



Meeting of States Parties

Distr.: General
9 April 2021

Original: English

Thirty-first Meeting

New York, 21–25 June 2021

Item 8 of the provisional agenda*

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 2020

Contents

	<i>Page</i>
I. Introduction	4
II. Organization of the Tribunal	4
A. Changes in the composition of the Tribunal	6
B. Election of the President and the Vice-President	6
C. Election of the Deputy Registrar	7
III. Chambers	7
A. Seabed Disputes Chamber	7
B. Special chambers	7
IV. Committees	9
A. Committee on Budget and Finance	9
B. Committee on Rules and Judicial Practice	9
C. Committee on Staff and Administration	9
D. Committee on Library, Archives and Publications	9
E. Committee on Buildings and Electronic Systems	9
F. Committee on Public Relations	9
V. Meetings of the Tribunal	9
VI. Judicial work of the Tribunal	10

* SPLOS/31/L.1.



A.	<i>Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)</i>	10
B.	<i>The M/T “San Padre Pio” (No. 2) Case (Switzerland/Nigeria)</i>	12
VII.	Communications and information concerning action taken pursuant to judgments and orders of the Tribunal	12
VIII.	Legal matters	12
A.	Jurisdiction of the Tribunal.	12
B.	Rules of the Tribunal.	13
C.	Recent developments in law of the sea matters	13
D.	Chambers.	13
IX.	Response to the COVID-19 pandemic.	13
X.	Agreement on Privileges and Immunities	14
XI.	Relations with the United Nations	14
XII.	Relations with other organizations and bodies	14
XIII.	Headquarters Agreement.	14
XIV.	Agreements with States.	15
XV.	Finances	15
A.	Budgetary matters	15
B.	Status of contributions	16
C.	Financial Regulations and Rules	16
D.	Trust funds and donations.	16
XVI.	Administrative matters	17
A.	Staff Regulations and Staff Rules	17
B.	Staff recruitment	18
C.	Staff Pension Committee	18
D.	Language classes at the Tribunal	19
XVII.	Buildings and electronic systems	19
A.	Building arrangements and new requirements	19
B.	Use of the premises and public access.	19
XVIII.	Library facilities and archives	19
XIX.	Publications	19
XX.	Public relations	20
XXI.	Capacity-building activities	20
A.	Internship programme.	20
B.	Capacity-building and training programme	20
C.	Regional workshops	21
D.	Summer academy	21

E. Workshop for legal advisors (sponsored by the Republic of Korea). 21

Annexes

I. Information on staff (2020) 22

II. List of donors to the Library of the International Tribunal for the Law of the Sea as at
31 December 2020. 24

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 2020.

2. The Tribunal was established under the United Nations Convention on the Law of the Sea of 1982. It functions in accordance with the relevant provisions of parts XI and XV 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. In accordance with article 5, paragraph 1, of the statute, the terms of office of seven members expired on 30 September 2020.

5. Until 30 September 2020, the composition of the Tribunal was 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
Markiyan Z. Kulyk	Ukraine	30 September 2020
Alonso Gómez-Robledo Verduzco	Mexico	30 September 2023

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
Tomas Heidar	Iceland	30 September 2023
Óscar Cabello Sarubbi	Paraguay	30 September 2026
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

6. Further to the triennial election held in August 2020, since 1 October 2020, 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>		
Albert J. Hoffmann	South Africa	30 September 2023
<i>Vice-President</i>		
Tomas Heidar	Iceland	30 September 2023
<i>Judges</i>		
José Luis Jesus	Cabo Verde	30 September 2026
Stanislaw Pawlak	Poland	30 September 2023
Shunji Yanai	Japan	30 September 2023
James L. Kateka	United Republic of Tanzania	30 September 2023
Boualem Bouguetaia	Algeria	30 September 2026
Jin-Hyun Paik	Republic of Korea	30 September 2023
David Joseph Attard	Malta	30 September 2029
Markiyan Z. Kulyk	Ukraine	30 September 2029
Alonso Gómez-Robledo Verduzco	Mexico	30 September 2023
Óscar Cabello Sarubbi	Paraguay	30 September 2026
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
María Teresa Infante Caffi	Chile	30 September 2029
Jielong Duan	China	30 September 2029

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
Kathy-Ann Brown	Jamaica	30 September 2029
Ida Caracciolo	Italy	30 September 2029
Maurice K. Kamga	Cameroon	30 September 2029

