

STATEMENT BY

H.E. JUDGE TOMAS HEIDAR

PRESIDENT OF THE  
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

ON

THE ANNUAL REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF  
THE SEA FOR 2025

FOR

THE THIRTY-SIXTH MEETING OF STATES PARTIES TO THE  
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

15 June 2026

Mr President, distinguished delegates,

1. I am honoured to address the Meeting of States Parties to present the Annual Report of the International Tribunal for the Law of the Sea for 2025. On behalf of the Tribunal, I convey to you, Mr President, our congratulations on your election as President of the Meeting of States Parties and wish you every success in the fulfilment of your mandate.

2. The Annual Report of the Tribunal gives an account of the Tribunal's activities for the period from 1 January to 31 December 2025. In my statement today, I will refer to some of the main aspects of the report and provide the Meeting with additional information on developments which have taken place this year.

3. Allow me now to first report on the judicial work of the Tribunal, beginning with *The M/T "Heroic Idun" (No. 2) Case (Marshall Islands/Equatorial Guinea)*. It bears recalling that this case was submitted to a special chamber of the Tribunal by special agreement concluded on 18 April 2023. After the completion of the written proceedings, the Special Chamber held oral proceedings in October 2025 and delivered its judgment on 27 May 2026.

4. The dispute concerns the lawfulness of the arrest and detention of the *M/T "Heroic Idun"* and its crew by Equatorial Guinea. The *M/T "Heroic Idun"* is a very large crude carrier flying the flag of the Marshall Islands. On 12 August 2022, while the vessel was drifting in the exclusive economic zone of São Tomé and Príncipe, it was contacted by an Equatoguinean naval vessel, ordered to stop its engines and told to follow it to a port in Equatorial Guinea; the Equatoguinean naval vessel announced that it had received "orders to shoot" in case of any "suspect operation" (para. 76). Prior to that, Equatorial Guinea had received messages and communications from Nigerian authorities requesting Equatorial Guinea to "track and arrest the vessel" and stating that it had been "involved in the illegal entry into [Nigeria's] territorial waters to load crude oil without proper approval" (para. 75). The *M/T "Heroic Idun"* was detained in the port of Luba, Equatorial Guinea, from 13 August to 11 November 2022. During that time, a part of the crew was transferred to a facility in Malabo, while the other crew members remained on the vessel. On 23 September 2022, Equatoguinean authorities

imposed a fine on the Master of the *M/T "Heroic Idun"*. On 11 November 2022, the vessel and crew were transferred to Nigeria, where they remained detained and were eventually released by the Nigerian authorities on 27 May 2023.

5. In its Judgment, the Special Chamber first found "that it has jurisdiction over the dispute concerning the *M/T "Heroic Idun"* and its crew" (para. 104). It then turned to the question of whether some of the claims made by the Marshall Islands fell outside its jurisdiction or were inadmissible owing to the *Monetary Gold* principle. In this regard, the Special Chamber held "that the legality of the apprehension and detention of the *M/T "Heroic Idun"* and its crew by Equatorial Guinea can be determined without a prior examination of Nigeria's rights and interests" and that "[a] determination of the lawfulness of Nigeria's conduct and its request to Equatorial Guinea is not a necessary prerequisite ... to adjudicate on the conduct of Equatorial Guinea" (para. 134). The Special Chamber thus found that "Nigeria is not an indispensable third party in the present proceedings", and rejected the objection raised by Equatorial Guinea (para. 137).

6. Turning to admissibility, the Special Chamber considered that the alleged violations of rights claimed by the Marshall Islands were "direct violations of the rights of the Marshall Islands" (para. 171). Accordingly, it found that the Marshall Islands' claims for damages, including those in respect of injury to the crew, were not subject to the exhaustion of local remedies rule and were therefore admissible.

7. The Special Chamber turned to the question of "whether Equatorial Guinea acted in violation of the Convention when it intercepted and then apprehended the *M/T 'Heroic Idun'* and its crew" (para. 180). In this connection, the Special Chamber recalled that the "freedom of navigation is a fundamental principle of international law" (para. 204) and observed that the Equatoguinean naval vessel caused the *M/T "Heroic Idun"* to change its intended course by threatening the use of force, which "constitutes a breach of the freedom of navigation, unless justified by the Convention or other international treaties" (para. 206).

