30th Anniversary of the International Tribunal for the Law of the Sea

Hamburg, 25 September 2026

Statement by H.E. Judge Tomas Heidar
President of the International Tribunal for the Law of the Sea

Excellencies,

Distinguished guests,

Ladies and Gentlemen,

On 18 October 1996, the International Tribunal for the Law of the Sea held its inaugural session in the City Hall of Hamburg. Now, three decades later, it is an honour to address you all, on behalf of the Tribunal, to commemorate this event and to celebrate the Tribunal's 30th anniversary.

The history of the Tribunal began of course earlier, with the adoption, in 1982, of the United Nations Convention on the Law of the Sea. One of the Convention's key objectives, as stated in its preamble, is to establish "a legal order for the seas and oceans" as "an important contribution to the maintenance of peace, justice and progress for all peoples of the world". Part XV of the Convention, which deals with the settlement of disputes, plays a major role in the pursuit of this objective, in particular by providing a comprehensive system for compulsory dispute settlement based on international law. Within this system, the Tribunal was established as the central forum for the adjudication of disputes concerning the interpretation or application of the Convention. On this basis, as stated by the then Secretary-General of the United Nations, Mr Boutros Boutros-Ghali, at the inaugural sitting, the Tribunal assumed in

1996 its “important role … in the building of an international society governed by the Rule of Law.”[1]

The pursuit of international peace through justice has a long pedigree. In today’s world, it seems more necessary than ever. The state of contemporary international relations is marked by heavy political tensions, by unilateral action and by the recurrence of the use of force.

In such circumstances, there may be a temptation to disregard the relevance of international law and the institutions that uphold it. Yet, it is precisely in these circumstances that the usefulness of international law and its institutions becomes evident. International law provides a common language and a legal framework within which States can address global challenges in an effective, cooperative and peaceful manner. And it establishes mechanisms through which disputes can be resolved in accordance with law and justice.

Herein lies the value of permanent international courts and tribunals, which provide an independent forum in which legal questions can be addressed objectively, impartially and authoritatively. Thus, in today’s world, international courts and tribunals play a fundamental role in upholding the international legal system; supporting the work of international courts and tribunals means supporting the rule of international law itself.

Let me recall in this regard the words of Judge Thomas Mensah, the first President of the Tribunal, who stated at the inaugural session that the Tribunal “will serve the whole of humanity in its search for peace with justice”.[2] Over the past 30 years, the Tribunal has shown its commitment to fulfilling this mission.

In the first period of its existence, which we may think of as spanning approximately its first 15 years, the Tribunal forged its identity as an effective and expeditious forum for the settlement of international disputes relating to the law of the sea. As an initial step, the Tribunal created its organizational structure, including its

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[1] Speeches delivered at the inaugural session of the Tribunal on 18 October 1996, ITLOS/Press/2/Add.1 (18 October 1996), available at <https://www.itlos.org/fileadmin/itlos/documents/press_releases_english/press_release_2-Add.1_en.pdf> (visited 1 September 2026), p. 7.

[2] Speeches delivered at the inaugural session of the Tribunal on 18 October 1996, ITLOS/Press/2/Add.1 (18 October 1996), available at <https://www.itlos.org/fileadmin/itlos/documents/press_releases_english/press_release_2-Add.1_en.pdf> (visited 1 September 2026), p. 13.

Registry. It also laid down its Rules and established its working methods. During this process, it took stock of the practice of other international courts and tribunals, in particular the International Court of Justice. At the same time, the Tribunal made some adjustments, where necessary, to take account of its special role within the framework of the Convention and to ensure efficiency in the dispensation of justice.

Shortly thereafter, in November 1997, the Tribunal received its very first case, an application for the prompt release of the oil tanker *M/V "Saiga"* and its crew. The application was submitted by the flag State of the vessel, Saint Vincent and the Grenadines, against Guinea, which had detained the vessel. On 27 and 28 November 1997, the Tribunal held its first hearing, and on 4 December 1997, it delivered its first judgment, ordering the prompt release of the *M/V "Saiga"* and its crew against the posting of a bond.