7. The Registrar of the Tribunal is Ximena Hinrichs Oyarce (Chile). The Deputy Registrar is Antoine Ollivier (France).

A. Changes in the composition of the Tribunal

1. Election of seven members of the Tribunal

8. The terms of office of seven members of the Tribunal expired on 30 September 2020.

9. In a note verbale dated 13 December 2019, acting pursuant to article 4, paragraph 2, of the statute, the Registrar invited the States parties to submit between 6 January and 5 March 2020 the names of candidates whom they might wish to nominate for election as members of the Tribunal. An alphabetical list of all persons nominated, with an indication of the States parties nominating them, was then prepared by the Registrar and submitted to the States parties as document [SPLOS/30/8](#) of 1 April 2020. In addition, a list of nominations was made accessible through the website of the Tribunal.

10. The triennial election to fill the positions of the seven members took place at a plenary meeting of the thirtieth Meeting of States Parties, held from 24 to 26 August 2020. The Meeting re-elected Judges Attard and Kulyk and elected Kathy-Ann Brown, Ida Caracciolo, Jielong Duan, María Teresa Infante Caffi and Maurice K. Kamga.

2. Solemn declaration

11. Pursuant to article 11 of the statute, all members of the Tribunal are required, before taking up their duties, to make a solemn declaration that they will exercise their powers impartially and conscientiously.

12. The solemn declaration provided for in article 5 of the Rules was made by newly elected Judges Brown, Caracciolo, Duan, Infante Caffi and Kamga at a public sitting of the Tribunal, on 1 October 2020. The swearing-in ceremony was held in hybrid format, with some judges present in the courtroom and others attending by video link. Judge Brown, who was among the judges attending by video link, made her solemn declaration remotely from the premises of the International Seabed Authority, in Kingston. The ceremony was streamed live on the Tribunal's website.

B. Election of the President and the Vice-President

13. On 2 October 2020, the judges elected Judge Hoffmann as President of the Tribunal and Judge Heidar as Vice-President, for a term of three years each. The elections were held using a secure electronic voting system. The President and the Vice-President entered upon their functions forthwith.

C. Election of the Deputy Registrar

14. On 13 March 2020, the Tribunal elected Antoine Ollivier as Deputy Registrar of the Tribunal for a term of five years starting on 1 June 2020.

III. Chambers

A. Seabed Disputes Chamber

15. 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.

16. Pursuant to article 23 of the Rules, the terms of office of members selected on 4 October 2017 expired on 30 September 2020. Until that date, 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.

17. On 7 October 2020, during its fiftieth session, the Tribunal selected the members of the Seabed Disputes Chamber. As required under the statute, the judges of the Chamber were selected in such a manner as to ensure the representation of the principal legal systems of the world and equitable geographical distribution. The members of the Chamber entered upon their duties forthwith and elected Judge Chadha as President of the Chamber. The election was held using a secure electronic voting system. The composition of the Chamber, in order of precedence, is as follows: Judge Chadha, President; Judges Jesus, Bouguetaia, Paik, Gómez-Robledo, Cabello Sarubbi, Kittichaisaree, Kolodkin, Lijnzaad, Duan and Brown, members.

18. The terms of office of the members of the Chamber expire on 30 September 2023.

B. Special chambers

1. Chamber of Summary Procedure

19. 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.

20. On 7 October 2020, during its fiftieth session, the Chamber was constituted for the period from 1 October 2020 to 30 September 2021. The members of the Chamber, in order of precedence, are as follows: Judge Hoffmann, President (*ex officio*); Vice-President Heidar (*ex officio*) and Judges Kateka, Kolodkin and Lijnzaad, members; Judges Kulyk and Caracciolo, alternates.

2. Chamber for Fisheries Disputes

21. On 20 February 1997, the Tribunal established the Chamber for Fisheries Disputes in accordance with article 15, paragraph 1, of the statute.

22. The terms of office of the members of the Chamber selected on 4 October 2017 expired on 30 September 2020. Until that date, 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.

23. On 7 October 2020, during its fiftieth session, the Tribunal selected the members of the Chamber for Fisheries Disputes for a three-year term. The members of the Chamber entered upon their duties forthwith and elected Judge Pawlak as President of the Chamber. The election was held using a secure electronic voting system. The composition of the Chamber, in order of precedence, is as follows: Judge Pawlak, President; Judges Yanai, Bouguetaia, Paik, Attard, Gómez-Robledo, Cabello Sarubbi, Caracciolo and Kamga, members.

24. The terms of office of the members of the Chamber expire on 30 September 2023.

3. Chamber for Marine Environment Disputes

25. On 20 February 1997, the Tribunal established the Chamber for Marine Environment Disputes in accordance with article 15, paragraph 1, of the statute.