8. The Special Chamber then considered "whether the interception, arrest and detention of the *M/T "Heroic Idun"* were carried out for the purpose of repressing piracy

and therefore do not violate articles 87, 90 and 92 of the Convention” (para. 208). Examining the relationship between the Code of Conduct concerning the Repression of Piracy, Armed Robbery Against Ships, and Illicit Maritime Activity in West and Central Africa (“the Yaoundé Code”) and the Convention, the Special Chamber underlined that “the Yaoundé Code is widely recognized as an important regional framework to coordinate and strengthen efforts to counter maritime crime in the Gulf of Guinea” (para. 222). It considered, however, that “there is no basis for concluding that the Yaoundé Code confers powers on its signatories with respect to vessels flying the flag of non-signatories beyond those powers provided in the Convention” and that it “cannot provide a legal basis for Equatorial Guinea to take measures contrary to the Convention” (para. 227).

9. The Special Chamber turned to the question of “whether the provisions of the Convention concerning the repression of piracy are applicable in the circumstances of this case” (para. 228). It held that “article 100 of the Convention does not provide an autonomous basis for the apprehension of the *M/T ‘Heroic Idun’*” (para. 247). Recalling that “[t]he jurisdiction conferred on all States by international law over pirate ships is an exception to the freedom of navigation and therefore must be strictly construed” (para. 270), it emphasized that “acts of piracy must be directed by a private ship against other ships” and “must entail some element of force and duress” (para. 274). Finding “no references to the crew of the *M/T ‘Heroic Idun’* taking actions directed against another ship or aircraft or against persons and property on board another vessel” (para. 276), the Special Chamber concluded that there was “nothing in the correspondence received by Equatorial Guinea from Nigeria that provides adequate grounds for the interception and diversion of the *M/T ‘Heroic Idun’*” (para. 284).

10. The Special Chamber further pointed out that, while the seizure of a vessel under article 105 of the Convention “does not require conclusive evidence of piracy” (para. 294), article 106 “implies that sufficient corroboration of a suspicion of piracy constituting ‘adequate grounds’ is required before a private ship may be seized” (para. 296). The Special Chamber did not find that “the evidence adduced by Equatorial Guinea provides adequate grounds to justify the seizure of the *M/T ‘Heroic Idun’* on suspicion of piracy” (para. 304). Consequently, it found that “Equatorial

Guinea violated articles 87, paragraph 1, 90 and 92, paragraph 1, of the Convention” (para. 306).

11. With regard to the fine imposed by Equatorial Guinea on the Master of the *M/T ‘Heroic Idun’*, the Special Chamber observed that, according to Equatorial Guinea, the fine was founded on two grounds: “first, the entry of the *M/T ‘Heroic Idun’* into Equatorial Guinea’s exclusive economic zone without prior authorization; and second, its failure to display a physical flag while navigating in its exclusive economic zone” (para. 347). However, in the view of the Special Chamber, there is “no foundation upon which the Convention could be interpreted as permitting a coastal State to take enforcement measures on the basis of non-compliance with national law requiring authorization for entry into the exclusive economic zone and the display of a physical flag while navigating therein” (para. 357). The Special Chamber thus concluded that “by taking enforcement measures against the *M/T ‘Heroic Idun’*, in particular by levying the Fine, “Equatorial Guinea violated articles 56, paragraph 1, 58, 87, 89 and 92, paragraph 1, of the Convention” (para. 359).

12. As regards the crew of the *M/T ‘Heroic Idun’*, the Special Chamber observed that “the treatment of individuals in the context of detention and interrogation may raise humanitarian concerns” (para. 409). It considered that “Equatorial Guinea bears responsibility for the injury caused by its internationally wrongful act, including the mistreatment of the crew and the procedural injustices imposed upon them during their detention in Equatorial Guinea, and attributable to the acts and omissions of the Equatoguinean authorities” (para. 413).

13. The Special Chamber also held that “all law enforcement measures taken by Equatorial Guinea vis-à-vis the *M/T ‘Heroic Idun’* with a causal connection subsequent to its interception and apprehension are unlawful”, including “Equatorial Guinea’s transfer of a part of the crew from the vessel and its refusal to allow them back onto the vessel to meet the minimum safe manning requirements” (para. 456).

