



## 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 2022

### Contents

	<i>Page</i>
I. Introduction .....	3
II. Organization of the Tribunal .....	3
III. Chambers .....	4
A. Seabed Disputes Chamber .....	4
B. Special chambers .....	4
IV. Committees .....	5
A. Committee on Budget and Finance .....	5
B. Committee on Rules and Judicial Practice .....	5
C. Committee on Staff and Administration .....	5
D. Committee on Library, Archives and Publications .....	5
E. Committee on Buildings and Electronic Systems .....	6
F. Committee on Public Relations .....	6
V. Meetings of the Tribunal .....	6
VI. Judicial work of the Tribunal .....	6
A. <i>Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)</i> .....	6
B. <i>The M/T “Heroic Idun” Case (Marshall Islands v. Equatorial Guinea), Prompt Release</i> .....	8
C. <i>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)</i> .....	9

\* SPLOS/33/L.1.



VII.	Legal matters . . . . .	9
A.	Jurisdiction of the Tribunal . . . . .	10
B.	Recent developments in law of the sea matters . . . . .	10
C.	Chambers . . . . .	10
VIII.	Response to the coronavirus disease pandemic . . . . .	10
IX.	Agreement on Privileges and Immunities . . . . .	10
X.	Relations with the United Nations . . . . .	10
XI.	Headquarters Agreement . . . . .	11
XII.	Finances . . . . .	11
A.	Budgetary matters . . . . .	11
B.	Status of contributions . . . . .	12
C.	Financial Regulations and Rules . . . . .	12
D.	Report of the external auditor for the financial period 2021 . . . . .	13
E.	Trust funds and donations . . . . .	13
XIII.	Administrative matters . . . . .	14
A.	Staff Regulations and Staff Rules . . . . .	14
B.	Staff recruitment . . . . .	14
C.	Junior Professional Officer programme . . . . .	15
D.	Staff Pension Committee . . . . .	15
E.	Language classes at the Tribunal . . . . .	16
XIV.	Buildings and electronic systems . . . . .	16
A.	Building arrangements and new requirements . . . . .	16
B.	Use of the premises and public access . . . . .	16
XV.	Library facilities and archives . . . . .	16
XVI.	Publications . . . . .	16
XVII.	Public relations . . . . .	17
XVIII.	Capacity-building activities . . . . .	17
A.	Internship programme . . . . .	17
B.	Capacity-building and training programme . . . . .	17
C.	Regional workshops . . . . .	18
D.	Summer academy . . . . .	18
E.	Workshop for legal advisers (sponsored by the Republic of Korea) . . . . .	18
Annexes		
I.	Information on staff (2022) . . . . .	19
II.	List of donors to the Library of the International Tribunal for the Law of the Sea as at 31 December 2022 . . . . .	21

## 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 2022.

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. Since 1 October 2020, 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>		
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 Verduzco	Mexico	30 September 2023
Óscar Cabello Sarubbi	Paraguay	30 September 2026
Neeru Chadha	India	30 September 2026
Kriangsak Kittichaisaree	Thailand	30 September 2026
Roman A. Kolodkin	Russian Federation	30 September 2026
Liesbeth Lijnzaad	Netherlands (Kingdom of the)	30 September 2026
María Teresa Infante Caffi	Chile	30 September 2029

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
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

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

### III. Chambers

#### A. Seabed Disputes Chamber

6. 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. As at 31 December 2022, the composition of the Chamber, in order of precedence, was as follows: Judge Chadha, President; Judges Jesus, Bouguetaia, Paik, Gómez-Robledo, Cabello Sarubbi, Kittichaisaree, Kolodkin, Lijnzaad, Duan and Brown, members.

7. The terms of office of the members of the Chamber expire on 30 September 2023.

#### B. Special chambers

##### 1. Chamber of Summary Procedure

8. The Chamber of Summary Procedure was established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. The Chamber is constituted annually. As at 31 December 2022, the composition of the Chamber, in order of precedence, was as follows: Judge Hoffmann, President (ex officio); Vice-President Heidar (ex officio) and Judges Kateka, Kolodkin and Lijnzaad, members; Judges Kulyk and Caracciolo, alternates.