26. The terms of office of the members of the Chamber selected on 4 October 2017 expired on 30 September 2020. Until that date, 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.

27. On 7 October 2020, during its fiftieth session, the Tribunal selected the members of the Chamber for Marine Environment Disputes for a three-year term. The members of the Chamber entered upon their duties forthwith and elected Judge Attard as President of the Chamber. The election was held using a secure electronic voting system. The composition of the Chamber, in order of precedence, is as follows: Judge Attard, President; Judges Jesus, Yanai, Kateka, Kittichaisaree, Kolodkin, Infante Caffi, Brown and Kamga, members.

28. The terms of office of the members of the Chamber expire on 30 September 2023.

4. Chamber for Maritime Delimitation Disputes

29. On 16 March 2007, the Tribunal established the Chamber for Maritime Delimitation Disputes in accordance with article 15, paragraph 1, of the statute.

30. The terms of office of the members of the Chamber selected on 4 October 2017 expired on 30 September 2020. Until that date the composition of the Chamber, in order of precedence, was as follows: Judge Paik, President; Judges Attard, Jesus, Kateka, Bouguetaia, Gómez-Robledo, Chadha, Kittichaisaree, Kolodkin and Lijnzaad, members.

31. On 7 October 2020, during its fiftieth session, the Tribunal selected the members of the Chamber for Maritime Delimitation Disputes for a three-year term. The members of the Chamber entered upon their duties forthwith. The composition of the Chamber, in order of precedence, is as follows: Judge Hoffmann, President (ex officio); Vice-President Heidar (ex officio) and Judges Pawlak, Kulyk, Chadha, Lijnzaad, Infante Caffi, Duan and Caracciolo, members.

32. The terms of office of the members of the Chamber expire on 30 September 2023.

IV. Committees

33. On 6 October 2020, during its fiftieth session, the Tribunal reconstituted its committees. The new composition of the committees is provided in paragraphs 34 to 39 below.¹

A. Committee on Budget and Finance

34. The members of the Committee on Budget and Finance are: Judge Yanai, Chair; Judges Jesus, Pawlak, Bouguetaia, Kulyk, Cabello Sarubbi, Chadha, Lijnzaad and Duan, members.

B. Committee on Rules and Judicial Practice

35. The members of the Committee on Rules and Judicial Practice are: President Hoffmann, Chair; Vice-President Heidar and Judges Pawlak, Yanai, Kateka, Paik, Chadha (ex officio), Kittichaisaree, Kolodkin and Kamga, members.

C. Committee on Staff and Administration

36. The members of the Committee on Staff and Administration are: Judge Lijnzaad, Chair; Judges Jesus, Kulyk, Chadha, Infante Caffi and Caracciolo, members.

D. Committee on Library, Archives and Publications

37. The members of the Committee on Library, Archives and Publications are: Judge Kolodkin, Chair; Judges Attard, Gómez-Robledo, Kittichaisaree, Infante Caffi and Kamga, members.

E. Committee on Buildings and Electronic Systems

38. The members of the Committee on Buildings and Electronic Systems are: Judge Cabello Sarubbi, Chair; Judges Kateka, Attard, Duan, Brown and Caracciolo, members.

F. Committee on Public Relations

39. The members of the Committee on Public Relations are: Judge Paik, Chair; Judges Pawlak, Bouguetaia, Gómez-Robledo and Brown, members.

V. Meetings of the Tribunal

40. In 2020, the Tribunal held judicial meetings about the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives), Preliminary Objections*. Initial deliberations of the Special Chamber constituted to deal with the case were held on 12 October. The oral

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

proceedings were held from 13 to 19 October, and the Special Chamber met for deliberations from 22 to 27 October.

41. The Tribunal also held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the forty-ninth session was held from 9 to 17 March and the fiftieth session from 24 September to 7 October 2020. In the light of the coronavirus disease (COVID-19) pandemic, the forty-ninth session, which was initially to be held from 9 to 20 March, had to be shortened, and the fiftieth session was held in hybrid format, with some judges present on the premises of the Tribunal and others attending by video link (see para. 63).

42. The Tribunal decided to hold its fifty-first session from 15 to 26 March 2021, to deal with both legal and judicial matters and organizational and administrative matters.

