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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 2019

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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 2019.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea. It functions in accordance with the relevant provisions of part XV and part XI 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 2017, 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>		
Jin-Hyun Paik	Republic of Korea	30 September 2023
<i>Vice-President</i>		
David Joseph Attard	Malta	30 September 2020
<i>Judges</i>		
Tafsir Malick Ndiaye	Senegal	30 September 2020
José Luis Jesus	Cabo Verde	30 September 2026
Jean-Pierre Cot	France	30 September 2020
Anthony Amos Lucky	Trinidad and Tobago	30 September 2020
Stanislaw Pawlak	Poland	30 September 2023
Shunji Yanai	Japan	30 September 2023
James L. Kateka	United Republic of Tanzania	30 September 2023
Albert J. Hoffmann	South Africa	30 September 2023
Zhiguo Gao	China	30 September 2020
Boualem Bouguetaia	Algeria	30 September 2026
Elsa Kelly	Argentina	30 September 2020
Markiyany Z. Kulyk	Ukraine	30 September 2020
Alonso Gómez-Robledo Verduzco	Mexico	30 September 2023
Tomas Heidar	Iceland	30 September 2023
Óscar Cabello Sarubbi	Paraguay	30 September 2026

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
Neeru Chadha	India	30 September 2026
Kriangsak Kittichaisaree	Thailand	30 September 2026
Roman A. Kolodkin	Russian Federation	30 September 2026
Liesbeth Lijnzaad	Netherlands	30 September 2026

5. The Registrar of the Tribunal is Ximena Hinrichs Oyarce (Chile). As at 31 December 2019, the post of Deputy Registrar was vacant.

III. Election of the Registrar

6. On 3 June 2019, Philippe Gautier submitted his resignation as Registrar of the Tribunal, effective 31 July.

7. In accordance with article 32 of the Rules, the Registrar is elected from the candidates nominated by members. On 11 June, a vacancy announcement was published, and a panel of judges interviewed nominated candidates on 19 September.

8. On 20 September, the members of the Tribunal elected Ximena Hinrichs Oyarce (Chile) as Registrar of the Tribunal for a term of five years. Prior to her election, she served as Deputy Registrar of the Tribunal. A vacancy announcement for the post of Deputy Registrar was published on 14 October.

IV. Chambers

A. Seabed Disputes Chamber

9. 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 2019, the composition of the Chamber, in order of precedence, was as follows: Judge Hoffmann, President; Judges Cot, Lucky, Pawlak, Yanai, Kateka, Gao, Bouguetaia, Kelly, Kulyk and Heidar, members.

10. The terms of office of the members of the Chamber expire on 30 September 2020.

B. Special chambers

1. Chamber of Summary Procedure

11. The Chamber of Summary Procedure is 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 2019, the members of the Chamber, in order of precedence, were as follows: Judge Paik, President (ex officio); Vice-President Attard (ex officio) and Judges Ndiaye, Cot and Kelly, members; Judges Kolodkin and Lijnzaad, alternates.

2. Chamber for Fisheries Disputes

12. 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 2019, the composition of the Chamber, in order of precedence, was as follows: Judge Heidar, President; Judges Jesus, Lucky, Yanai, Hoffmann, Cabello Sarubbi, Chadha, Kittichaisaree and Kolodkin, members.

13. The terms of office of the members of the Chamber expire on 30 September 2020.

3. Chamber for Marine Environment Disputes

14. 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 2019, the composition of the Chamber, in order of precedence, was as follows: Judge Pawlak, President; Judges Ndiaye, Gao, Kelly, Kulyk, Gómez-Robledo, Cabello Sarubbi, Chadha and Lijnzaad, members.

15. The terms of office of the members of the Chamber expire on 30 September 2020.

4. Chamber for Maritime Delimitation Disputes

16. 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 2019, the composition of the Chamber, in order of precedence, was as follows: Judge Paik, President (ex officio); Vice-President Attard and Judges Jesus, Kateka, Bouguetaia, Gómez-Robledo, Chadha, Kittichaisaree, Kolodkin and Lijnzaad, members.

17. The terms of office of the members of the Chamber expire on 30 September 2020.

5. Chamber under article 15, paragraph 2, of the Statute

18. Article 15, paragraph 2, of the Statute provides that the Tribunal will form a chamber for dealing with a particular dispute, if the parties so request. The composition of such a chamber is determined by the Tribunal with the approval of the parties in the manner provided for in article 30 of the Rules.

19. Further to consultations held by the President of the Tribunal with representatives of Maldives and Mauritius on 17 September 2019, a special agreement was concluded between the two States on 24 September to submit to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute the dispute concerning the delimitation of their maritime boundary in the Indian Ocean. During the consultations, Maldives and Mauritius conveyed their views regarding the composition of the Special Chamber of the Tribunal and this was recorded in the special agreement.

20. By an order dated 27 September 2019, the Tribunal decided to accede to the request of Maldives and Mauritius to form a special chamber consisting of nine judges to deal with the case.

21. The composition of the Special Chamber is as follows: Judge Paik, President; Judges Jesus, Cot, Yanai, Bouguetaia, Heidar and Chadha and two judges ad hoc, members. Maldives notified the Tribunal in the Special Agreement of 24 September 2019 of its choice of Bernard Oxman as judge ad hoc and Mauritius notified the

Tribunal in letter dated 9 October 2019 of its choice of Nicolaas Schrijver as judge ad hoc.

V. Committees

22. During the forty-eighth session, on 16 September 2019, the Tribunal reconstituted its committees. The composition of the committees is provided in paragraphs 23 to 28 below.¹

A. Committee on Budget and Finance

23. The members of the Committee on Budget and Finance are: Judge Yanai, Chair; Judges Jesus, Pawlak, Hoffmann, Gao, Bouguetaia, Kulyk, Gómez-Robledo and Cabello Sarubbi, members.

B. Committee on Rules and Judicial Practice

24. The members of the Committee on Rules and Judicial Practice are: President Paik, Chair; Vice-President Attard and Judges Ndiaye, Jesus, Cot, Gómez-Robledo, Heidar, Chadha and Lijnzaad, members.

C. Committee on Staff and Administration

25. The members of the Committee on Staff and Administration are: Judge Jesus, Chair; Judges Lucky, Yanai, Hoffmann, Heidar and Kolodkin, members.

