



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



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Aerial view of the building



The main entrance

## **THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA**

The International Tribunal for the Law of the Sea (ITLOS) is an independent judicial body established by the 1982 United Nations Convention on the Law of the Sea. It has jurisdiction over any dispute concerning the interpretation or application of the Convention, and over all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal. Disputes relating to the Convention may concern the delimitation of maritime zones, navigation, conservation and management of the living resources of the sea, protection and preservation of the marine environment and marine scientific research.

The Tribunal is open to States Parties to the Convention. Entities other than States Parties, such as state enterprises and private entities, may also have access to the Tribunal in any case expressly provided for in Part XI of the Convention, which deals with the regime of seabed mining, or in any case submitted pursuant to any other agreement conferring jurisdiction on the Tribunal.

**See insert: States Parties**

## **THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

The Convention provides a comprehensive legal framework for all activities taking place in the oceans. It sets out obligations to protect and preserve the marine environment and defines the legal regime of the territorial sea, the exclusive economic zone, the continental shelf and the high seas, as well as that of the "Area", referring to the seabed area beyond the limits of national jurisdiction.

Part XV of the Convention lays down a mechanism for the compulsory settlement of disputes concerning the interpretation and application of its provisions, establishing the International Tribunal for the Law of the Sea as a central forum for the peaceful settlement of law of the sea related disputes.



Ceremonial inauguration of the Tribunal, 18 October 1996



Opening of the Headquarter Building, 3 July 2000

## ITLOS TIMELINE

### **3 December 1973, New York**

Opening of the Third United Nations Conference on the Law of the Sea, during which the Convention is drafted. The conference is held over nine years in New York, Geneva and Caracas.

### **22 September 1980, New York**

The name for the adjudicatory body created by the Convention is agreed and becomes the "International Tribunal for the Law of the Sea".

### **21 August 1981, New York**

Hamburg is chosen as the seat of the Tribunal by the conference.

### **30 April 1982, New York**

The Convention is adopted by the United Nations General Assembly.

### **10 December 1982, Montego Bay**

The Convention opens for signature.

### **16 November 1994, New York**

The Convention enters into force.

### **1 August 1996, New York**

Election of the first 21 Judges by the 5<sup>th</sup> Meeting of States Parties to the Convention.

### **18 October 1996, Hamburg**

Ceremonial inauguration of the Tribunal in the presence of the Secretary-General of the United Nations, Dr Boutros Boutros-Ghali, who thereafter lays the foundation stone for the new premises.

### **13 November 1997, Hamburg**

The first case is submitted to the Tribunal, *The M/V "SAIGA" Case (Saint Vincent and the Grenadines v. Guinea)*, *Prompt Release*.

### **3 July 2000, Hamburg**

Official opening of the new headquarters of the Tribunal in the presence of the Secretary-General of the United Nations, Mr Kofi Annan.



ITLOS Judges (2016)



Entrance hall



## ORGANIZATION

The Tribunal is composed of 21 Judges elected by the States Parties to the Convention, and is assisted by the Registry, an international secretariat. The seat of the Tribunal is in Hamburg, Germany. Its official working languages are English and French.

### **The Judges**

The Judges are elected, for renewable terms of nine years, by the States Parties to the Convention, from among persons enjoying the highest reputation for fairness and integrity and possessing recognised competence in the law of the sea. To ensure continuity, elections of one third of the Judges take place every three years.

The bench represents the principal legal systems of the world together with an equitable geographical distribution of members from among the five geographical groups established by the General Assembly of the United Nations (African States, Asian States, Eastern European States, Latin American and Caribbean States, Western European and Other States).

No two Judges may be nationals of the same State. If the Tribunal, or a chamber of the Tribunal, does not include a judge of the nationality of a party to the dispute, that party may choose a person to sit as a judge (judge *ad hoc*).

**See insert: Judges**

### **The President**

The President and Vice-President are elected by the Judges of the Tribunal for a period of three years and may be re-elected. The President presides at all meetings of the Tribunal, directs the judicial work of the Tribunal, supervises its administration and represents it in its relations with States and other entities.

### **The Registry**

The Registry is an international secretariat which provides legal, administrative, financial, library, conference and information services and is composed of an international staff recruited by the Tribunal.

### **The Registrar**

The Registrar is the head of the Registry and is elected by the Judges of the Tribunal for a renewable term of five years. The Registrar is responsible for all legal and administrative work, including the administration of the Tribunal's accounts and finances, and is the regular channel of communications to and from the Tribunal. He/she is assisted by a Deputy Registrar.