VI. Judicial work of the Tribunal

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

43. Further to consultations held by the President of the Tribunal with representatives of Maldives and Mauritius on 17 September 2019, the two States concluded a special agreement on 24 September to submit the dispute concerning the delimitation of their maritime boundary in the Indian Ocean to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the statute. An electronic copy of the special agreement and notification signed by both parties was received by the Registrar of the Tribunal on 24 September, 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.

44. By order dated 27 September 2019, the Tribunal acceded to the request of the parties to form a special chamber of nine judges to deal with the case and determined its composition with their approval. The Tribunal constituted the Special Chamber as follows: Judge Paik, President; Judges Jesus, Cot, Yanai, Bouguetaia, Heidar and Chadha, Judge ad hoc Oxman (chosen by Maldives) and a judge ad hoc to be chosen by Mauritius, members. Mauritius subsequently chose Nicolaas Schrijver to serve as judge ad hoc.

45. 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.

46. On 18 December 2019, within the time limit set under 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 to the jurisdiction of the Special Chamber and the admissibility of the claims by Mauritius.

47. 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. The pleadings were filed within the prescribed time limits.

48. In accordance with article 45 of the Rules, on 4 February 2020, the President of the Special Chamber held telephone consultations with the representatives of the parties to ascertain their views with regard to questions of procedure in respect of the preliminary objections. During those consultations, the parties agreed that the hearing should be held from 24 to 27 June. In the light of the situation created by the COVID-19 pandemic, including travel restrictions and safety considerations, by separate communications dated 7 May, the Registrar sought the views of the parties with regard to the feasibility of holding the hearing on the dates previously agreed. Maldives, by communication dated 8 May, and Mauritius, by communication dated 13 May, expressed their agreement that the hearing should be held during the week of 12 October. By order dated 19 May, the President of the Special Chamber, having ascertained the views of the parties, fixed 13 October 2020 as the date for the opening of the oral proceedings.

49. By separate letters dated 28 July 2020, the Registrar, referring to the ongoing COVID-19 pandemic and the difficulty of organizing an in-person hearing owing to health and safety concerns and travel and border restrictions, informed the parties that the President of the Special Chamber was considering holding the hearing on the scheduled dates in hybrid format and indicated that such a hearing would combine physical and virtual participation of members of the Special Chamber and representatives of the parties. Maldives, by letter dated 4 August, and Mauritius, by letter dated 6 August, expressed their agreement to holding the hearing in hybrid format. By separate letters dated 13 August, the Registrar informed the parties that the President of the Special Chamber, having ascertained their views, had decided on the same date that the hearing would be conducted in hybrid format.

50. By letter dated 26 August 2020, the Registrar informed the parties that Judge Cot had tendered his resignation as member of the Special Chamber, with effect from 26 August, and that, accordingly, a vacancy had occurred in the Special Chamber. By order dated 15 September, the Tribunal determined, with the approval of the parties, that Judge Pawlak should fill the vacancy left by the resignation of Judge Cot.

51. Prior to the opening of the hearing, the Special Chamber held initial deliberations on 12 October 2020.

52. The hearing was held in hybrid format, between 13 and 19 October 2020, during which the parties presented their oral statements at four public sittings. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions during the hearing:

On behalf of Maldives:

In accordance with article 75, paragraph 2, of the Rules of the Tribunal, and for the reasons set out during the written and oral phases of the pleadings, the Republic of Maldives requests the Special Chamber to adjudge and declare that it is without jurisdiction in respect of the claims submitted to the Special Chamber by the Republic of Mauritius. Additionally or alternatively, for the reasons set out during the written and oral phases of the pleadings, the Republic of Maldives requests the Special Chamber to adjudge and declare that the claims submitted to the Special Chamber by the Republic of Mauritius are inadmissible.

On behalf of Mauritius:

For the reasons set out in the written observations of Mauritius on the preliminary objections raised by the Republic of Maldives, dated 17 February 2020, and for the reasons set out in the oral pleadings of Mauritius during the hearings on 15 and 19 October 2020, the Republic of

Mauritius respectfully requests the Special Chamber of the International Tribunal for the Law of the Sea to rule and adjudge that:

- (a) The preliminary objections raised by Maldives are rejected;
- (b) It has jurisdiction to entertain the application filed by Mauritius;
- (c) There is no bar to its exercise of that jurisdiction; and
- (d) It shall proceed to delimit the maritime boundary between Mauritius and the Maldives.

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

53. 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.

54. On 17 December 2019, Nigeria and Switzerland 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.

55. By order dated 7 January 2020, the President of the Tribunal fixed 6 July 2020 as the time limit for the filing of the memorial by Switzerland and 6 January 2021 as the time limit for the filing of the counter-memorial by Nigeria, and reserved the subsequent procedure for further decision. The memorial by Switzerland was filed within the prescribed time limit.