##### 2. Chamber for Fisheries Disputes

9. On 20 February 1997, the Tribunal established the Chamber for Fisheries Disputes in accordance with article 15, paragraph 1, of the Statute. As at 31 December 2022, 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.

10. The terms of office of the members of the Chamber expire on 30 September 2023.

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

11. On 20 February 1997, the Tribunal established the Chamber for Marine Environment Disputes in accordance with article 15, paragraph 1, of the Statute. As at 31 December 2022, 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.

12. The terms of office of the members of the Chamber expire on 30 September 2023.

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

13. On 16 March 2007, the Tribunal established the Chamber for Maritime Delimitation Disputes in accordance with article 15, paragraph 1, of the Statute. As at 31 December 2022, the composition of the Chamber, in order of precedence, was as follows: Judge Hoffmann, President (ex officio); Vice-President Heidar (ex officio) and Judges Pawlak, Kulyk, Chadha, Lijnzaad, Infante Caffi, Duan and Caracciolo, members.

14. The terms of office of the members of the Chamber expire on 30 September 2023.

### **IV. Committees**

15. On 22 September 2022, during the fifty-fourth session, the Tribunal reconstituted its committees. The composition of the committees is provided in paragraphs 16 to 21 below.<sup>1</sup>

#### **A. Committee on Budget and Finance**

16. The members of the Committee on Budget and Finance are Judge Yanai, Chair; Judges Jesus, Pawlak, Bouguetaia, Kulyk, Cabello Sarubbi, Chadha, Lijnzaad and Duan, members.

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

17. The members of the Committee on Rules and Judicial Practice are President Hoffmann, Chair; Vice-President Heidar and Judges Pawlak, Yanai, Kateka, Paik, Chadha (ex officio), Kittichaisaree, Kolodkin and Kamga, members.

#### **C. Committee on Staff and Administration**

18. The members of the Committee on Staff and Administration are Judge Lijnzaad, Chair; Judges Jesus, Kulyk, Chadha, Infante Caffi and Caracciolo, members.

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

19. The members of the Committee on Library, Archives and Publications are Judge Kolodkin, Chair; Judges Attard, Gómez-Robledo, Kittichaisaree, Infante Caffi and Kamga, members.

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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.

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

20. The members of the Committee on Buildings and Electronic Systems are Judge Cabello Sarubbi, Chair; Judges Kateka, Attard, Duan, Brown and Caracciolo, members.

## **F. Committee on Public Relations**

21. The members of the Committee on Public Relations are Judge Paik, Chair; Judges Pawlak, Bouguetaia, Gómez-Robledo and Brown, members.

## **V. Meetings of the Tribunal**

22. In 2022, the Special Chamber of the Tribunal constituted to deal with the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)* held several judicial meetings in relation to the case. It met on 7 September 2022 and again on 13 and 14 October for deliberations in advance of the oral proceedings, which took place from 17 to 24 October. Further deliberations were held from 1 to 10 November after the oral proceedings were completed.

23. The Tribunal also held two sessions devoted to legal and judicial matters and organizational and administrative matters. The fifty-third session was held from 21 March to 1 April 2022 and the fifty-fourth session from 19 to 30 September.

24. The Tribunal decided to hold its fifty-fifth session from 20 to 31 March 2023, to deal with 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)***

25. On 24 September 2019, 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.

26. 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 Maldives) and a judge ad hoc to be chosen by Mauritius, members. Mauritius subsequently chose Nicolaas Schrijver to serve as judge ad hoc.

27. 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 Maldives and reserved the subsequent procedure for further decision.

28. On 18 December 2019, within the time limit set under article 97, paragraph 1, of the Rules, 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.

29. 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.

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

31. 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 Maldives. The memorial and the counter-memorial were filed within the time limits so prescribed.

32. By order dated 15 December 2021, the President of the Special Chamber, taking into account the agreement of the parties, 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 Maldives. These pleadings were also filed within the prescribed time limits.

33. By order dated 18 August 2022, the President of the Special Chamber, having ascertained the views of the parties, fixed 17 October 2022 as the date for the opening of the oral proceedings.

34. Prior to the opening of the oral proceedings, the Special Chamber held initial deliberations on 13 and 14 October 2022, in accordance with article 68 of the Rules. 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 the claim of Mauritius 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 World Geodetic System (WGS) 1984 datum) are set out on pages 54 and 55 of the reply of Mauritius.