D. Committee on Library, Archives and Publications

26. The members of the Committee on Library, Archives and Publications are: Judge Gao, Chair; Judges Ndiaye, Pawlak, Kateka, Gómez-Robledo and Kolodkin, members.

E. Committee on Buildings and Electronic Systems

27. The members of the Committee on Buildings and Electronic Systems are: Judge Kulyk, Chair; Judges Cot, Lucky, Kateka, Kelly and Kittichaisaree, members.

F. Committee on Public Relations

28. The members of the Committee on Public Relations are: Judge Heidar, Chair; Judges Cabello Sarubbi, Chadha, Kittichaisaree and Lijnzaad, members.

¹ For the terms of reference of the committees, see: [SPLOS/27](#), paras. 37–40; [SPLOS/50](#), paras. 36–37; and [SPLOS/136](#), para. 46.

VI. Meetings of the Tribunal

29. In 2019, judicial meetings of the Tribunal took place as follows:

(a) Case No. 25 on the list of cases of the Tribunal (merits):

The M/V “Norstar” Case (Panama v. Italy)

The Tribunal met from 21 January to 1 February 2019, from 25 to 29 March 2019 and on 8 April 2019 to consider and adopt the draft judgment. The Tribunal delivered its judgment on 10 April 2019.

(b) Case No. 26 on the list of cases of the Tribunal (urgent proceedings):

Case concerning the detention of three Ukrainian naval vessels (Ukraine v. Russian Federation), Provisional Measures

Initial deliberations of the Tribunal were held on 9 May 2019. The oral proceedings were held on 10 May 2019. The Tribunal met from 14 to 24 May 2019 to deliberate and to consider and adopt the draft order. The Tribunal delivered its order on 25 May 2019.

(c) Case No. 27 on the list of cases of the Tribunal (urgent proceedings):

The M/T “San Padre Pio” Case (Switzerland v. Nigeria), Provisional Measures

Initial deliberations of the Tribunal were held on 20 June 2019. The oral proceedings were held on 21 and 22 June 2019. The Tribunal met from 26 June to 5 July 2019 to deliberate and to consider and adopt the draft order. The Tribunal delivered its order on 6 July 2019.

(d) Case No. 28 on the list of cases of the Tribunal:

Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)

The Tribunal met on 27 September 2019 to consider and adopt an order to form a special chamber to deal with the dispute.

30. The Tribunal also held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the forty-seventh session was held from 11 to 22 March 2019 and the forty-eighth session from 16 to 27 September 2019.

31. The Tribunal decided to hold its forty-ninth session from 9 to 20 March 2020, to deal with legal and judicial matters and with organizational and administrative matters.

VII. Judicial work of the Tribunal

A. *The M/V “Norstar” Case (Panama v. Italy)*

32. On 17 December 2015, Panama filed an application with the Tribunal dated 16 November 2015 instituting proceedings against Italy in a dispute between the two States concerning the interpretation and application of the Convention “in connection with the arrest and detention by Italy of *M/V ‘Norstar’*, an oil tanker registered under the flag of Panama”. The case was entered in the list of cases of the Tribunal as case No. 25.

33. On 3 February 2016, the President adopted an order fixing 28 July 2016 as the time limit for the filing of the memorial by Panama, and 28 January 2017 as the time limit for the filing of the counter-memorial by Italy.

34. On 11 March 2016, within the time limit set in article 97, paragraph 1, of the Rules, Italy filed with the Tribunal “written preliminary objections under article 294, paragraph 3, of the Convention”, challenging the jurisdiction of the Tribunal as well as the admissibility of the claim of Panama.

35. Upon receipt of the preliminary objections by the Registry of the Tribunal, the proceedings on the merits were suspended, pursuant to article 97, paragraph 3, of the Rules.

36. The Tribunal delivered its judgment on the preliminary objections on 4 November 2016.²

37. On 29 November 2016, the President, having ascertained the views of the parties, adopted an order fixing 11 April 2017 as the time limit for the filing of the memorial of Panama, and 11 October 2017 as the time limit for the filing of the counter-memorial of Italy. The pleadings were filed within the prescribed time limits.

38. On 15 November 2017, the Tribunal adopted an order fixing 28 February 2018 as the time limit for the filing of the reply of Panama, and 13 June 2018 as the time limit for the filing of the rejoinder of Italy. The pleadings were also filed within the prescribed time limits.

39. In an order dated 20 July 2018, the President fixed 10 September 2018 as the date for the opening of the oral proceedings. The hearing was held from 10 to 15 September 2018, in 10 public sittings. In accordance with article 75, paragraph 2, of the Rules, the following final submissions were presented by the parties at the conclusion of the final statement made by each party at the hearing:

On behalf of Panama:

Panama requests the Tribunal to find, declare and adjudge:

First: that by inter alia ordering and requesting the arrest of the *M/V “Norstar”*, in the exercise of its criminal jurisdiction and application of its customs laws to bunkering activities carried out on the high seas, Italy has thereby prevented its ability to navigate and conduct legitimate commercial activities therein, and that by filing charges against the persons having an interest on the operations of this Panamanian vessel, Italy has breached the right of Panama and the vessels flying its flag to enjoy freedom of navigation and other internationally lawful uses of the sea related to the freedom of navigation, as set forth in article 87 (1) and (2) and related provisions of the Convention;

Second: that by knowingly and intentionally maintaining the arrest of the *M/V “Norstar”* and indefinitely exercising its criminal jurisdiction and the application of its customs laws to the bunkering activities it carried out on the high seas, Italy acted contrary to international law, and breached its obligations to act in good faith and in a manner which does not constitute an abuse of right as set forth in article 300 of the Convention;

Third: that as a consequence of the above violations, Italy is responsible to repair the damages suffered by Panama and by all the persons involved

² A summary of the judgment on preliminary objections of 4 November 2016 is contained in paragraphs 50 to 59 of the annual report of the International Tribunal for the Law of the Sea for 2016 (SPLOS/304).

in the operation of the *M/V "Norstar"* by way of compensation amounting to twenty-seven million nine thousand two hundred and sixty-six United States dollars and twenty-two cents (USD 27,009,266.22); plus twenty-four million eight hundred and seventy-three thousand ninety-one United States dollars and eighty-two cents (USD 24,873,091.82) as interest, plus one hundred and seventy thousand three hundred and sixty-eight euros and ten cents (170,368.10 euros) plus twenty-six thousand three hundred and twenty euros and thirty-one cents (26,320.31 euros) as interest;

Fourth: that as a consequence of the specific acts on the part of Italy that have constituted an abuse of rights and a breach of the duty of good faith, as well as based on its procedural conduct, Italy is also liable to pay the legal costs derived from this case.