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

56. With respect to the *M/T “San Padre Pio” Case (Switzerland v. Nigeria), Provisional Measures*, Switzerland submitted an additional report on 5 November 2020 regarding compliance with the provisional measures prescribed by the Tribunal in its order dated 6 July 2019.

VIII. Legal matters

57. During the period under review, the Tribunal devoted part of its two sessions to the consideration of legal and judicial matters. In this 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 listed below.

A. Jurisdiction of the Tribunal

58. 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. Rules of the Tribunal

59. On 25 September 2020, during its fiftieth session, the Tribunal amended its Rules to provide that it may decide, as an exceptional measure, for public health, security or other compelling reasons, to hold hearings and meetings entirely or in part by video link. Accordingly, the Tribunal amended the following rules dealing with hearings and meetings: article 41 (meetings of the Tribunal), new paragraph 7; article 74 (hearings), new paragraph 2; article 112 (reading of prompt release judgment), new paragraph 5; article 124 (reading of judgment), new paragraph 3; and article 135 (reading of advisory opinion of the Seabed Disputes Chamber), new paragraph 2. The Tribunal decided that the amendments would enter into force forthwith.

C. Recent developments in law of the sea matters

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

D. Chambers

61. During the period under review, the chambers of the Tribunal held meetings at 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 and legal questions concerning the protection of the marine environment.

IX. Response to the COVID-19 pandemic

62. In the light of the COVID-19 pandemic, the Tribunal adopted a set of measures to protect the health of its members and of the Registry staff. In this regard, the forty-ninth session of the Tribunal, initially scheduled from 9 to 20 March 2020, was shortened and ended on 17 March. From 23 March to 18 May, the majority of the Registry staff was authorized to work from home, while some staff members continued to work on the Tribunal premises in order to ensure essential functions. Similar arrangements were put in place for the period from 16 to 31 December. During that time, the Registry coordinated its work from the premises by teleconferencing and videoconferencing, and preparation for cases on the docket of the Tribunal continued. In addition, health and safety measures were put in place at the Tribunal's premises to limit possible exposure to COVID-19. Visits to the premises of the Tribunal were also restricted until further notice.

63. The Tribunal also adapted its working methods to ensure its continued effective operation during the COVID-19 pandemic. As a result, the Tribunal was able to hold its fiftieth session, which began on 24 September 2020, in hybrid format, with some judges present in Hamburg and those unable to travel to Hamburg attending by video link. On 25 September, the Tribunal amended its Rules to provide that the President may decide, as an exceptional measure, for public health, security or other compelling reasons, to hold meetings entirely or in part by video link (see para. 59). On 1 October, the swearing-in ceremony for the newly elected judges was held in hybrid format. The ceremony was streamed live on the Tribunal's website (see para. 12). The elections of the President and the Vice-President of the Tribunal on 2 October and those of the Presidents of the chambers of the Tribunal on 7 October were held using a secure electronic voting system (see paras. 13, 17, 23 and 27).

64. Owing to the COVID-19 pandemic, it was decided, with the agreement of the parties, that the public hearing on the preliminary objections of Maldives in the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)* would be held at the Tribunal in October 2020 instead of in the summer of that year, as originally planned (see para. 48). The President of the Special Chamber, having ascertained the views of the parties, also decided that the hearing would be held in hybrid format (see para. 49) with participants' statements simultaneously interpreted from one official language of the Tribunal into the other.

X. Agreement on Privileges and Immunities

65. 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. The Agreement was opened for signature for 24 months as from 1 July 1997² and entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. As at 31 December 2020, 41 States had ratified or acceded to it.

XI. Relations with the United Nations

66. At its fifty-first session, the General Assembly granted observer status to the Tribunal by its resolution 51/204 of 17 December 1996. On 8 December 2020, during the 38th and 39th plenary meetings of its seventy-fifth session, the General Assembly considered agenda item 76 (a), entitled "Oceans and the law of the sea". Owing to the COVID-19 pandemic, according to a letter dated 2 December 2020 from the President of the General Assembly, access to the meetings was restricted to delegates from Member States, and representatives of observers were invited to participate by webcast. As a representative of an observer organization, the President of the Tribunal was informed that, as a result of those restrictions, it was not possible for him to deliver a statement under item 76.

