

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



STATEMENT BY

H.E. JUDGE TOMAS HEIDAR

PRESIDENT OF THE

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

ON

AGENDA ITEM 75 “OCEANS AND THE LAW OF THE SEA”

FOR

THE PLENARY OF THE EIGHTIETH SESSION OF THE

UNITED NATIONS GENERAL ASSEMBLY

9 DECEMBER 2025

Madam President,
Distinguished delegates,

It is a great honour for me to address the General Assembly at its eightieth session, on behalf of the International Tribunal for the Law of the Sea, as the Assembly considers the agenda item “Oceans and the law of the sea”. At the outset, I wish to convey my sincere congratulations to you, Madam President, on your election as President of the General Assembly, and to extend my best wishes for every success throughout your term of office.

I am also pleased to note that, on 20 September 2025, Kyrgyzstan acceded to the United Nations Convention on the Law of the Sea (the “Convention”), becoming the 171st State Party to the Convention. This development further underscores the universal and unified character of the Convention, which, as the General Assembly has emphasized in its resolutions on oceans and the law of the sea, sets out the legal framework within which all activities in the oceans and seas must be carried out.

Madam President,
Distinguished delegates,

In my statement today, I would first like to report on recent developments concerning the judicial work of the Tribunal. At present, two cases are on the Tribunal’s docket: *The M/T “Heroic Idun” (No. 2) Case (Marshall Islands/Equatorial Guinea)*, which is pending before a special chamber of the Tribunal, and *The “Zheng He” Case (Luxembourg v. Mexico)*, which is pending before the full Tribunal.

With regard to *The M/T “Heroic Idun” (No. 2) Case*, it may be recalled that, following the conclusion of a special agreement between the Marshall Islands and Equatorial Guinea to transfer the Annex VII arbitral proceedings under the Convention to a special chamber of the Tribunal, a chamber of five judges was constituted on 27 April 2023 to deal with the case. This is the eighth instance in which States Parties have agreed to transfer arbitral proceedings either to the Tribunal or to a special chamber of the Tribunal.

After the Parties submitted two rounds of written pleadings, the hearing in the case was held from 6 to 14 October 2025. Thereafter, the Special Chamber withdrew to deliberate on the case. The date for the reading of the judgment will be announced in due course.

Turning to the second pending case, *The “Zheng He” Case*, it may be recalled that proceedings were instituted by Luxembourg against Mexico on 4 June 2024 on the basis of declarations made by the two Parties under article 287 of the Convention, choosing the Tribunal as a means for the settlement of disputes concerning the interpretation or application of the Convention.

I also recall that, in this case, on 27 July 2024, the Tribunal delivered its Order on a request submitted by Luxembourg for the prescription of provisional measures under article 290, paragraph 1, of the Convention. In that Order, the Tribunal found that “the circumstances, as they now present themselves to the Tribunal, are not such as to require the exercise of its powers to prescribe provisional measures” in the present case.¹

Thereafter, by an Order issued on 8 August 2024 in my capacity as President of the Tribunal, time limits were fixed for the filing of the Memorial of Luxembourg and the Counter-Memorial of Mexico. Subsequently, by another Order dated 3 February 2025, those time limits were extended following a joint request submitted by the Parties. Luxembourg filed its Memorial within the extended time limit. Most recently, following another joint request submitted by the Parties, an Order was issued on 30 October 2025 extending the time limit for the filing of the Counter-Memorial of Mexico to 15 December 2025. The Order reserves the subsequent procedure for further decision.

The two cases presently on the Tribunal’s docket, which I have just updated you on, are of a contentious nature. However, as you are aware, the Tribunal’s

¹ *The “Zheng He” Case (Luxembourg v. Mexico)*, Order, 27 July 2024, ITLOS Reports 2024, p. 243, para. 149.

jurisdiction also includes an advisory function. In this regard, I would like to recall briefly the Advisory Opinion delivered on 21 May 2024 by the Tribunal in response to a request from the Commission of Small Island States on Climate Change and International Law. As the content of the Tribunal's Advisory Opinion was already brought to the attention of the General Assembly at its seventy-ninth session, I will not revisit its details here today. I wish, however, to note that, since that time, the value of the Advisory Opinion has continued to be recognized by States and other actors.