On behalf of Italy:

Italy requests the Tribunal to dismiss all of Panama's claims, either because they fall outside the jurisdiction of the Tribunal, or because they are not admissible, or because they fail on their merits, according to arguments that have been articulated during this proceeding.

Panama is also liable to pay the legal costs derived from this case.

40. The Tribunal delivered its judgment on 10 April 2019.

41. The facts of the case may be summarized as follows. From 1994 until 1998, the Panamanian-flagged vessel *M/V "Norstar"* was engaged in supplying gas oil to mega yachts in the Mediterranean Sea. On 11 August 1998, the Public Prosecutor at the Court of Savona, Italy, issued a decree of seizure against the vessel in the context of criminal proceedings concerning alleged smuggling and tax evasion. At the request of Italy, the vessel was seized by Spanish authorities when it was anchored in the Bay of Palma, Spain, in September 1998. On 14 March 2003, the Court of Savona revoked the seizure of the vessel and ordered that it be returned to its owner. The owner did not collect the vessel and it remained in port in Mallorca until 2015, when it was sold at a public auction.

42. In its judgment, the Tribunal first addressed issues relating to the rules of evidence. It noted, *inter alia*, that the parties held different views as to the probative weight to be given to the witness and expert testimonies. The Tribunal held that it would assess the relevance and probative value of those testimonies "by taking into account, *inter alia*: whether those testimonies concern the existence of facts or represent only personal opinions; whether they are based on first-hand knowledge; whether they are duly tested through cross-examination; whether they are corroborated by other evidence; and whether a witness or expert may have an interest in the outcome of the proceedings" (judgment, para. 99).

43. The main question examined by the Tribunal was whether Italy, in the case, had breached article 87, paragraph 1, of the Convention, which provides that all States enjoy freedom of navigation on the high seas. In that regard, the Tribunal first asked whether the decree of seizure issued by Italy and its execution concerned "activities conducted by" the vessel "on the high seas, or alleged crimes committed in the territory of Italy, or both" (*ibid.*, para. 153). The Tribunal determined that the decree and its execution concerned "both alleged crimes committed in the territory of Italy and bunkering activities conducted by the *M/V 'Norstar'* on the high seas" (*ibid.*, para. 177). In respect of the bunkering activities on the high seas, the Tribunal found that they constituted "not only an integral part, but also a central element, of the activities targeted by the Decree of Seizure and its execution" (*ibid.*, para. 186).

44. The Tribunal noted that article 87 of the Convention “proclaims that the high seas are open to all States” (ibid., para. 214) and that, “save in exceptional cases, no State may exercise jurisdiction over a foreign ship on the high seas” (ibid., para. 216). It also observed that the “freedom of navigation would be illusory if a ship ... could be subject to the jurisdiction of other States on the high seas” (ibid., para. 216). Recalling its jurisprudence in the *M/V “Virginia G”* Case, the Tribunal considered that “bunkering on the high seas is part of the freedom of navigation to be exercised under the conditions laid down by the Convention and other rules of international law” (ibid., para. 219). It therefore found that the bunkering of leisure boats carried out by the *M/V “Norstar”* on the high seas fell “within the freedom of navigation under article 87” of the Convention (ibid., para. 219).

45. The Tribunal then turned to the question of what acts could constitute a breach of the freedom of navigation under article 87 of the Convention. It held that, “as no State may exercise jurisdiction over foreign ships on the high seas, ... any act of interference with navigation of foreign ships or any exercise of jurisdiction over such ships on the high seas constitutes a breach of the freedom of navigation, unless justified by the Convention or other international treaties” (ibid., para. 222). In the view of the Tribunal, “even acts which do not involve physical interference or enforcement on the high seas” may constitute such a breach (ibid., para. 223). The Tribunal further held that “any act which subjects activities of a foreign ship on the high seas to the jurisdiction of States other than the flag State constitutes a breach of the freedom of navigation, save in exceptional cases expressly provided for in the Convention or in other international treaties” (ibid., para. 224). It underlined that the principle of exclusive flag State jurisdiction “prohibits not only the exercise of enforcement jurisdiction on the high seas by States other than the flag State but also the extension of their prescriptive jurisdiction to lawful activities conducted by foreign ships on the high seas” (ibid., para. 225).

46. Thus, according to the Tribunal, it would constitute a breach of article 87 of the Convention “if a State applies its criminal and customs laws to the high seas and criminalizes activities carried out by foreign ships thereon”, unless that is justified by the Convention or other international treaties (ibid., para. 225). That would be so, “even if the State refrained from enforcing those laws on the high seas” (ibid., para. 225). The Tribunal added that, “even when enforcement is carried out in internal waters, article 87 may still be applicable and be breached if a State extends its criminal and customs laws extraterritorially to activities of foreign ships on the high seas and criminalizes them” (ibid., para. 226).

47. The Tribunal concluded that Italy, through the decree of seizure, the request for its execution and the arrest and detention of the vessel, “breached article 87, paragraph 1, of the Convention” (ibid., para. 230). With regard to the contention of Panama that Italy breached article 87, paragraph 2, of the Convention, however, the Tribunal found that that provision was not applicable in the case (ibid., para. 231). The Tribunal also concluded that Italy had not violated article 300 of the Convention (ibid., para. 308).

48. With regard to the breach of article 87, paragraph 1, of the Convention by Italy, the Tribunal held that Italy, “as the State responsible for an internationally wrongful act”, was under an obligation to compensate for damage caused by the breach (ibid., para. 321). Having found that “the loss of the *M/V ‘Norstar’* was directly caused by the wrongful act of Italy” (ibid., para. 406), the Tribunal awarded compensation for the loss to Panama in the amount of \$285,000 with interest. No compensation was awarded, however, with regard to a number of other claims made by Panama, such as loss of profits or loss of and damage to the charterer of the *M/V “Norstar”*.