XII. Relations with other organizations and bodies

67. On 5 March 2020, the Tribunal and the International Maritime Organization (IMO) co-hosted a symposium on flag State responsibilities and the future of article 91 of the Convention. The symposium, held at IMO headquarters, in London, was organized by the International Maritime Law Institute and the World Maritime University and was attended by delegates from IMO member States, representatives from international organizations, maritime lawyers and academics. Opening remarks were given by Kitack Lim (IMO Secretary-General) and the President and the Vice-President of the Tribunal.

XIII. Headquarters Agreement

68. 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

² SPLOS/24, para. 27.

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.

69. 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.

XIV. Agreements with States

70. In a virtual ceremony held on 11 June 2020, the President of the Tribunal and the Minister for Home Affairs and Minister for Law of Singapore, K. Shanmugam, signed letters on behalf of the Tribunal and Singapore, respectively, for the adoption of a model agreement establishing the terms and conditions under which the Government of Singapore agrees to provide the appropriate facilities for the Tribunal or one of its chambers to sit or otherwise exercise its functions in Singapore.

71. Article 1, paragraph 2, of the Tribunal's statute establishes the seat of the Tribunal in Hamburg. Pursuant to paragraph 3 of the same article, the Tribunal may sit and exercise its functions elsewhere, whenever it considers this desirable. The Model Agreement enables the Tribunal or one of its chambers to implement the latter provision.³

XV. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2021–2022

72. The budget proposals for the period 2021–2022, approved by the Tribunal at its forty-ninth session, were submitted to the thirtieth Meeting of States Parties (SPLOS/30/5). Following the re-election of two judges in August 2020, the amount proposed under the budget line "Pension for retiring judges" was reduced (see SPLOS/30/5/Add.1). The proposals, involving an adjusted amount of €24,155,000, were based on an evolutionary approach and guided by the principle of zero growth.

73. On 9 December 2020, the Meeting of States Parties adopted the budget for the period 2021–2022 in the amount of €24,155,000, as proposed by the Tribunal.

2. Report on budgetary matters for the financial periods 2017–2018 and 2019–2020

74. At its forty-ninth session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial periods 2017–2018 and 2019–2020, following which the report was submitted to the thirtieth Meeting of States Parties (SPLOS/30/3). The report included the following: information on the cash surplus for the financial period 2017–2018; a provisional performance report for 2019; and a report on action taken pursuant to the Financial Regulations and Rules of the Tribunal (the Tribunal's investments and the trust funds established pursuant to regulation 6.5 of the Financial Regulations and Rules).

3. Cash flow situation

75. At its forty-ninth and fiftieth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

³ The text of the Model Agreement is available on the website of the Tribunal at www.itlos.org/en/main/basic-texts-and-other-documents/.

B. Status of contributions

76. As at 31 December 2020, 126 States parties had made contributions to the budget for the period 2019–2020, totalling €19,232,110, while 42 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 €1,289,090. An amount of €2,219,639 was credited against the assessed contributions for 2021.

77. Furthermore, assessed contributions amounting to €329,348 in respect of the Tribunal's budgets for the financial periods 1996/1997 to 2017–2018 were still pending as at 31 December 2020.

78. As at 31 December 2020, the balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €1,618,438. In December 2020, the Registrar sent the States parties notes verbales concerning their assessed contributions for 2021 to the Tribunal's budget for the period 2021–2022, and containing information about outstanding contributions to the previous budgets.

C. Financial Regulations and Rules

79. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.⁴

80. 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 2005.⁵

81. Pursuant to financial regulation 14.2, the thirtieth Meeting of States Parties adopted on 9 December 2020 amendments to the Financial Regulations, as proposed by the Tribunal in the annex to document [SPLOS/30/6](#). The amended Regulations became effective on 1 January 2021 and apply to the financial period 2021 and subsequent financial periods. On 7 October 2020, the Tribunal approved amendments to the Financial Rules. These amendments applied provisionally as of 1 January 2021 and will be submitted to the thirty-first Meeting of States Parties for consideration and endorsement.

82. Pursuant to financial regulation 12.1, the thirtieth Meeting of States Parties appointed BDO AG Wirtschaftsprüfungsgesellschaft as the Tribunal's auditor for the financial periods 2021–2024.

D. Trust funds and donations

83. 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 provisional balance of \$182,751 as at 31 December 2020.

⁴ Financial Regulations, regulation 14.1.

⁵ The Financial Regulations and Rules of the Tribunal are contained in document [SPLOS/120](#).

84. In addition, the Registrar has established the following trust funds pursuant to regulation 6.5 of the Financial Regulations and Rules 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), the twentieth anniversary trust fund (closed in 2017) and a special account for a forthcoming workshop for legal advisers.