Most recently, upon the request of the General Assembly, the International Court of Justice (ICJ) delivered its Advisory Opinion on Obligations of States in respect of Climate Change on 23 July 2025. In that Opinion, the ICJ made a general acknowledgment of the Tribunal's case law, stating that "since its establishment, [the Tribunal] has developed a considerable body of jurisprudence on [the Convention], both in contentious and advisory proceedings."² The ICJ held that, "in so far as it is called upon to interpret the Convention, it should ascribe great weight to the interpretation adopted by the Tribunal."³ Following this approach, in the section of its Advisory Opinion devoted to the law of the sea, the ICJ referred to and echoed, on multiple occasions, the interpretation adopted by the Tribunal.

The continuing acknowledgment of the Tribunal's Advisory Opinion highlights its significance as the first occasion on which an international court or tribunal has considered questions regarding the obligations of States Parties under the Convention in relation to climate change. It also underscores the value of the Tribunal's contribution to clarifying those obligations in the context of one of the most pressing global challenges of our time.

Another recent and relevant development that I wish to mention is the imminent entry into force, on 17 January 2026, of the Agreement under the Convention on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (the "BBNJ Agreement"). In this connection,

² ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion of 23 July 2025 (not yet reported), para. 338.

³ *Ibid.*

I wish to recall that article 60 of the BBNJ Agreement stipulates that disputes concerning the interpretation or application of the Agreement shall be settled in accordance with the provisions on the settlement of disputes contained in Part XV of the Convention. Accordingly, the Tribunal remains one of the means that parties may select for the settlement of their disputes. Furthermore, article 47, paragraph 7, of the BBNJ Agreement provides that the Conference of the Parties may decide to request the Tribunal to give an advisory opinion on a legal question concerning the conformity with the Agreement of a proposal before the Conference on any matter within its competence. In this regard, I wish to reiterate that the Tribunal stands ready to contribute, within its mandate, to the effective implementation of this landmark agreement.

Madam President,
Distinguished delegates,

Let me now turn to the Tribunal's capacity-building activities, which play an important role in promoting the understanding of dispute settlement under the Convention, and in particular the role and work of the Tribunal. I wish to take this opportunity to provide a brief update on these activities.

The Tribunal has continued to organize regional workshops designed to strengthen capacity in the law of the sea. I am pleased to report that the seventeenth regional workshop was held in May this year in Hanoi, Viet Nam, with the participation of representatives of 14 States from the region. The Tribunal expresses its appreciation to Viet Nam for its support in hosting the event and to the Korea Maritime Institute, whose funding made its organization possible.

In September this year, the Tribunal hosted the fourth Workshop for Legal Advisers, aimed at familiarizing legal advisers with the dispute-settlement mechanism under the Convention and providing insight into the Tribunal's procedures and practice. The fourth Workshop, designed for legal advisers from African States, was attended by participants from 28 States from the region. The Tribunal is grateful to the Republic of Korea for sponsoring and assisting in the organization of this event.

In addition, the annual Summer Academy, organized by the International Foundation for the Law of the Sea, was once again held on the premises of the Tribunal in July and August. The 2025 session brought together 41 participants from 35 States for an intensive series of courses on the law of the sea and maritime law.

The Tribunal furthermore continues to contribute to the development of current and future generations through its training and capacity-building programmes. With the support of the Nippon Foundation, it is currently conducting the nineteenth edition of its nine-month capacity-building and training programme on dispute settlement under the Convention. In addition, in 2025, 18 interns gained practical experience through the Tribunal's internship programme. Financial assistance to interns from developing countries is provided through a trust fund established by the Tribunal with contributions from the Ministry of Foreign Affairs of the People's Republic of China and the Korea Maritime Institute. The Tribunal expresses its gratitude for this continued support.

Madam President,
Distinguished delegates,

This brings me to the end of my address. Before closing, I wish to express my appreciation to the Secretary-General, the Legal Counsel, and the Director of the Division for Ocean Affairs and the Law of the Sea, as well as his staff, for their continued cooperation and support. As always, the Tribunal stands ready to assist States Parties in the discharge of its mandate under the Convention.

I thank you for your kind attention.