The arrest and detention of vessels is a familiar issue under the law of the sea and, indeed, it is one that constitutes a recurring theme in the Tribunal's docket. In fact, the events surrounding the arrest and detention of the *M/V "Saiga"* led, soon after the prompt release judgment, to the Tribunal's first Judgment on the merits in *The M/V "SAIGA" (No. 2) Case*. This case raised fundamental questions of general international law and the law of the sea, including the genuine link between a vessel and its flag State, the legality of an arrest, the use of force, humanitarian considerations, and reparation for damage suffered from an internationally wrongful act. The Tribunal's Judgment in this case became a landmark decision that influenced many later cases dealing with the arrest and detention of vessels.

Moreover, during this first period, the Tribunal received several cases involving urgent proceedings, either concerning the prompt release of vessels and crews or the prescription of provisional measures. Pursuant to the Convention, such proceedings need to be handled swiftly, and the Tribunal demonstrated that it was fully capable of delivering its decisions within only a few weeks from receiving an application.

Through its decisions in prompt release cases, the Tribunal developed coherent jurisprudence on the key recurring aspects of such cases, including the factors for determining the reasonableness of a bond. In its Orders in provisional measures cases, the Tribunal addressed important matters relating to, for instance, the protection of the marine environment and the conservation of highly migratory fish

species. I should also mention that, in some provisional measures cases, the Tribunal, through its Orders, paved the way for the parties to reach an out-of-court settlement of their dispute.

At the turn of the 2010s, the Tribunal entered a new phase, its second period, which was one of growth, both in substantive and in procedural terms. The Tribunal was increasingly called upon to broach a wide array of questions lying at the core of the law of the sea. These questions ranged from maritime delimitation to the scope of the freedom of navigation, or from matters so diverse as the status of warships to the regulation of bunkering. Other important cases concerned the Convention's regime of the international seabed area and the conservation and management of living marine resources. Significantly, several of those questions were virtually unprecedented in international practice. Thus, the Tribunal was breaking new ground when, for example, as the first international judicial body, it delimited the continental shelf beyond 200 nautical miles in the *Bangladesh/Myanmar* case, while at the same time acknowledging the functions of the Commission on the Limits of the Continental Shelf on delineation matters. It was also a pioneer when it elaborated on the tools for combating illegal, unreported and unregulated fishing (IUU fishing) and thereby recognized, *inter alia,* the potential liability of flag States. Similarly, the Tribunal's Seabed Disputes Chamber dealt with novel legal issues relating to the responsibilities and obligations of States sponsoring activities in the international seabed area. In doing so, the Chamber addressed the direct and due diligence obligations of States arising in this regard as well as the extent of States' liability.

The Tribunal was thus called to navigate uncharted waters, and I think it is fair to say that it sailed through them with the appropriate circumspection and precision. Accordingly, it is no surprise that the jurisprudence developed during this period serves as a lodestar whenever the core pillars of the law of the sea are at play.

From a procedural perspective, the Tribunal consolidated its advisory jurisdiction during this second period, while also seeing a growing use of its procedural mechanisms, including preliminary objections and counterclaims. In several cases, *ad hoc* chambers of the Tribunal were constituted to deal with specific disputes. Very recently, for the first time in the history of the Convention, the contentious jurisdiction of the Seabed Disputes Chamber of the Tribunal was activated. Two cases were submitted to the Chamber by contractors of the International Seabed Authority against

the Authority, making them the first contentious cases before the Tribunal involving non-State actors as litigant parties.

I think it is safe to say that the Tribunal has thus without question emerged as a versatile forum for parties that seek guidance on the interpretation or application of the law of the sea.

The Tribunal has indeed established itself as the preferred forum for the settlement of law of the sea disputes under the Convention. As you know, under the dispute settlement system of the Convention, Annex VII arbitration is the default compulsory procedure where the parties' choices of forum do not coincide. However, in an increasing number of cases, such arbitral proceedings have been and continue to be transferred to the Tribunal by a special agreement of the Parties. Already early on in the Tribunal's initial phase, this had occurred for two cases.[3] The practice has subsequently become more prominent and the figures show a clear trend: since 2009, seven further arbitral proceedings have been transferred to the Tribunal or a special chamber of the Tribunal.[4] Thus, when the picture is viewed as a whole, it becomes apparent that most recent law of the sea disputes under the Convention have been adjudicated by the Tribunal.