85. The Nippon Foundation trust fund was established in 2007, further to a grant provided the same year by the Nippon Foundation to fund the participation of fellows in a capacity-building and training programme on dispute settlement under the Convention. During the period 2007–2020, the Nippon Foundation made contributions to the trust fund in the amount of €3,126,310. As at 31 December 2020, the balance of total reserves stood at €131,260.

86. 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 consideration. The trust fund is intended to promote human resource development in developing countries in 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, the Korea Maritime Institute has contributed €275,482 to the fund, the Government of China €150,000, Korwind €25,000 and the Government of Cyprus €8,000. As at 31 December 2020, the balance of total reserves stood at €202,792.

87. On 28 February 2020, the Tribunal received a voluntary contribution from the Government of the Republic of Korea in the amount of \$195,595. In accordance with the concept paper on the use of voluntary contributions to the Tribunal approved on 9 March, the contribution is to be used for building the capacity of legal advisers in the field of international dispute settlement in matters pertaining to the law of the sea. In accordance with regulation 6.5 of the Financial Regulations and Rules of the Tribunal, a special euro bank account has been set up with Deutsche Bank for a workshop for legal advisers sponsored by the Republic of Korea. At the end of 2020, the balance on the special account stood at €171,603. The contribution will cover the expenses of high-level professionals involved in decision-making related to the law of the sea to enable them to participate in the workshop, which is to be held on the premises of the Tribunal.

XVI. Administrative matters

88. 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

89. To ensure compatibility of the Staff Regulations of the Tribunal with 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.

90. During the period under review, further to 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 applied provisionally, entered into full force and effect on 1 January 2021.

B. Staff recruitment

91. In 2020, the Tribunal recruited staff members for the posts of Deputy Registrar (D-2) and Linguistic Assistant/Judiciary Support (French) (G-6). At the end of 2020, recruitment was in progress with respect to the posts of Legal Officer (P-4) and Associate Press Officer (P-2).

92. A list of the staff members of the Registry as at 31 December 2020 is contained in annex I to the present report.

93. Temporary personnel were recruited to assist the Tribunal during its forty-ninth and fiftieth sessions and during the hearings and deliberations in case No. 28.

94. The Registry comprises 38 posts, of which 18 are in the Professional and higher categories.

95. 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, which provides the following:

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.

96. Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard. 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 of the States parties in Berlin and to the permanent missions in New York. The information is also posted on the Tribunal's website and published in the press.

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

C. Staff Pension Committee

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

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

D. Language classes at the Tribunal

100. English and French classes for Registry staff members were held in 2020.

XVII. Buildings and electronic systems

A. Building arrangements and new requirements

101. During the forty-ninth and fiftieth sessions, the Registrar presented reports on building arrangements and use of the Tribunal's premises. These reports were prepared by the Registry for review by the Committee on Buildings and Electronic Systems and by the Tribunal with a view to improving working conditions at the Tribunal.

B. Use of the premises and public access

102. Owing to the COVID-19 pandemic, no events were held on the premises of the Tribunal during 2020.

103. Before visits to the premises of the Tribunal were restricted until further notice in 2020, because of the pandemic, some 500 visitors took part in organized tours of the Tribunal. In lieu of physical visits, virtual visits and presentations have been offered to students and legal practitioners.

XVIII. Library facilities and archives

104. During the forty-ninth and fiftieth sessions, the Registrar reported on several matters pertaining to the Library, including the collections and an integrated library management system. She also presented reports on the archive collections and databases.

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

XIX. Publications

106. During the forty-ninth and fiftieth sessions, the status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications and by the Tribunal.

107. In 2020, the following volumes were published:

- (a) *Reports of Judgments, Advisory Opinions and Orders 2018–2019, vol. 18;*
- (b) *Pleadings, Minutes of Public Sitings and Documents 2017, vol. 26, Nos. I and II;*
- (c) *Yearbook 2019, vol. 23.*

XX. Public relations

108. During the period under review, the Committee on Public Relations gave consideration to a set of measures to provide and disseminate information on the work of the Tribunal and participation by representatives of the Tribunal in international legal meetings.

109. 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.

110. The website of the Tribunal can be accessed at the following addresses: www.itlos.org (English) and www.tidm.org (French). It contains the texts of judgments and orders of the Tribunal and the verbatim records of hearings, as well as other information about the Tribunal.