*On behalf of 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

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<sup>2</sup> A summary of the judgment on the 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).

pleadings, the Republic of Maldives requests the Special Chamber to adjudge and adjudge that:

- (a) The claim of Mauritius to a continental shelf beyond 200 miles 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 points 1 to 46, as set out in the rejoinder of Maldives, on pages 69 and 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 mile limit measured from the baselines of Maldives as set out in the rejoinder of Maldives, on 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 rejoinder of Maldives, on page 70, until it reaches the edge of the entitlement of Maldives to a continental shelf beyond 200 miles 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).

35. After the closure of the oral proceedings, the Special Chamber met for deliberations from 1 to 10 November 2022.

## **B. *The M/T “Heroic Idun” Case (Marshall Islands v. Equatorial Guinea), Prompt Release***

36. On 10 November 2022, the Marshall Islands submitted an application, under article 292 of the Convention, for the prompt release of the motor tanker *Heroic Idun*, a crude carrier flying the flag of the Marshall Islands, and of its 26 crew members.

37. According to the application, on 12 August 2022, while the *Heroic Idun* was in the exclusive economic zone of Sao Tome and Principe, it was approached by the Equatorial Guinean Navy vessel *Capitan David* and was asked to stop its engine. The *Heroic Idun* was instructed to follow the *Capitan David* to Malabo, where it was subsequently directed to the Luba anchorage, along the coast of Bioko Island, and detained there. It was stated in the application that the master and 14 crew members were disembarked and taken to a government-owned facility, while the remaining 11 crew members were detained on the vessel.

38. Pursuant to article 112, paragraph 3, of the Rules, the President of the Tribunal issued an order on 11 November 2022, fixing 24 November 2022 as the date for the opening of the public hearing.

39. By letter dated 14 November 2022, the agent of the Marshall Islands informed the Tribunal about recent developments concerning the *Heroic Idun* and its crew, stating: “Equatorial Guinea caused the vessel and her crew to be transferred into the jurisdiction, control and custody of Nigeria on 11 November 2022”. The agent further stated that “these developments have regrettably rendered moot the Marshall Islands prompt release application” and that, “as a result, the Marshall Islands is compelled to discontinue the proceedings”.

40. In the letter, the agent requested the Tribunal to “take this correspondence as a formal notification of discontinuance of the proceedings in question under article



106 (1) of the Rules of the Tribunal”. At the time at which this letter was filed, the Government of Equatorial Guinea had not taken any steps in the proceedings.

41. In accordance with article 106, paragraph 1, of the Rules, the President of the Tribunal issued an order on 15 November 2022, placing on record the discontinuance of the proceedings initiated on 10 November 2022 by the Marshall Islands against Equatorial Guinea and ordering the removal of the case from the list of cases.

**C. *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)***

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

What are the specific obligations of States parties to the United Nations Convention on the Law of the Sea, including under part XII, to:

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

43. 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 is authorized to request advisory opinions from the Tribunal on any legal question within the scope of the United Nations Convention on the Law of the Sea of 1982, consistent with article 21 of the Statute of the Tribunal and article 138 of its Rules.

44. By letter dated 12 December 2022, the Co-Chairs of the Commission transmitted the request for an advisory opinion to the Tribunal. 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.

45. On 16 December 2022, the President of the Tribunal adopted an order on the conduct of proceedings in the case and fixed 16 May 2023 as the time limit within which States parties to the Convention, the Commission and other intergovernmental organizations listed in the annex to the order may present written statements on the questions submitted to the Tribunal for an advisory opinion.

## **VII. Legal matters**

46. During the period under review, the Tribunal devoted part of its fifty-third and fifty-fourth 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. This review was undertaken by both the Tribunal and its chambers. Some of the subjects considered are listed below.

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

47. 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**

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

## **C. Chambers**

49. 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. Response to the coronavirus disease pandemic**

50. In the light of the new coronavirus disease (COVID-19)-related regulations in Hamburg, the Tribunal lifted the health and safety measures applicable at the Tribunal's premises since 2020, effective 2 May 2022.

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

51. 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 2022, 41 States had ratified or acceded to the Agreement.

# **X. Relations with the United Nations**

52. At its fifty-first session, the General Assembly, by its resolution [51/204](#) of 17 December 1996, granted observer status to the Tribunal.

