



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

**PRESIDENT HOFFMANN'S STATEMENT TO THE
THIRTY-THIRD MEETING OF STATES PARTIES TO THE CONVENTION,
UNDERSCORING THE TRIBUNAL'S JUDICIAL WORK AND THE POTENTIAL
OF ADVISORY OPINIONS**

On 12 June 2023, Judge Albert Hoffmann, President of the International Tribunal for the Law of the Sea, presented the Tribunal's annual report to the thirty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea. In his statement, President Hoffmann provided information on the Tribunal's judicial work, organizational matters and capacity-building, and remarked on current developments relevant to the work of the Tribunal.

Concerning the Tribunal's judicial work, the President informed the Meeting that a Special Chamber of the Tribunal had delivered, on 28 April 2023, its unanimous Judgment in the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*. Recalling some of the important elements of the Judgment, the President stated that the Special Chamber first considered the delimitation of the exclusive economic zone and continental shelf within 200 nautical miles and then decided in this respect to apply the equidistant/relevant circumstances method. With regard to the location of base points on a low-tide elevation (or low-tide elevations), the President noted the findings of the Special Chamber that the selection of base points for the purpose of delimitation "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" (see Judgment, para. 152), and that, at the same time, international courts and tribunals have rarely placed base points on a low-tide elevation for the construction of the provisional equidistance line (see Judgment, para. 153). On the question of the delimitation of the continental shelf beyond 200 nautical miles, the President also noted the findings of the Special Chamber that its jurisdiction included the delimitation of any portion of the continental shelf beyond 200 nautical miles (see Judgment, para. 343), and that 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 because of significant uncertainty (see Judgment, para. 450). Following this finding, the Special Chamber decided, in the circumstances of the case, not to proceed to delimit the continental shelf between Mauritius and the Maldives beyond 200 nautical miles (see Judgment, para. 451).

The President then informed delegates that the Marshall Islands and Equatorial Guinea had agreed to transfer the arbitral proceedings instituted under Annex VII of the Convention in the dispute concerning the *M/T "Heroic Idun"* and her crew to a special chamber of the Tribunal, and that, by Order of 27 April 2023, the Tribunal accordingly constituted a special chamber composed of five members to deal with the dispute. Noting that the parties to both the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean* and *The M/T "Heroic Idun" (No. 2) Case* had decided to transfer proceedings initially instituted under Annex VII of the Convention to a special chamber of the Tribunal, the President expressed his view that this demonstrated both the flexibility of the Tribunal's procedures and the ability of the Tribunal to meet the needs of parties to a law of the sea dispute.

Looking ahead to a significant development regarding the Tribunal's judicial work, the President referred to the Request of the Commission of Small Island States on Climate Change and International Law ("the Commission") for the Tribunal to render an advisory opinion, which was filed on 12 December 2022 as Case No. 31. The President informed States that 16 June 2023 had been set as the time limit for the submission of written statements by States Parties, the Commission and designated intergovernmental organizations on the questions submitted by the Commission. He also informed delegates that oral proceedings were anticipated for later this year.

Turning to organizational matters, the President expressed his gratitude to the Government of Germany for the completion of the renovation work undertaken in the courtroom and deliberations room at the premises of the Tribunal. He noted that this work ensures that the Tribunal is equipped with the most modern technology in order to conduct proceedings as efficiently as possible.

The President emphasized the importance of raising widespread awareness of the Tribunal's role in the peaceful settlement of disputes through its capacity-building programmes. He informed the Meeting that the sixteenth edition of the Tribunal's regional workshop had been held earlier this month in Nice, France, and expressed his appreciation to the Republic of Cyprus, France and the Korea Maritime Institute for their financial assistance, as well as to the Institute for Peace and Development at Côte d'Azur University for its cooperation in the organization of the workshop. President Hoffmann likewise thanked the Nippon Foundation for its continued support to the nine-month ITLOS/Nippon capacity-building programme, as well as the Korea Maritime Institute and the Government of China for their contributions to the Trust Fund for the Law of the Sea, which provides financial assistance to participants from developing countries in the internship programme and the Summer Academy. The President went on to thank the Republic of Korea for its support in sponsoring the newly established ITLOS workshop for legal advisers and noted that the second workshop would take place in early July 2023 for legal advisers from the Southern African region. The President informed the Meeting that, on 1 December 2022, a memorandum of understanding regarding the new Junior Professional Officer programme for young professionals was signed by the Tribunal and the Government of China.

President Hoffmann made his final remarks with reference to current developments relevant to the work of the Tribunal. In this regard, he noted that the

new Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction allows for the Conference of the Parties to request that the Tribunal give an advisory opinion on a legal question regarding the conformity with the Agreement of a proposal before the Conference of the Parties on any matter within its competence. In view of this development, the President closed his statement by underscoring the usefulness of advisory opinions when dealing with complex ocean governance issues.

The President's statement may be found on the [website](#) of the Tribunal.

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The press releases of the Tribunal, documents and other information are available on the Tribunal's website (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter or Mr Robert Steenkamp at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org