111. In 2020, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

XXI. Capacity-building activities

112. A number of capacity-building activities relating to the work of the Tribunal continued to be conducted in 2020.

A. Internship programme

113. 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 travelling to Hamburg and participating in the programme. The trust fund for the law of the sea is currently used to provide financial assistance to interns.

114. As at 31 December 2020, a total of 382 interns from 100 States had participated in the programme, 162 of whom had benefited from funding.

115. During 2020, 12 persons from 12 States (Brazil, Egypt, France, Haiti, Italy, Kazakhstan, Peru, Syrian Arab Republic, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland and Viet Nam) served as interns at the Tribunal.

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

B. Capacity-building and training programme

117. In 2020, for the fourteenth 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 of participation 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.

118. Nationals of Azerbaijan, Belgium, the Dominican Republic, Kenya, Malaysia, Mexico and Sierra Leone are participating in the 2020–2021 programme. Owing to the COVID-19 pandemic, it was decided to run the programme from August 2020 to the end of April 2021 and to organize it in hybrid format.

C. Regional workshops

119. The Tribunal has organized a series of workshops on the settlement of disputes related to the law of the sea in different regions of the world. 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.

120. Owing to the COVID-19 pandemic, no workshop was held during 2020.

D. Summer academy

121. The fourteenth session of the International Foundation for the Law of the Sea summer academy, initially scheduled from 9 August to 4 September 2020, had to be postponed owing to the COVID-19 pandemic. On 13 August, the summer academy hosted a virtual event focused on the theme “Law-making in the law of the sea and maritime law”. The event was held online, and more than 100 individuals participated in real time.

E. Workshop for legal advisors (sponsored by the Republic of Korea)

122. In 2020, with the support of the Republic of Korea, the Tribunal also planned to hold a first workshop for legal advisors on international dispute settlement in matters pertaining to the law of the sea. The Republic of Korea made a voluntary contribution to the Tribunal for that purpose (see para. 87). Owing to the COVID-19 pandemic, however, the workshop had to be postponed.

Annex I**Information on staff (2020)****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
Ollivier, Antoine	Deputy Registrar	France	D-2	D-2
Guy, Pauline	Senior Translator/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, Kafui	Head of Personnel, Building and Security	Togo	P-4	P-4
Gaultier, Léonard	Translator/Reviser (French)	France	P-4	P-4
Gbadoe, Alfred	Information Systems Officer	Germany	P-4	P-4
Ritter, Roman	Head of Budget and Finance	Germany	P-4	P-4
Vacant	Legal Officer	–	P-4	–
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Burke, Naomi	Legal Officer	Ireland	P-3	P-3
Ritter, Julia	Press Officer ^a	United Kingdom	P-2	P-2
Buergers-Vereshchak, Svitlana	Associate Administrative Officer (Contributions/Budget)	Ukraine	P-2	P-2
Vorbeck, Antje	Associate Administrative Officer	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
Vacant	Associate Press Officer ^a	–	P-2	–

Total number of posts: 18

Abbreviation: ASG, Assistant Secretary-General.

^a The posts of Press Officer and Associate Press Officer are 50 per cent part-time posts.

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
Gómez Ramírez, Sebastian	Administrative Assistant (Finance)	Colombia	G-6	G-6
Rouault, Stéphanie	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Fusiek, Christoph	Finance Assistant (Accounts Payable)	Germany	G-5	G-5
Schneider, 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-5
Duddek, Sven	Senior Security/Administrative Assistant	Germany	G-5	G-5
Aziamble, Papagne	Senior Security/Administrative Assistant	Togo	G-5	G-5
Ntinugwa, Chuks	Security/Administrative Assistant	Germany	G-4	G-4

Total number of posts: 20

Annex II

List of donors to the Library of the International Tribunal for the Law of the Sea as at 31 December 2020

Inter-American Court of Human Rights, San José

Japan Branch of the International Law Association, Tokyo

Japanese Society of International Law, Tokyo

Mareverlag, Hamburg, Germany

Northwest Atlantic Fisheries Organization, Dartmouth, Canada

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

André de Paiva Toledo, Belo Horizonte, Brazil

Permanent Court of Arbitration, The Hague, Netherlands

José Manuel Sobrino Heredia, Catedrático de Derecho Internacional Público, Universidade da Coruña, Spain

United Nations Office at Geneva

Victor Ventura, Head of Legal Office at the Environmental Protection Agency of Paraíba, Brazil

Simone Vezzani, Dipartimento di Giurisprudenza, Università degli Studi di Perugia, Italy

World Trade Organization, Geneva
