Universität Kiel, Kiel, Germany

Zhang, Xinjun, Professor of International Law, School of Law, Tsinghua University, Beijing, China

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