*The “Arctic Sunrise” Case (Kingdom of the Netherlands v. Russian Federation), Provisional Measures*



*Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area (Request for Advisory Opinion submitted to the Seabed Disputes Chamber)*

## **JURISDICTION**

The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with the Convention. It also includes all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal. The Tribunal has jurisdiction to deal with disputes (contentious jurisdiction) and legal questions (advisory jurisdiction) submitted to it.

### **Contentious jurisdiction**

The Tribunal has jurisdiction over all disputes concerning the interpretation or application of the Convention, subject to the provisions of article 297 and to the declarations made in accordance with article 298 of the Convention. Article 297 and declarations made under article 298 of the Convention do not prevent parties from agreeing to submit to the Tribunal a dispute otherwise excluded from the Tribunal's jurisdiction under these provisions.

The Tribunal also has jurisdiction over all disputes and all applications submitted to it pursuant to the provisions of any other agreement conferring jurisdiction on the Tribunal. A number of multilateral agreements conferring jurisdiction on the Tribunal have been concluded to date, for example the United Nations Fish Stocks Agreement and the Nairobi International Convention on the Removal of Wrecks.

The Tribunal has compulsory jurisdiction by virtue of the Convention in two instances: proceedings relating to the prompt release of vessels and crews and proceedings for the prescription of provisional measures pending the constitution of an arbitral tribunal. The Seabed Disputes Chamber also has compulsory jurisdiction over disputes with respect to activities in the Area.

### **Advisory jurisdiction**

Under article 191 of the Convention, the Seabed Disputes Chamber is competent to give an advisory opinion on legal questions arising within the scope of the activities of the Assembly or Council of the International Seabed Authority.

The Tribunal may also give advisory opinions when required to do so on the basis of international agreements related to the purposes of the Convention.

**See insert: list of cases**

### **Decisions of the Tribunal**

Urgent proceedings in provisional measures cases and in prompt release cases are generally completed within thirty days while judgments in cases on the merits and advisory opinions are usually rendered within a period of about two years. The Tribunal's decisions are final and binding.

***The M/V "SAIGA" Case and The M/V "SAIGA" No.2 Case  
(Saint Vincent and the Grenadines v. Guinea)***

On 13 November 1997, Saint Vincent and the Grenadines filed an application against Guinea for the prompt release of the oil tanker M/V SAIGA, its cargo and crew. The ship, flying the flag of Saint Vincent and the Grenadines, had been arrested for bunkering fishing vessels off the coast of Guinea. On 4 December 1997, the Tribunal delivered its Judgment and ordered the release of the vessel and crew upon the posting of a security, consisting of the value of its gasoil cargo and a bond of US\$ 400,000.

On 20 February 1998, the Governments of Saint Vincent and the Grenadines and Guinea agreed to submit the merits of their dispute concerning the M/V SAIGA to the Tribunal. The case involved issues relating to, *inter alia*, the jurisdiction of the coastal State in its exclusive economic zone, freedom of navigation, enforcement of customs laws, bunkering of vessels and the right of hot pursuit.



The Judgment was delivered on 1 July 1999. The Tribunal decided that Guinea had violated the rights of Saint Vincent and the Grenadines under the United Nations Convention on the Law of the Sea by arresting and detaining the M/V SAIGA and its crew, and that Guinea should pay compensation to Saint Vincent and the Grenadines in the sum of US\$ 2,123,357.

***Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures***

On 5 September 2003, a request for the prescription of provisional measures was submitted by Malaysia against Singapore, pending the constitution of an arbitral tribunal to be established under Annex VII of the United Nations Convention on the Law of the Sea. The dispute concerned land reclamation activities carried out by Singapore that allegedly impinged upon Malaysia's rights in and around the Straits of Johor, which separate the island of Singapore from Malaysia.

The Tribunal delivered its Order on 8 October 2003. It took the view that the land reclamation works might have adverse effects on the marine environment in and around the Straits of Johor. For that reason, the Tribunal considered that prudence and caution required Malaysia and Singapore to establish mechanisms for exchanging information on the land reclamation work and assessing its effects. It ordered the parties to establish a group of independent experts to prepare a report on the effects of the activities. The Tribunal directed Singapore not to conduct its land reclamation activities in ways that might cause irreparable prejudice to the rights of Malaysia, or serious harm to the marine environment, and also decided that the parties should submit a report by 9 January 2004 on their compliance with the provisional measures ordered.