B. Case concerning the detention of three Ukrainian naval vessels (Ukraine v. Russian Federation), provisional measures

49. By its notification and statement of claim dated 31 March 2019, Ukraine instituted arbitral proceedings under annex VII to the Convention against the Russian Federation in a dispute concerning “the immunity of three Ukrainian naval vessels and the twenty-four servicemen on board”.

50. Pending the constitution of the arbitral tribunal and after the expiry of the two-week time limit provided for by article 290, paragraph 5, of the Convention, Ukraine, on 16 April 2019, submitted to the Tribunal a request for the prescription of provisional measures in respect of the dispute. The case was entered in the Tribunal’s list of cases as case No. 26.

51. By note verbale dated 30 April 2019, the Russian Federation informed the Tribunal “of its decision not to participate in the hearing on the provisional measures in the case instituted by Ukraine”.

52. By an order dated 2 May 2019, the President fixed 10 May 2019 as the date for the hearing.

53. By note verbale dated 7 May 2019, the Russian Federation transmitted a memorandum regarding its position on the circumstances of the case.

54. Prior to the opening of the hearing, the Tribunal held initial deliberations on 9 May 2019.

55. Oral statements were presented at a public sitting held on 10 May 2019. In accordance with article 75, paragraph 2, of the Rules, the Agent of Ukraine made the following final submissions at the hearing on 10 May 2019:

1. Ukraine requests that the Tribunal indicate provisional measures requiring the Russian Federation to promptly:
 - a. Release the Ukrainian naval vessels the *Berdyansk*, the *Nikopol*, and the *Yani Kapu*, and return them to the custody of Ukraine;
 - b. Suspend criminal proceedings against the twenty-four detained Ukrainian servicemen and refrain from initiating new proceedings; and
 - c. Release the twenty-four detained Ukrainian servicemen and allow them to return to Ukraine.
2. The servicemen to be covered by measures (b) and (c), above, are: ...³

56. The Tribunal delivered its order on 25 May 2019.

57. In its order, the Tribunal first noted that a “dispute concerning the interpretation or application of the Convention prima facie appears to have existed on the date the arbitral proceedings were instituted” (order, para. 45). It then addressed the question as to whether the dispute was excluded from the jurisdiction of the arbitral tribunal under annex VII, as a result of declarations made by each party under article 298, paragraph 1 (b), of the Convention, relating to disputes concerning military activities. In that regard, the Tribunal observed that the question to be decided was “whether the dispute submitted to the Annex VII arbitral tribunal concerns military activities” (ibid., para. 63). It stated that “the distinction between military and law enforcement activities cannot be based solely on whether naval vessels or law enforcement vessels are employed in the activities in question”, nor can that distinction “be based solely

³ Paragraph 2 of the final submission contains a list of the names of the 24 detained Ukrainian servicemen.

on the characterization of the activities in question by the parties to a dispute” (ibid., paras. 64 and 65). Such a distinction “must be based primarily on an objective evaluation of the nature of the activities in question, taking into account the relevant circumstances in each case” (ibid., para. 66).

58. The Tribunal proceeded to identify three circumstances that it deemed to be particularly relevant. First, it appeared that “the underlying dispute leading to the arrest concerned the passage of the Ukrainian naval vessels through the Kerch Strait” (ibid., para. 68). The Tribunal expressed the view that it would be difficult to assert in general terms that the passage of naval ships per se amounted to a military activity (ibid., para. 68). Second, the facts indicated that “at the core of the dispute was the Parties’ differing interpretation of the regime of passage through the Kerch Strait” (ibid., para. 72). Such a dispute, according to the Tribunal, was not military in nature (ibid., para. 72). Third, considering the context in which the Russian Federation had used force when detaining the Ukrainian vessels and the sequence of events, the Tribunal held the view that “what occurred appears to be the use of force in the context of a law enforcement operation rather than a military operation” (ibid., para. 74). For the Tribunal, the circumstances suggested “that the arrest and detention of the Ukrainian naval vessels by the Russian Federation took place in the context of a law enforcement operation” (ibid., para. 75). In addition, the “subsequent proceedings and charges against the servicemen further support the law enforcement nature of the activities of the Russian Federation” (ibid., para. 76). The Tribunal concluded that “prima facie article 298, paragraph 1 (b), of the Convention does not apply in the present case” (ibid., para. 77).

59. Having found that “prima facie the Annex VII arbitral tribunal would have jurisdiction over the dispute submitted to it” (ibid., para. 90), the Tribunal examined the plausibility of the rights asserted by Ukraine. It concluded that “the rights claimed by Ukraine on the basis of articles 32, 58, 95 and 96 of the Convention are plausible under the circumstances” (ibid., para. 97).

60. The Tribunal then found that there was “a real and imminent risk of irreparable prejudice to the rights of Ukraine pending the constitution and functioning of the Annex VII arbitral tribunal” and that “the urgency of the situation requires the prescription of provisional measures under article 290, paragraph 5, of the Convention” (ibid., para. 113). In that connection, it noted that a warship, as defined by article 29 of the Convention, “is an expression of the sovereignty of the State whose flag it flies” and that “any action affecting the immunity of warships is capable of causing serious harm to the dignity and sovereignty of a State and has the potential to undermine its national security” (ibid., para. 110).

61. The Tribunal further found that it was appropriate for it to prescribe provisional measures “requiring the Russian Federation to release the three Ukrainian naval vessels and the 24 detained Ukrainian servicemen and to allow them to return to Ukraine in order to preserve the rights claimed by Ukraine” (ibid., para. 118). It did “not consider it necessary to require the Russian Federation to suspend criminal proceedings against the 24 detained Ukrainian servicemen and refrain from initiating new proceedings” (ibid., para. 119).

62. Pending a decision by the arbitral tribunal under annex VII, the Tribunal prescribed the following provisional measures under article 290, paragraph 5, of the Convention:

- (a) The Russian Federation shall immediately release the Ukrainian naval vessels *Berdyansk*, *Nikopol* and *Yani Kapu*, and return them to the custody of Ukraine;

(b) The Russian Federation shall immediately release the 24 detained Ukrainian servicemen and allow them to return to Ukraine;

(c) Ukraine and the Russian Federation shall refrain from taking any action which might aggravate or extend the dispute submitted to the Annex VII arbitral tribunal.