53. On 8 December 2022, the President of the Tribunal delivered a statement at the plenary meeting of the General Assembly on the occasion of the fortieth anniversary of the adoption of the United Nations Convention on the Law of the Sea.<sup>4</sup> In his statement, he paid tribute to the prevailing spirit of appreciation of international law and cooperation between States that had led to the adoption of the Convention. He noted that the Tribunal, in the course of its history, had contributed to both the settlement of the disputes submitted to it and the development of the law of the sea across the range of legal issues covered by the Convention. He also offered remarks about the relevance of the Convention for dealing with new challenges and changing circumstances in the law of the sea and the role that may be played by the Tribunal in this regard. Other speakers at the event included the President of the General

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<sup>3</sup> [SPLOS/24](#), para. 27.

<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).

Assembly, Csaba Kőrösi; the Secretary-General of the United Nations, António Guterres; the Secretary-General of the International Seabed Authority, Michael Lodge; and the Chair of the Commission on the Limits of the Continental Shelf, Adnan Rashid Nasser Al-Azri.

54. On 9 December 2022, at a plenary meeting of the General Assembly, the President of the Tribunal delivered a statement under agenda item 72 (a), on oceans and the law of the sea.<sup>5</sup> In his statement, he gave an overview of the judicial work of the Tribunal and an update on the developments that 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 M/T “San Padre Pio” (No. 2) Case (Switzerland/Nigeria)* and *The M/T “Heroic Idun” Case (Marshall Islands v. Equatorial Guinea), Prompt Release*. He also provided information to the Assembly on the Tribunal’s capacity-building activities.

## **XI. Headquarters Agreement**

55. 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. 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.

56. 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, which will be fully operational as of January 2023.

## **XII. Finances**

### **A. Budgetary matters**

#### **1. Budget of the Tribunal for 2023–2024**

57. The budget proposals for the period 2023–2024 (SPLOS/32/5), approved by the Tribunal at its fifty-third session, were submitted to the thirty-second Meeting of States Parties. The proposals, involving an adjusted amount of 23,443,900 euros, were based on an evolutionary approach and guided by the principle of zero growth.

58. On 15 June 2022, the Meeting of States Parties adopted the budget for the period 2023–2024 in the amount of 23,443,900 euros, as proposed by the Tribunal.

#### **2. Report on budgetary matters for the financial period 2021**

59. At its fifty-third session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial period 2021 (SPLOS/32/3). Following consideration by the Tribunal, the report was submitted to the thirty-second Meeting of States Parties for its consideration. The report included the performance report for 2021 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–

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<sup>5</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).

2020; investment of Tribunal funds; and establishment of trust funds pursuant to regulation 6.5 of the Financial Regulations and Rules of the Tribunal).

### 3. Cash flow situation

60. At its fifty-third and fifty-fourth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

## B. Status of contributions

61. As at 31 December 2022, 124 States parties had made contributions to the budget for the period 2021–2022, totalling 23,168,577 euros, while 44 States parties had not made any payments with respect to their assessed contributions for the period 2021–2022. The balance of unpaid contributions with respect to the budget period 2021–2022 was 986,423 euros. An amount of 4,753,285 euros was credited against the assessed contributions for 2023.

62. Furthermore, assessed contributions amounting to 433,963 euros in respect of the Tribunal's budgets for the budget periods 1996/1997 to 2019–2020 were still pending as at 31 December 2022.

63. As at 31 December 2022, the balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to 1,420,386 euros. In July 2022, the Registrar sent notes verbales to the States parties concerning their assessed contributions for 2023 to the Tribunal's budget for the period 2023–2024 and containing information about outstanding contributions to the previous budgets.

## C. Financial Regulations and Rules

64. 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>6</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](#)).

65. 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>7</sup>

66. 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.

67. 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.

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<sup>6</sup> Financial Regulations, regulation 14.1.

<sup>7</sup> The Financial Regulations and Rules of the Tribunal are contained in document [SPLOS/120](#).