14. The Special Chamber found that “the Marshall Islands is entitled to reparation for the injury caused by Equatorial Guinea, including compensation for damage or other loss suffered by the *M/T ‘Heroic Idun’* and all persons involved or interested in

its operation” (para. 490). In this regard, the Special Chamber awarded the Marshall Islands compensation for a number of individual heads of damage, including for the amount incurred in payment of the unlawful fine, for the loss of hire and for non-material damage suffered by the crew.

Mr President, distinguished delegates,

15. I turn now to *The “Zheng He” Case (Luxembourg v. Mexico)*, which concerned the detention of a dredger flying the flag of Luxembourg by the Mexican authorities in the Port of Tampico, Mexico. Proceedings in this case were instituted before the Tribunal by Luxembourg against Mexico on 4 June 2024. On 7 June 2024, Luxembourg also submitted a request for the prescription of provisional measures under article 290, paragraph 1, of the Convention, in respect of which the Tribunal adopted an Order on 27 July 2024.

16. Thereafter, as President of the Tribunal, I fixed time limits for the filing of written proceedings. These time limits were later extended at the request of the Parties. Luxembourg filed its Memorial within the extended time limit fixed by Order of the President. The time limit for the filing of Mexico’s Counter-Memorial was further extended by subsequent Orders of the President.

17. In a joint letter received by the Registry on 16 March 2026, the Parties notified the Tribunal “of their agreement to discontinue the proceedings” and requested “that the Tribunal issue an order recording such discontinuance and directing the Registrar to remove the case from the List of Cases”. In the same letter, the Parties indicated that “they [had] formalized a Letter of Understanding ... in order to achieve a mutually satisfactory solution regarding the situation of the vessel *Zheng He*” and that “the vessel ... ha[d] received all clearances and approvals from the competent Mexican authorities to leave Mexican territory and was able to proceed to the high seas in accordance with the terms of the Letter of Understanding”. I subsequently issued an order placing on record the discontinuance of the proceedings and ordering the removal of the case from the List of cases.

Mr President, distinguished delegates,

18. At this juncture, I would like to inform you of case-related developments which have occurred earlier this month. Firstly, two cases were submitted to the Seabed Disputes Chamber of the Tribunal. By two Applications filed on 5 June 2026, Nauru Ocean Resources Inc. and Tonga Offshore Mining Ltd. each instituted proceedings against the International Seabed Authority concerning an inquiry by the Authority. Each Application is accompanied by a request for the prescription of provisional measures under article 290, paragraph 1, of the Convention. I wish to highlight that these are the first contentious cases brought before the Chamber, which, as you may know, has exclusive jurisdiction over certain categories of disputes with respect to activities in the Area pursuant to article 187 of the Convention. Secondly, on 3 June 2026, Ghana and Togo concluded a special agreement requesting the formation of a special chamber of the Tribunal to deal with the dispute concerning the delimitation of the maritime boundary between them in the Gulf of Guinea. By Order dated 12 June 2026, the Tribunal, pursuant to article 15, paragraph 2, of the Statute of the Tribunal, decided to accede to the request of the Parties to form a special chamber of seven members to deal with their dispute.

Mr President, distinguished delegates,

19. Beyond the Tribunal's case-related work, in 2025, as in previous years, the Tribunal held two sessions devoted to legal as well as administrative issues. The Annual Report before you includes a review of these issues. The Registrar will address the budgetary matters of the Tribunal in a separate statement.

20. In addition to its judicial, legal and administrative work, the Tribunal is actively engaged in various activities that provide capacity-building in the law of the sea and increase awareness of the Tribunal's role in the settlement of disputes. I would like to take this opportunity to update you on these activities.

21. The Tribunal regularly organizes regional or thematic workshops that enhance capacity-building in the law of the sea. I am happy to report that the eighteenth workshop, in cooperation with the International Maritime Law Institute (IMLI) and the Food and Agriculture Organization of the United Nations (FAO), will be held in Malta

in August this year. Invitations to the Malta workshop have been extended to representatives of 21 States. I wish to express my sincere appreciation to both Malta and IMLI for their generous support in hosting the workshop and to both the Korea Maritime Institute and the Government of Cyprus, whose funding helps to make the organization of the workshop possible.

22. Moreover, in September 2025, the Tribunal hosted the fourth ITLOS Workshop for Legal Advisers, aimed at familiarizing legal advisers with the dispute settlement mechanisms under the Convention and at providing insight into the Tribunal's procedure and practice. The fourth workshop was designed for legal advisers from African States, and it was attended by participants from 28 States in the region. I wish to thank the Republic of Korea for sponsoring and assisting in the organization of this successful event. I am also pleased to confirm that a fifth workshop for legal advisers will be held in September this year, this time for States from Asia.