63. The Tribunal further decided that Ukraine and the Russian Federation each had to submit an initial report to the Tribunal not later than 25 June 2019 and authorized the President to request further reports and information as he might consider appropriate after that report. Ukraine submitted its initial report on 25 June 2019 and a supplementary report on 26 June 2019. The Russian Federation submitted a report on 25 June 2019. Subsequently, Ukraine submitted communications concerning the case on 13 August 2019, 18 September 2019 and 29 November 2019, whereas the Russian Federation submitted notes verbales concerning the case dated 16 September 2019 and 22 November 2019.

C. *The M/T “San Padre Pio” Case (Switzerland v. Nigeria), provisional measures*

64. On 6 May 2019, Switzerland instituted arbitral proceedings under annex VII to the Convention against Nigeria in a dispute concerning the arrest and detention of the *M/T “San Padre Pio”*, its crew and cargo.

65. Pending the constitution of the arbitral tribunal and after the expiry of the two-week time limit provided for by article 290, paragraph 5, of the Convention, Switzerland, on 21 May 2019, submitted to the Tribunal a request for the prescription of provisional measures in respect of the dispute. The case was entered in the Tribunal’s list of cases as case No. 27.

66. By an order dated 29 May 2019, after having ascertained the views of the parties, the President fixed 21 and 22 June 2019 as the dates for the hearing.

67. Both Switzerland and Nigeria chose judges ad hoc pursuant to article 17 of the Statute and article 19 of the Rules. Anna Petrig was chosen as judge ad hoc by Switzerland and Sean David Murphy was chosen as judge ad hoc by Nigeria.

68. Nigeria filed with the Tribunal a statement in response on 17 June 2019.

69. Prior to the opening of the hearing, the Tribunal held initial deliberations on 20 June 2019.

70. Oral statements were presented on 21 and 22 June 2019, in four public sittings. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions at the hearing on 22 June 2019:

On behalf of Switzerland:

Switzerland requests the Tribunal to prescribe the following provisional measures:

Nigeria shall immediately take all measures necessary to ensure that the restrictions on the liberty, security and movement of the *“San Padre Pio”*, her crew and cargo are immediately lifted to allow them to leave Nigeria. In particular, Nigeria shall:

(a) enable the *“San Padre Pio”* to be resupplied and crewed so as to be able to leave, with her cargo, her place of detention and the maritime areas under the jurisdiction of Nigeria and exercise the freedom of navigation to which her flag State, Switzerland, is entitled under the Convention;

(b) release the Master and the three other officers of the “*San Padre Pio*” and allow them to leave the territory and maritime areas under the jurisdiction of Nigeria;

(c) suspend all court and administrative proceedings and refrain from initiating new ones which might aggravate or extend the dispute submitted to the Annex VII arbitral tribunal.

On behalf of Nigeria:

The Federal Republic of Nigeria respectfully requests that the International Tribunal for the Law of the Sea reject all of the Swiss Confederation’s requests for provisional measures.

71. The Tribunal delivered its order on 6 July 2019.

72. In its order, the Tribunal found that “prima facie the Annex VII arbitral tribunal would have jurisdiction over the dispute submitted to it” (order, para. 76) and that, “taking into account the legal arguments made by the Parties and evidence available before it, it appears that the rights claimed by Switzerland in the present case on the basis of articles 58, paragraphs 1 and 2, and 92 of the Convention are plausible” (ibid., para. 108).

73. The Tribunal considered that, under the circumstances of the case, the arrest and detention of the *M/T “San Padre Pio”* “could irreparably prejudice the rights claimed by Switzerland relating to the freedom of navigation and the exercise of exclusive jurisdiction over the vessel as its flag State if the Annex VII arbitral tribunal adjudges that those rights belong to Switzerland”. In the Tribunal’s view, “there is a risk that the prejudice to the rights asserted by Switzerland ... may not be fully repaired by monetary compensation alone” (ibid., para. 128). The Tribunal noted, inter alia, that the *M/T “San Padre Pio”* had “not only been detained for a considerable period of time” but also that the vessel and its crew were “exposed to constant danger to their safety and security” (ibid., para. 129). The Tribunal therefore found, under the circumstances of the case, that “there is a real and imminent risk of irreparable prejudice to the rights of Switzerland pending the constitution and functioning of the Annex VII arbitral tribunal” and that “the urgency of the situation requires the prescription of provisional measures under article 290, paragraph 5, of the Convention” (ibid., para. 131).

74. The Tribunal found it appropriate to prescribe provisional measures requiring Nigeria to release the vessel, its cargo and its crew “upon the posting of a bond or other financial security by Switzerland” (ibid., para. 138). The Tribunal considered, however, “that posting of a bond, whilst effective, may not afford sufficient satisfaction to Nigeria” (ibid., para. 141). The Tribunal, therefore, decided that “Switzerland shall undertake to ensure the return of the Master and the three officers to Nigeria if so required in accordance with the decision of the Annex VII arbitral tribunal, and that, for this purpose, the Parties shall cooperate in good faith in the implementation of such undertaking” (ibid., para. 141).

75. Pending a decision by the arbitral tribunal under annex VII, the Tribunal prescribed the following provisional measures under article 290, paragraph 5, of the Convention:

(a) Switzerland shall post a bond or other financial security, in the amount of \$14,000,000, with Nigeria in the form of a bank guarantee, as indicated in paragraphs 139 and 140;

(b) Switzerland shall undertake to ensure that the Master and the three officers are available and present at the criminal proceedings in Nigeria, if the Annex VII arbitral tribunal finds that the arrest and detention of the *M/T “San Padre Pio”*,

its cargo and its crew and the exercise of jurisdiction by Nigeria in relation to the event which occurred on 22 and 23 January 2018 do not constitute a violation of the Convention. Switzerland and Nigeria shall cooperate in good faith in the implementation of such undertaking;

(c) Upon the posting of the bond or other financial security referred to in (a) above and the issuance of the undertaking referred to in (b) above, Nigeria shall immediately release the *M/T "San Padre Pio"*, its cargo and the Master and the three officers and shall ensure that the *M/T "San Padre Pio"*, its cargo and the Master and the three officers are allowed to leave the territory and maritime areas under the jurisdiction of Nigeria.