## D. Report of the external auditor for the financial period 2021

68. The results of the audit for the financial period 2021 were presented by the Registrar at the fifty-third session of the Tribunal. The Committee on Budget and Finance noted the auditor's opinion that the financial statements for the financial period 2021 had been prepared, in all material respects, in accordance with the Financial Regulations and Rules of the Tribunal. The Tribunal took note of the audit report for the financial period 2021 (SPLOS/32/4) and requested that the report be submitted to the thirty-second Meeting of States Parties. The thirty-second Meeting of States Parties took note with satisfaction of the report of the external auditor (SPLOS/32/15, para. 30).

## E. Trust funds and donations

69. 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 was 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 \$211,162.32 as at 31 December 2022.

70. 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.

71. The Nippon Foundation trust fund was established in 2007, further to a grant provided that year by the Nippon Foundation to fund the participation of fellows in a capacity-building and training programme on dispute settlement under the Convention. During the period 2007–2022, the Nippon Foundation made contributions to the trust fund in the amount of €3,590,240. As at 31 December 2022, the balance of net assets/equity stood at €100,606.

72. 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 and Korwind) were received between 2009 and 2021. During the financial period 2022, two contributions from the Korea Maritime Institute totalling 31,000 euros, a contribution from the Government of Cyprus in the amount of 15,000 euros, a contribution from the Government of France in the amount of 10,000 euros and a contribution from the Republic of Korea trust fund in the amount of 30,000 euros were received. As at 31 December 2022, the balance of net assets/equity stood at 282,320 euros.

73. 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 and \$200,000 in 2022. 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 a workshop, which was held on the premises of the Tribunal from 11 to 16 September 2022 (see para. 109). As at 31 December 2022, the balance of net assets/equity stood at 227,268 euros.

### **XIII. Administrative matters**

74. 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**

75. 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 Annex I to the Staff Regulations (salary scale for staff in the Professional and higher categories).

76. During the period under review, in the light of the recommendation of the Committee on Staff and Administration, the Tribunal took note of the amendments to the Staff Rules of the Tribunal concerning Appendix A (pensionable remuneration for staff in the Professional and higher categories), Appendix B (salary scale for staff in the General Service category) and Appendix G (education grant entitlement) to the Staff Rules. 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 2023.

#### **B. Staff recruitment**

77. In 2022, the Tribunal recruited staff members for the posts of Senior Translator/Reviser, Head of Linguistic Services (P-5), Head of Personnel and Building (P-4), English Translator/Reviser (P-4), Legal Officer (P-3), Building Facilities Management and Security Officer (P-2) and Personal Assistant to the President (G-7). At the end of 2022, recruitment was in progress for the post of Associate Legal Officer (P-2).

78. A list of the staff members of the Registry as at 31 December 2022 is contained in annex I to the present report.

79. Temporary personnel were recruited to assist the Tribunal during its fifty-third and fifty-fourth sessions and during the deliberations in case No. 28.

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

81. 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.

82. 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 (Twitter, LinkedIn) and disseminated to United Nations Headquarters and the specialized agencies.

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

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

84. At 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 will be recruited under memorandums of understanding concluded between the Tribunal and participating States.<sup>8</sup> On 1 December 2022, a memorandum of understanding between the Tribunal and the Government of China concerning the Junior Professional Officer programme was signed.

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

85. 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.

86. 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).

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<sup>8</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).

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

87. English and French classes for Registry staff members were held in 2022.

## **XIV. Buildings and electronic systems**

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

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

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

89. The following events were held on the premises of the Tribunal during 2022:

(a) Inaugural workshop for legal advisers (sponsored by the Republic of Korea), from 11 to 16 September 2022 (see para. 109);

(b) International Foundation for the Law of the Sea summer academy, from 7 August to 2 September 2022.

90. Owing to the COVID-19 pandemic, access to the premises by the general public had been restricted since 19 March 2020. It was reinstated progressively from 1 April 2022, allowing the programme of in-person guided tours of the Tribunal to return to normal. In addition, virtual tours and presentations were offered to students and legal practitioners who were unable to travel to Hamburg.

## **XV. Library facilities and archives**

91. During the fifty-third and fifty-fourth 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.

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

## **XVI. Publications**

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

94. In 2022, the following volumes were published:

(a) *Pleadings, Minutes of Public Sitings and Documents 2019, vol. 29*;

(b) *Pleadings, Minutes of Public Sitings and Documents 2021, vol. 30*;

(c) *Pleadings, Minutes of Public Sitings and Documents 2021, vol. 31*;

(d) *Reports of Judgments, Advisory Opinions and Orders 2020–2021, vol. 19*;

(e) *Yearbook 2021, vol. 25*.



