

**Contribution to the report of the Secretary-General  
on oceans and the law of the sea**

**Judicial work**

1. In the *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)* (Case No. 23), the Special Chamber of the International Tribunal for the Law of the Sea formed to deal with this dispute ("the Special Chamber") delivered its Judgment on 23 September 2017. In *The M/V "Norstar" Case (Panama v. Italy)* (Case No. 25), the International Tribunal for the Law of the Sea ("the Tribunal"), by Order of 15 November 2017, authorized the submission of a reply by Panama and a rejoinder by Italy and fixed the time-limits for the submission of those pleadings. As of 1 June 2018, Case No. 25 remains pending before the Tribunal and oral proceedings in this case are planned for September 2018.

2. *Case No. 23.* The dispute between Ghana and Côte d'Ivoire was submitted to the Tribunal by notification of a special agreement concluded on 3 December 2014. At the request of the Parties, the Tribunal formed the Special Chamber under article 15, paragraph 2, of its Statute. By Order of 25 April 2015, the Special Chamber prescribed provisional measures under article 290, paragraph 1, of the United Nations Convention on the Law of the Sea ("the Convention"), following a request filed by Côte d'Ivoire on 27 February 2015. In its Judgment of 23 September 2017, the Special Chamber delimited the maritime boundary between the two Parties in the territorial sea, the exclusive economic zone and the continental shelf, including the continental shelf beyond 200 nautical miles. The Special Chamber first determined that, contrary to Ghana's contention, there was no tacit agreement on the course of the maritime boundary. It then decided to effect the delimitation by applying the equidistance/relevant circumstances methodology, rejecting thereby the arguments put forward by Côte d'Ivoire in favour of the application of the angle bisector methodology. The Special Chamber established a provisional equidistance line and thereafter examined whether relevant circumstances requiring an adjustment of that line existed. It did, however, not find any such circumstances. In particular, the Special Chamber did not consider that the cut-off effect to the detriment of Côte d'Ivoire resulting from the equidistance line was so significant as to require an adjustment of the equidistance line. It neither accepted Côte d'Ivoire's arguments based on the location of maritime mineral resources, in light of the international jurisprudence which favours in principle maritime delimitation based on geographical considerations... Regarding the delimitation of the continental shelf beyond 200 nm, the Special Chamber applied the same delimitation methodology as within 200 nm. The Special Chamber did not find any significant disproportion in the allocation of maritime areas to the Parties relative to the respective lengths of their relevant coasts. After having delimited the maritime boundary between the Parties, the Special Chamber had to deal with Côte d'Ivoire's claim that the responsibility of Ghana was engaged for alleged violations of the rights of Côte d'Ivoire. The Special Chamber found that it had jurisdiction to decide over this claim, on the basis of *forum prorogatum*. . On this issue, the Special Chamber came to the conclusion that Ghana's conduct in the disputed part of the continental shelf had neither violated Côte d'Ivoire's sovereign rights nor article 83 of the Convention nor the provisional measures prescribed by the Special Chamber in its Order of 25 April 2015.

3. *Case No. 25. The M/V "Norstar" Case (Panama v. Italy)* was submitted to the Tribunal by an application filed by Panama on 17 December 2015 on the basis of declarations made by Panama and Italy under article 287 of the Convention. In its application, Panama claims compensation from Italy for damage caused by the allegedly illegal arrest of the M/V "Norstar", a Panamanian-flagged vessel, by Spanish officials, at the request of Italy, in the bay of Palma de Mallorca on 24 September 1998. On 11 March 2016, Italy filed preliminary objections to the jurisdiction of the Tribunal and the admissibility of Panama's application in this case. Pursuant to article 97 of the Rules of the Tribunal, proceedings on the merits were suspended. In its Judgment on the preliminary objections, delivered on 4 November 2016, the Tribunal found that "it has jurisdiction to adjudicate upon the dispute" and that Panama's "Application is admissible". On 29 November 2016, the President of the Tribunal, 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. These pleadings were filed within the prescribed time-limits. 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. Oral proceedings in this case are planned for September 2018.

### **Organization of the Tribunal**

4. The triennial election to fill the positions of seven members of the Tribunal whose term of office expired on 30 September 2017 was held during the twenty-seventh Meeting of States Parties to the Convention on 14 June 2017. The Meeting re-elected Judges Bouguetaia and Jesus, and elected Mr Oscar Cabello Sarubbi, Ms Neeru Chadha, Mr Kriangsak Kittichaisaree, Mr Roman Kolodkin and Ms Liesbeth Lijnzaad. At a public sitting of the Tribunal held on 2 October 2017, the newly elected Judges made the solemn declaration provided for in article 5 of the Rules of the Tribunal.

5. On 2 October 2017, the Tribunal, in its new composition, elected Judge Jin-Hyun Paik President of the Tribunal and Judge David Joseph Attard Vice-President, for a term of three years. The President and the Vice-President entered upon their functions forthwith.

6. On 15 March 2017, Ms Ximena Hinrichs Oyarce (Chile) was elected Deputy Registrar by the Members of the Tribunal for a term of 5 years starting on 25 June 2017.

### **Capacity-building**

7. Since 1997, an internship programme, is available at the Tribunal for young government officials or students of law, international relations, public relations, political science, library science and translation. Since 2007, with the support of the Nippon Foundation, the Tribunal organizes a capacity-building and training programme on dispute settlement under the Convention. The Tribunal has also 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 these workshops is to provide government experts working on maritime and law of the sea matters with insight into the procedures for the settlement of disputes 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. On 5 and 6 June 2017, the Tribunal organized a regional workshop in San José (Costa Rica), in cooperation with the Government of Costa Rica and with the financial support of the Korea Maritime Institute (KMI). Representatives of twelve States from the region participated in the workshop.