76. The Tribunal further decided that Switzerland and Nigeria each had to submit an initial report not later than 22 July 2019 to the Tribunal and authorized the President to request further reports and information as he may consider appropriate after that date. On 22 July 2019, each party submitted an initial report on the measures taken. Pursuant to requests from the President of the Tribunal in accordance with article 95 of the Rules and paragraph 146 (3) of the order of 6 July 2019, the parties furnished additional information and reports regarding compliance with the provisional measures prescribed by the Tribunal. Switzerland made those additional submissions on 16 August, 25 October and 8 November 2019, while Nigeria did so on 16 August, 17 September and 10 October 2019.

D. *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*

77. Further to consultations held by the President of the Tribunal with representatives of Maldives and Mauritius on 17 September 2019, a special agreement was concluded between the two States on 24 September 2019 to submit to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute the dispute concerning the delimitation of their maritime boundary in the Indian Ocean. An electronic copy of the special agreement and notification signed by both parties was received by the Registrar of the Tribunal on 24 September 2019, which constituted the notification required under article 55 of the Rules. The case was entered in the Tribunal's list of cases as case No. 28.

78. By an order dated 27 September 2019, the Tribunal decided to accede to the request of the parties to form a special chamber of nine judges to deal with the case and determined the composition of the Special Chamber with their approval.

79. 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.

80. On 18 December 2019, within the time limit set by 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", in which it challenged the jurisdiction of the Special Chamber and the admissibility of the claims submitted by Mauritius.

81. Upon receipt of the preliminary objections by the Registry, pursuant to article 97, paragraph 3, of the Rules, the proceedings on the merits were suspended. By order dated 19 December 2019, the President of the Special Chamber fixed 17 February 2020 as the time limit for the filing by Mauritius of its written observations and submissions on the preliminary objections filed by Maldives and 17 April 2020 as the

time limit for the filing by Maldives of its written observations and submissions in reply, and reserved the subsequent procedure for further decision.

E. *The M/T “San Padre Pio” (No. 2) Case (Switzerland/Nigeria)*

82. Further to consultations held by the President of the Tribunal with representatives of Switzerland and Nigeria on 2 and 3 December 2019, the parties agreed to transfer their dispute concerning the arrest and detention of the *M/T “San Padre Pio”*, its crew and cargo to the Tribunal.

83. On 17 December 2019, Switzerland and Nigeria transmitted a special agreement and notification to the Tribunal to submit the aforementioned dispute. The case was entered in the Tribunal’s list of cases as case No. 29.

VIII. Communications and information concerning action taken pursuant to judgments and orders of the Tribunal

84. With respect to the *M/V “Norstar” Case (Panama v. Italy)*, Panama communicated information to the Tribunal concerning payment of the compensation awarded to Panama by the Tribunal in its judgment of 10 April 2019. In that regard, Panama transmitted to the Tribunal copies of letters dated 17 May 2019 and 8 July 2019 from the Agent of Panama to the Agent of Italy. In the latter, the Agent of Panama requested information about “the intentions of the Italian government regarding ... compliance [with] the obligation ascertained by the [Tribunal]”.

IX. Appointment of arbitrators by the President of the Tribunal pursuant to article 3 of annex VII to the Convention

85. In accordance with article 3 of annex VII to the Convention, if the parties to a dispute are unable to reach agreement on the appointment of one or more of the members of the arbitral tribunal to be appointed by agreement, or on the appointment of the President of the arbitral tribunal, the President of the Tribunal shall make the necessary appointments at the request of any party to the dispute and in consultation with the parties.

86. In the arbitral proceedings under annex VII to the Convention instituted by Ukraine on 31 March 2019 against the Russian Federation in respect of the dispute concerning “the immunity of three Ukrainian naval vessels and the twenty-four servicemen on board”, by a letter dated 12 June 2019, Ukraine requested the President of the Tribunal to appoint three members of the arbitral tribunal to be constituted and to designate one among them to serve as the president of the arbitral tribunal under annex VII. Further to consultations with the parties, on 10 July 2019, Donald McRae (Canada), Rüdiger Wolfrum (Germany) and Gudmundur Eiriksson (Iceland) were appointed as arbitrators and Donald McRae as president of the arbitral tribunal.

X. Legal matters

87. During the period under review, the Tribunal devoted part of its forty-seventh and forty-eighth sessions to the consideration of legal and judicial matters. In that respect, the Tribunal examined various legal issues of relevance to its jurisdiction, its Rules and its judicial procedures. The review was undertaken by both the Tribunal and its chambers. Some of the subjects considered are noted below.

A. Jurisdiction of the Tribunal

88. 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

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

C. Chambers

90. During the period under review, the chambers of the Tribunal held meetings in which they considered reports prepared by the Registry on matters falling under their responsibilities, such as procedural issues of contentious proceedings before the Seabed Disputes Chamber, jurisdictional aspects of fisheries disputes and legal questions associated with the rise in sea level as a consequence of climate change.

XI. Agreement on Privileges and Immunities

91. 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. It entered into force on 30 December 2001. As at 31 December 2019, 41 States had ratified or acceded to it.

XII. Relations with the United Nations

92. At the forty-second plenary meeting of the seventy-fourth session of the General Assembly, on 10 December 2019, the President of the Tribunal delivered a statement under agenda item 74 (a), "Oceans and the law of the sea".⁴ In his statement, the President gave an overview of the judicial work of the Tribunal. He noted that, in 2019, the Tribunal had experienced a productive year, delivering one judgment and two orders covering a range of legal issues, including the freedom of navigation, exclusive flag State jurisdiction on the high seas and the military activities exception to compulsory dispute settlement. The President stated that the Tribunal's interpretation and application of key provisions of the Convention in those cases had provided States with greater clarity on their rights and obligations thereunder. The President also provided information to the Assembly on the Tribunal's capacity-building activities.

93. On 15 March 2019, Georg Nolte, member of the International Law Commission, visited the Tribunal and was welcomed by the President. During a meeting with the judges of the Tribunal, Mr. Nolte gave an overview of the current programme of work of the International Law Commission. This was followed by a discussion with the judges.

94. On 17 September 2019, the President of the intergovernmental conference on an international legally binding instrument 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, Rena Lee, visited the Tribunal. She

⁴ The text of the statement is available on the Tribunal's website: www.itlos.org or www.tidm.org.

was welcomed by the President and also met with the judges of the Tribunal. She provided information to the judges on the current status of the negotiations. During an exchange of views, matters relating to dispute settlement under the new international legally binding instrument were addressed.