23. During the period 2025-2026, the nineteenth edition of a nine-month capacity-building and training programme on dispute settlement under the Convention was conducted with the support of the Nippon Foundation. Fellows from Brazil, France, Ghana, the Maldives, Pakistan, the Philippines and Zimbabwe took part in the programme. I am pleased to inform you that the selection of candidates for the twentieth edition of the programme has recently been concluded and the programme will start in July. The programme is aimed at junior to mid-level government officials and researchers, mainly from developing countries, working on issues related to the activities of the Tribunal. I wish to express the Tribunal's deep appreciation to the Nippon Foundation for its ongoing support to this programme.

24. In addition, the Tribunal's internship programme offers training opportunities to students and recent graduates. During a three-month internship, interns are exposed to the work of the Tribunal, assisting the Registry with its functions and preparing research papers in relevant fields. In 2025, 18 interns from 16 States took part in the programme at the Tribunal.

25. Another important capacity-building programme is the annual Summer Academy organized by the International Foundation for the Law of the Sea in

Hamburg. The Academy offers participants a wide array of courses on the law of the sea and maritime law. The 2025 session of the Summer Academy took place in July and August of last year on the premises of the Tribunal, and this year's edition is set to commence on 19 July.

26. In 2009, the Tribunal established the Trust Fund for the Law of the Sea. Its purpose is to assist participants from developing countries taking part in our internship programme and the Summer Academy, and to support the organization of regional workshops. On behalf of the Tribunal, I wish to express our sincere appreciation to all the donors who have contributed to the Fund over the years.

27. Finally, I wish to recall that, since 2021, a Junior Professional Officer (JPO) programme has been in place at the Tribunal. This programme enables young professionals to serve in the Legal Office of the Tribunal's Registry or in other departments of the Registry, as necessary. Memoranda of understanding concerning the programme were signed with the Government of China in December 2022 and with the Republic of Korea in February 2024. The first JPO entered into service on 1 July 2024 pursuant to the Memorandum of Understanding with the Government of China and is expected to successfully complete his assignment by the end of this month.

Mr President, distinguished delegates,

28. I have the distinct pleasure of addressing you all at a time when the Tribunal is about to reach a major milestone: its thirtieth anniversary. It was on 18 October 1996 that the first Judges of the Tribunal made their solemn declaration in the presence of high dignitaries, including the Secretary-General of the United Nations, the German Federal Minister of Foreign Affairs, and the Secretary-General of the International Seabed Authority.

29. This year, on 25 September, a commemorative event is planned at the premises of the Tribunal. I am also pleased to announce that, as part of the thirtieth anniversary celebrations, new editions of the Digest of Jurisprudence of the Tribunal and the Basic Texts will be published.

30. Over its first thirty years, the Tribunal has established itself as a central forum for the peaceful settlement of law of the sea disputes. In doing so, it has earned the respect and trust of States Parties to the Convention for its growing body of jurisprudence and its fair and efficient handling of cases. This is evidenced by the continuing submission of cases to the Tribunal over the years, including the latest cases brought before the Seabed Disputes Chamber and the formation of the Special Chamber to deal with the dispute between Ghana and Togo, on which I have just reported. I also wish to refer, in this regard, to the Agreement under the Convention on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, commonly referred to as the BBNJ Agreement, which entered into force recently. As you know, this Agreement not only makes Part XV of the Convention, in which the Tribunal plays a fundamental role, applicable to disputes concerning the interpretation or application of the Agreement. It also provides for an advisory jurisdiction of the Tribunal under the Agreement.

31. I am confident to say that the Tribunal, with its 30 years of experience in the judicial settlement of a broad range of law of the sea disputes, is well placed to carry on its mandate successfully into its fourth decade and beyond and to meet the challenges of the future.

Mr President, distinguished delegates,

32. This brings my presentation of the Annual Report of the Tribunal to a close. As always, the Tribunal stands ready to assist States in whatever way possible in the fulfilment of its mandate under the Convention. I am pleased to say that the Tribunal benefits from excellent cooperation with the United Nations and I convey our gratitude to the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea and his staff for their support. I thank you all for your kind attention.