

The International Tribunal for the Law of the Sea

Brief Abstract

Introduction

The Convention on the Law of the Sea has established three new institutions – the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. This institutionalization of the law of the sea is the outstanding feature of the new international maritime legal order.

Membership

The Tribunal is composed of 21 members.

Jurisdiction

The Tribunal has jurisdiction over all disputes concerning the interpretation and application of the 1982 Convention on the Law of the Sea.

Choice of Procedures

The Convention offers a plurality of dispute settlement procedures: a) the International Tribunal for the Law of the Sea; (b) the International Court of Justice; (c) an arbitral tribunal and (d) a special arbitral tribunal.

- the role of arbitration

Prompt Release of Vessels and Crew

- The reasonable bond
- The problem of illegal, uncontrolled and undeclared fishing

Provisional Measures under article 290, paragraph 5

The Tribunal has taken into account the necessity to provide practical measures which would assist the parties to find a solution – an innovative feature.

Special Chamber

The Swordfish case
Overlapping jurisdiction

Seabed Disputes Chamber

Contentious jurisdiction and advisory jurisdiction. The recent advisory opinion on the obligations of sponsoring States.

The Applicable Law

An interpretation of article 293 with respect to applicable law of the Tribunal

The Role of the Tribunal

The contribution of the Tribunal to the development of international law.

Concluding Observations