XIII. Headquarters Agreement

95. 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. In addition, 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.

96. 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, enhancing the security installations and renovating the kitchens and pantries.

XIV. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2021–2022

97. During the forty-eighth session of the Tribunal, the Committee on Budget and Finance gave preliminary consideration to the budget of the Tribunal for the financial period 2021–2022 on the basis of draft proposals submitted by the Registrar.

2. Report on budgetary matters for the financial periods 2015–2016 and 2017–2018

98. At its forty-seventh session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial period 2017–2018. After the report had been considered by the Tribunal, it was submitted to the twenty-ninth Meeting of States Parties for its consideration ([SPLOS/29/3](#)). The report included the following: the performance report for 2017–2018; a report on action taken pursuant to the Financial Regulations and Rules of the Tribunal (cash surplus from the financial period 2015–2016; the Tribunal's investments and the trust funds established pursuant to regulation 6.5 of the Financial Regulations of the Tribunal); and projections of the pension scheme of the members of the Tribunal (pension scheme regulations; pensions in payment from 2000 to 2018; projections for future financial periods).

3. Cash flow situation

99. At its forty-seventh and forty-eighth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

B. Status of contributions

100. As at 31 December 2019, 109 States parties had made contributions to the 2019–2020 budget, totalling €9,393,665, while 59 States parties had not made any payments with respect to their assessed contributions for 2019–2020. The balance of unpaid

contributions with respect to the financial period 2019–2020 was €866,935. An amount of €4,259,034 was credited against the assessed contributions for 2020.

101. Furthermore, assessed contributions amounting to €360,208 in respect of the Tribunal's budgets for the financial periods 1996–1997 to 2017–2018 were still pending as at 31 December 2019.

102. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €1,227,143 as at 31 December 2019. In July 2019, the Registrar sent the States parties notes verbales concerning their assessed contributions for 2020 to the Tribunal's 2019–2020 budget and containing information about outstanding contributions to the previous budgets. In December 2019, notes verbales were sent to the States parties concerned, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Financial Regulations and Rules

103. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.⁵

104. 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, according to rule 114.1, became effective on 1 January 2005.⁶

105. Pursuant to financial regulation 12.1, the twenty-sixth Meeting of States Parties appointed BDO as the Tribunal's auditor for the financial periods 2017–2018 and 2019–2020.

D. Trust funds and donations

106. 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 has been 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 \$114,622 as at 31 December 2019.

107. In addition, the Registrar has established the following trust funds pursuant to regulation 6.5 of the Financial Regulations of the Tribunal: the Nippon Foundation trust fund, the trust fund for the Law of the Sea, the China Institute of International Studies trust fund (closed in 2018) and the twentieth anniversary trust fund (closed in 2017).

108. 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. For the period 2007–2019, the Nippon Foundation made 13 contributions to the grant. As at 31 December 2019, the balance of total reserves stood at €432,477.

109. In 2010, pursuant to a decision of the Tribunal at its twenty-eighth session, the trust fund for the law of the sea was established. Its terms of reference were adopted by the Tribunal and submitted to the twentieth Meeting of States Parties for its

⁵ Financial Regulations, regulation 14.1.

⁶ The Financial Regulations and Rules of the Tribunal are contained in document [SPLOS/120](#).

consideration. The trust fund is intended to promote human resources development in developing countries with regard to 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. 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. Since 2010, 11 contributions to the trust fund were made by the Korea Maritime Institute, 1 by the Government of China and 1 by Korwind. As at 31 December 2019, the balance of total reserves stood at €189,022.

XV. Administrative matters

110. During the period under review, the committees of the Tribunal considered various administrative matters within the scope of their activities. Reference to some of the matters considered is made in the paragraphs below.

A. Staff Regulations and Staff Rules

111. In order to ensure compatibility between the Staff Regulations of the Tribunal and 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 the salary scale for staff in the Professional and higher categories.

112. 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 the pensionable remuneration for staff in the Professional and higher categories. Pursuant to regulations 12.2, 12.3 and 12.4 of the Staff Regulations, the amendments to the Staff Rules, which had been provisional, entered into full force and effect on 1 January 2020.

B. Staff recruitment

113. In 2019, the Tribunal recruited staff members for the posts of Senior Legal Officer/Head of Legal Office (P-5); Associate Legal Officer (P-2); Associate Archivist (P-2); and Personal Assistant (President) (G-7).

114. At the end of 2019, recruitment was in progress with respect to the posts of Legal Officer (P-4) and Linguistic Assistant/Judiciary Support (G-6)

115. A list of the staff members of the Registry as at 31 December 2019 is contained in annex I to the present report.

116. Temporary personnel were recruited to assist the Tribunal during its forty-seventh and forty-eighth sessions and during the hearings and deliberations in cases Nos. 25, 26 and 27.

117. The staff of the Registry consists of 38 staff members, of whom 18 are in the Professional and higher categories. 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.

Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard. This regulation provides:

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.

118. The Tribunal has taken steps to ensure that vacancy announcements are disseminated in such a way as to recruit staff on as wide a geographical basis as possible. Information on vacancies is transmitted to the embassies in Berlin of the States parties to the Convention, and to the permanent missions in New York. The information is also posted on the Tribunal's website and published in the press.

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

C. Staff Pension Committee

120. Further to the proposal of the Tribunal, the sixteenth Meeting of States Parties decided that a Staff Pension Committee should 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.

121. The twenty-seventh Meeting of States Parties adopted a decision extending the nominations of Indonesia as member and Canada as alternate member of the Committee for a three-year term of office starting on 1 January 2020 (SPLOS/29/8).

D. Language classes at the Tribunal

122. English and French classes for Registry staff members were held in 2019.

XVI. Buildings and electronic systems

A. Building arrangements and new requirements

123. During the forty-seventh and forty-eighth sessions, the Registrar presented reports on building arrangements and the use of the Tribunal's premises. The reports were reviewed by the Committee on Buildings and Electronic Systems with a view to improving the working conditions of the Tribunal.

B. Use of the premises and public access

124. The following events were held on the premises of the Tribunal during 2019:

- (a) International Civil Service Commission meeting, from 17 to 21 June;
- (b) International Foundation for the Law of the Sea summer academy, from 21 July to 16 August;
- (c) University of Hamburg and Indiana University Bloomington conference on the law of the sea, on 17 and 18 October;

(d) University of Hamburg Model United Nations simulation exercise, on 29 November.