Let me also highlight that we are now witnessing the dawn of a new era for the Tribunal. Profound political, environmental and economic changes have been causing turbulence across the law of the sea. The oceans are coming under increasing pressure: climate change, sea-level rise, marine pollution, biodiversity loss, unsustainable exploitation of marine resources, maritime security challenges, and the emergence of new maritime technologies. But the Tribunal remains ever ready to take on the topical issues that are brought before it through contentious and advisory proceedings.

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[3] *M/V "SAIGA" (No. 2) (Saint Vincent and the Grenadines* v. *Guinea)*; *Conservation and Sustainable Exploitation of Swordfish Stocks (Chile/European Community)*.

[4] *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*; *The M/V "Virginia G" Case (Panama/Guinea-Bissau)*; *Delimitation of the maritime boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire*; *Delimitation of the maritime boundary in the Indian Ocean (Mauritius/Maldives)*; *M/T "San Padre Pio" (No. 2) (Switzerland/Nigeria)*; *M/T "Heroic Idun" (No. 2) (Marshall Islands/Equatorial Guinea)*; *Dispute concerning delimitation of the maritime boundary between Ghana and Togo in the Gulf of Guinea (Ghana/Togo)*.

To take one example, let me refer you to the issue of climate change – along with its implications for the law of the sea – which was submitted to the Tribunal through a request for an advisory opinion just a few years ago. In its advisory opinion, the Tribunal tackled a number of important matters. For instance, it confirmed that anthropogenic greenhouse gas emissions into the atmosphere constitute pollution of the marine environment under the Convention, thus bringing climate change into the realm of the Convention. It also examined in detail and clarified the obligations of States Parties to the Convention to prevent, reduce and control marine pollution from such emissions and to protect and preserve the marine environment from climate change impacts and ocean acidification.

Ladies and Gentlemen,

In my remarks today, I can offer but a glimpse into the Tribunal's jurisprudence and its contribution to the international law of the sea. For those who wish to study the Tribunal's decisions further, the *Digest of Jurisprudence* published by the Tribunal is a helpful resource, and I am glad to note that it has just come out in its third edition on the occasion of the Tribunal's anniversary.

Let me also draw your attention to the two-day symposium, to be held at the Tribunal this coming weekend (26 and 27 September 2026), on "The International Law of the Sea at the 30th Anniversary of ITLOS: Developments and Challenges", co-organized by the International Foundation for the Law of the Sea and the Korea Maritime Institute.

Ladies and Gentlemen,

With three decades of experience, the Tribunal acts today with a sense of confidence, conviction and responsibility: confidence, that over the course of these years, it has emerged as the central forum for the interpretation and application of the Convention since most disputes under the Convention have been submitted to the Tribunal; conviction, that through its jurisprudence over this period, it has clarified the core principles of the law of the sea – an invaluable tool in addressing future challenges; and responsibility, in that, as the "guardian of the ocean", the Tribunal is fully prepared to continue its course in the face of ever-evolving circumstances, for the benefit of all "users of the law of the sea". And so, this anniversary finds the Tribunal standing firmly on the solid foundations it has laid and reinforced for the years ahead.

At the outset, I stated that supporting the work of international courts and tribunals means supporting the rule of international law itself. Therefore, on this occasion, allow me to acknowledge, once again, the unwavering support of Germany as host country of the Tribunal.

Ladies and Gentlemen,

Thirty years on, we can thus reflect on President Mensah's words at the inaugural session that the Tribunal will serve humanity in the quest for peace through justice. And today, we are able to renew this promise – emboldened by the experience of the past, the lessons of our jurisprudence, the strength of our institution and, above all, our resolute commitment to the rule of law.

Thank you for your attention.