## **XVII. Public relations**

95. 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.

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

97. 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.

98. In 2022, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

## **XVIII. Capacity-building activities**

99. A number of capacity-building activities relating to the work of the Tribunal were conducted in 2022.

### **A. Internship programme**

100. 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 travel to Hamburg and participation in the programme. The trust fund for the Law of the Sea is currently used to provide financial assistance to interns.

101. As at 31 December 2022, a total of 405 interns from 106 States had participated in the programme, 172 of whom had received funding.

102. During 2022, 15 people from 14 States (Azerbaijan, Benin, Brazil, China, Côte d'Ivoire, France, Germany, India, Italy, North Macedonia, Philippines, Republic of Moldova, Singapore and Tunisia) served as interns at the Tribunal.

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

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

104. In 2022, for the sixteenth 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 capacity-building and training for fellows and 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 and the Tribunal's website.

105. Nationals of Bangladesh, Guinea-Bissau, India, Nigeria, Panama and Ukraine are currently participating in the 2022/23 programme (July 2022–March 2023).

### **C. Regional workshops**

106. 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.

107. On 2 and 3 June 2022, a workshop was organized in Malta by the Tribunal, in cooperation with the International Maritime Law Institute and with the financial support of Cyprus and the Korea Maritime Institute, on the theme “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 six States of the region: Albania, Cyprus, Egypt, Greece, Italy and Malta.

### **D. Summer academy**

108. The International Foundation for the Law of the Sea held the fourteenth summer academy on the Tribunal’s premises from 7 August to 2 September 2022, on the theme “Promoting ocean governance and the peaceful settlement of disputes”. A total of 40 participants from 30 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)**

109. The Tribunal, with the financial support of the Republic of Korea (see para. 73), held the first workshop for legal advisers on international dispute settlement in matters pertaining to the law of the sea, at the seat of the Tribunal, from 11 to 16 September 2022. 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 inaugural workshop was designed for legal advisers from South-East Asia and Pacific small island developing States. Representatives from the following 18 States participated in the workshop: Brunei Darussalam, Cambodia, Cook Islands, Fiji, Indonesia, Kiribati, Lao People’s Democratic Republic, Malaysia, Myanmar, Nauru, Papua New Guinea, Philippines, Singapore, Thailand, Timor-Leste, Tonga, Vanuatu and Viet Nam. 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 (2022)

#### 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
Savadogo, Louis	Legal Officer	Burkina Faso	P-4	P-4
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
Vorbeck, Antje	Head of Personnel and Building	Germany	P-4	P-3
Pak, Joomi	Translator/Reviser (English)	France	P-4	P-4
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Benatar, Marco	Legal Officer	South Africa	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
Vacant	Associate Legal Officer		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

*Abbreviation:* ASG, Assistant Secretary-General.

*Note:* Number of posts totals 18.

<sup>a</sup> 50 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>
Rabe, Nicolai <sup>a</sup>	Building Coordinator	Germany	G-7	G-7
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
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>b</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> As at 31 December 2022, on the basis of a temporary assignment.

<sup>b</sup> 80 per cent part-time post for the period from 1 January 2021 to 30 September 2023.

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## Annex II

### **List of donors to the Library of the International Tribunal for the Law of the Sea as at 31 December 2022**

Kingsley U. Ekwere, University of Uyo, Uyo, Nigeria

Inter-American Court of Human Rights, San José, Costa Rica

International Court of Justice, The Hague, Netherlands (Kingdom of the)

International and Comparative Law Research Center, Moscow, Russian Federation

International Law Association, Japan branch, Tokyo, Japan

Japanese Society of International Law, Tokyo, Japan

Eduardo Jiménez Pineda, University of Córdoba, Córdoba, Spain

Mareverlag, Hamburg, Germany

Declerc Mavinga Ndangi, Mavinga Declerc & Partners, Kinshasa, Democratic  
Republic of the Congo

Nico Schrijver, Leiden Law School, Leiden, Netherlands (Kingdom of the)

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

World Trade Organization, Geneva, Switzerland

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