125. In addition, some 2,500 visitors took part in organized tours of the premises of the Tribunal in 2019.

XVII. Library facilities and archives

126. During the forty-seventh and forty-eighth sessions, the Registrar reported on several matters pertaining to the Library, including the collections and an integrated library management system. He also presented reports on the archive collections and databases.

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

XVIII. Publications

128. The status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications during the forty-seventh and forty-eighth sessions of the Tribunal.

129. During the period under review, the following volume was published:

ITLOS Yearbook 2018, Vol. 22.

XIX. Public relations

130. During the period under review, the Committee on Public Relations gave consideration to a set of measures to provide information on the work of the Tribunal, including the use of social media by the Tribunal, dissemination of information on the Tribunal, the use and protection of the Tribunal's emblem and participation by representatives of the Tribunal in international legal meetings.

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

132. The website can be accessed at the following addresses: www.itlos.org (English) and www.tidm.org (French). The texts of judgments and orders of the Tribunal and verbatim records of hearings are available on the website, together with other information about the Tribunal.

133. In 2019, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

XX. Capacity-building activities

134. A number of capacity-building activities relating to the work of the Tribunal continued to be conducted in 2019.

A. Internship programme

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

136. As at the end of 2019, a total of 375 interns from 95 States had participated in the programme, with 163 interns benefiting from funding.

137. During 2019, 15 persons from 13 States (Chile, China, Côte d'Ivoire, France, Georgia, Germany, Hungary, India, Iran (Islamic Republic of), Kenya, Mexico, Russian Federation and Togo) served as interns at the Tribunal.

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

B. Capacity-building and training programme

139. In 2019, for the thirteenth 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 to fellows and assist them in covering the costs incurred by participating in the programme. During the 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 working in the fields of law of the sea, maritime law and dispute settlement. At the same time, participants carry out individual research on selected topics. Information about the programme can be obtained from the Registry or from the Tribunal's website.

140. Nationals of Bahrain, Chile, Côte d'Ivoire, Guyana and Lithuania are participating in the 2019–2020 programme (July 2019–March 2020).

C. Regional workshops

141. 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 working 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.

142. During 2019, a workshop organized by the Tribunal in cooperation with the Government of Uruguay and with the financial support of the Korea Maritime Institute was held in Montevideo on 13 and 14 November. The theme of the workshop was "The role of the International Tribunal for the Law of the Sea in the settlement of disputes related to the law of the sea". The workshop was attended by representatives of 10 States of the region: Argentina, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of).

D. Summer academy

143. The International Foundation for the Law of the Sea held the thirteenth summer academy at the Tribunal's premises from 21 July to 16 August 2019, on the theme "Promoting ocean governance and peaceful settlement of disputes". A total of 41 participants from 28 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.

Annex I

List of staff (2019)

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
Vacant	Deputy Registrar		D-2	
Guy, Pauline	Senior Translator/Reviser – Head of Linguistic Services	United Kingdom	P-5	P-5
Füracker, Matthias	Senior Legal Officer/Head of Legal Office	Germany	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
Gaba Kpayedo, Kafui	Head of Personnel, Building and Security	Togo	P-4	P-4
Vacant	Legal Officer		P-4	
Gaultier, Léonard	Translator/Reviser (French)	France	P-4	P-4
Ritter, Roman	Head of Budget and Finance	Germany	P-4	P-4
Gbadoe, Alfred	Information Technology Officer	Germany	P-4	P-4
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Burke, Naomi	Legal Officer	Ireland	P-3	P-3
Ritter, Julia ^a	Press Officer	United Kingdom	P-2	P-2
Buergers-Vereshchak, Svitlana	Associate Administrative Officer (Contributions/Budget)	Ukraine	P-2	P-2
Vorbeck, Antje	Associate Administrative Officer (Personnel)	Germany	P-2	P-2
Berberovic, Dejan	Associate Archivist	Bosnia and Herzegovina	P-2	P-2
Benatar, Marco	Associate Legal Officer	South Africa	P-2	P-2

Total posts: 18

^a The post of Press Officer is occupied 50 per cent by the incumbent of the post, Julia Ritter.

B. General Service

<i>Name</i>	<i>Title</i>	<i>Country of nationality</i>	<i>Level of post</i>	<i>Level of incumbent</i>
Bothe, Andreas	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
Tatam, Kirsten	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
Rakotomalala, Brigitte	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Gómez Ramírez, Sebastian	Administrative Assistant (Finance)	Colombia	G-6	G-6
Fusiek, Christoph	Finance Assistant (Accounts Payable)	Germany	G-5	G-5
Marzahn, Inga	Administrative Assistant	Germany	G-5	G-5
Fislage, Sylvie	Personal Assistant (Deputy Registrar)	France	G-5	G-5
Banerjee, Mita	Administrative Assistant	Germany	G-5	G-4
Duddek, Sven	Senior Security Officer/Building Superintendent	Germany	G-4	G-4
Aziamble, Papagne	Administrative Support/Driver	Togo	G-4	G-4
Ntinugwa, Chuks	Security Officer/Driver	Germany	G-3	G-3

Total posts: 20

Annex II

List of donors to the Library of the International Tribunal for the Law of the Sea as at 31 December 2019

Centre de droit maritime et océanique, Faculté de droit et des sciences politiques, Université de Nantes, France

Chinese Society of the Law of the Sea, Beijing

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

Deutscher Nautischer Verein, Hamburg, Germany

International and Comparative Law Research Center, Moscow

Japan Branch of the International Law Association, Tokyo

Japanese Society of International Law, Tokyo

Tommy Koh, Centre for International Law, National University of Singapore

James Kraska, Chair, and Charles H. Stockton, Professor of International Maritime Law, Naval War College, Newport, United States of America

Leopoldina – Nationale Akademie der Wissenschaften, Halle, Germany

Mareverlag, Hamburg, Germany

Northwest Atlantic Fisheries Organization, Dartmouth, Canada

Gabriela A. Oanta, Instituto Universitario de Estudios Europeos “Salvador de Madariaga”, University of A Coruña, Spain

Permanent Court of Arbitration, The Hague

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