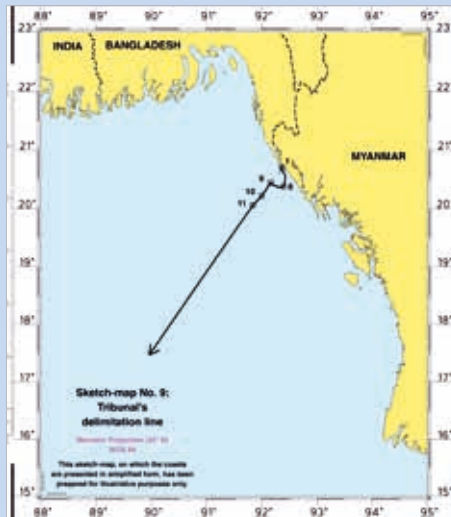


On 26 April 2005, Malaysia and Singapore settled their dispute by signing an appropriate agreement. On 1 September 2005, a final arbitral award was made in the case in accordance with the terms specified in the settlement agreement. The provisional measures ordered by the Tribunal in 2003 were instrumental in bringing the parties together and providing a successful diplomatic solution to the dispute.



***Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)***

On 14 December 2009, proceedings were instituted before the Tribunal in a dispute relating to the delimitation of the maritime boundary in the Bay of Bengal between Bangladesh and Myanmar. All written pleadings were filed by July 2011 and the hearing took place in September 2011. The Judgment in the case was delivered on 14 March 2012, a little more than two years after the proceedings were instituted.



The dispute concerned the delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal with respect to the territorial sea, the exclusive economic zone and the continental shelf. It was the Tribunal's first maritime delimitation case and the first case in which a court or tribunal delimited the continental shelf beyond 200 nautical miles.

In its judgment the Tribunal had to decide a number of issues, including: whether or not there was an agreement between the Parties on the delimitation of the territorial sea; and the method (angle-bisector or equidistance/relevant circumstances) to be applied in delimiting the exclusive economic zone and the continental shelf within 200 nautical miles. In addition, the Tribunal had to address the question of its jurisdiction to delimit the continental shelf beyond 200 nautical miles and to determine the delimitation method to be employed for that area.

## PROCEDURE

Proceedings are instituted before the Tribunal by notification of a special agreement or by written application. A written application may be submitted to the Tribunal on the basis of an agreement between the parties to the dispute, in cases of compulsory jurisdiction of the Tribunal or pursuant to declarations made by the parties in accordance with article 287 of the Convention. When they sign, ratify or accede to the Convention, States are free to make a declaration under article 287 of the Convention, by which they choose one or more of the following means for the settlement of disputes: the International Tribunal for the Law of the Sea, the International Court of Justice, an arbitral tribunal or a special arbitral tribunal. If States choose the Tribunal, the Tribunal is competent to deal with disputes involving those States. In the absence of such agreement, parties may nevertheless decide to transfer the dispute to the Tribunal by way of a special agreement.

The procedure to be followed for the conduct of cases submitted to the Tribunal is defined in the Statute of the Tribunal (Annex VI to the Convention) and the Rules of the Tribunal. Further information concerning the procedure can be found in 'A Guide to Proceedings before the International Tribunal for the Law of the Sea', which is available on the Tribunal's website.

## CHAMBERS

Apart from the specific case of the Seabed Disputes Chamber, the rule is that all disputes are dealt with by the Tribunal as a full court, in accordance with paragraph 3 of article 13 of the Statute of the Tribunal. Disputes may however be referred to a chamber if both parties so agree. The following chambers have been established:

- **Seabed Disputes Chamber**

As a special entity within the Tribunal, the Seabed Disputes Chamber has exclusive jurisdiction in disputes with respect to activities in the Area and may give advisory opinions at the request of the International Seabed Authority. The Chamber is open to States Parties and private entities sponsored by them conducting activities in the Area and to the International Seabed Authority.

- **Chamber of Summary Procedure**
- **Chamber for Fisheries Disputes**
- **Chamber for Marine Environment Disputes**
- **Chamber for Maritime Delimitation Disputes**

- ***Ad hoc* chambers**

If parties so request, the Tribunal may establish *ad hoc* chambers to deal with a particular dispute. The composition of such chambers is determined by the Tribunal with the approval of the parties. Such *ad hoc* chambers, composed of five judges, have been constituted in the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Union)* and the *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*.





*Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*



*Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC)  
(Request for Advisory Opinion submitted to the Tribunal)*

## **RELATIONSHIP WITH THE UNITED NATIONS**

Although the Tribunal was established by a United Nations convention, it is not an "organ" of the United Nations. Even so, it maintains close links with the United Nations and in 1997 the Tribunal concluded an agreement on cooperation and relationship with the United Nations. Since 1996 the Tribunal has had observer status with the General Assembly, enabling it to participate in meetings and the work of the United Nations General Assembly when matters of relevance to the Tribunal are being considered. The President addresses the General Assembly every year when law of the sea is discussed. The Tribunal has also concluded an agreement with the United Nations in order to allow its staff members to have recourse to the United Nations Appeals Tribunal in administrative matters, and in 2016 the Tribunal became a participant in the International Civil Service Commission, an independent body established by the United Nations General Assembly to regulate and coordinate the conditions of service of staff in the United Nations common system.

## **BUDGET AND FINANCES OF THE TRIBUNAL**

The budget of the Tribunal is funded by contributions of the States Parties to the Convention. The contributions are calculated according to the scale of assessment of the United Nations, which reflects the size of the economy of the States Parties concerned.

States Parties which are parties to cases before the Tribunal do not incur any court fees or charges. Developing States which are parties to a dispute before the Tribunal may qualify for financial assistance to help them cover lawyers' fees or the cost of travel and accommodation for their delegation during the oral proceedings in Hamburg. This assistance is available through a voluntary trust fund established by the United Nations General Assembly and maintained by the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the United Nations Office of Legal Affairs.

## **FACILITIES**

The Tribunal's premises, which include a modern building as well as a nineteenth-century villa, are provided by the Federal Republic of Germany free of rent. The main courtroom, used for plenary sittings of the Tribunal and of the Seabed Disputes Chamber, seats up to 250 people, while two smaller courtrooms are available for sittings of the chambers of the Tribunal. Each courtroom is equipped with audio-visual and overhead projecting equipment, videoconferencing facilities and interpretation booths.

The Tribunal maintains a specialised library with a comprehensive collection on the law of the sea and related subjects such as maritime law, environmental law, ocean affairs, coastal management, international organizations, dispute settlement, arbitration, and general issues of public international law. The Library's facilities include a main library containing the monograph collection, a library annex containing the serials and periodicals collection, and a reading room.



External view of the courtroom and the south wing of the building



The main library

## **TRAINING**

### **Regional Workshops**

The Tribunal organises regional workshops in order to provide government experts working in the maritime field with insight into the procedures for the peaceful settlement of disputes related to the law of the sea, as enshrined in the Convention, with special attention given to the jurisdiction of the Tribunal and the procedure for bringing disputes before it.

### **Internship Programme**

Approximately twenty internships are available each year for students and recent graduates of law, international relations, public relations, political science, library science and translation. Internships run for three months. Through assignment to one of the Tribunal's departments, participants acquire an understanding of the work and functions of the Tribunal, and conduct research on a topic related to the work of the Tribunal.

### **ITLOS/Nippon Capacity-Building and Training Programme**

The ITLOS/Nippon capacity-building and training programme on dispute settlement under the Convention is designed to provide government officials and researchers with advanced legal training in international dispute settlement under the Convention.

Lectures, case studies and training in negotiation and mediation and in the delimitation of maritime areas enable participants to gain a deeper understanding of the dispute-settlement mechanisms available under the Convention. Upon completion of the training programme, participants are expected to have acquired the necessary knowledge and skills to provide legal and expert advice to their governments on the various mechanisms of dispute settlement under the Convention, and on the implementation of the Convention in their home countries.

### **International Foundation for the Law of the Sea Summer Academy**

The International Foundation for the Law of the Sea runs an annual four-week Summer Academy at the seat of the Tribunal for students of both international law of the sea and maritime law, bringing together members of the Tribunal, professors and professionals from the fields of law of the sea and maritime law, and a group of highly motivated participants from around the world.

## **WHERE TO FIND ADDITIONAL INFORMATION**

Additional information may be obtained either from the website of the Tribunal ([www.itlos.org](http://www.itlos.org)) or from the Press Office ([press@itlos.org](mailto:press@itlos.org)).



Regional Workshop, Bali



ITLOS/Nippon Capacity-Building and Training Programme lecture

