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INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA – SPECIFICITY, JURISDICTION, PERSPECTIVES

The idea to create a special tribunal, which would deal with disputes related to the application and interpretation of the Convention on the Law of the Sea was put forward as early as in 1974. It was justified by the specificity and the scope of the Convention, which required the existence of a judicial body composed of judges particularly skilled in the law of the sea. The prejudices of developing countries and the Soviet Union towards the MTS were also not without significance. The Tribunal began operating in 1996. It is composed of twenty-one judges, including two-thirds of judges from Africa, Asia and Latin America. The specificity of the Tribunal is that it includes the Seabed Disputes Chamber, which has jurisdiction over matters related to activities at the international level. Not only states and international organizations, but also non-state actors, as well as contracts' parties and legal and natural persons can be parties in the disputes pending before the Chamber.

Since 1997 when the first case was brought there have been nineteen cases on the agenda of the Tribunal, of which seventeen have been completed. The Tribunal has mainly dealt with cases concerning the prompt release of ships and crews as well as provisional measures, however, it's decisions have been also important for the interpretation of the Convention provisions concerning the exclusive economic zone status, the freedom of navigation, ship registration rules, the right of hot pursuit, compensation and the use of force. Two cases concerned also the protection of living marine resources. In 2011 the Seabed Disputes Chamber issued the first advisory opinion concerning the responsibility of states sponsoring activities in the area. In 2012 the Tribunal decided the first case concerning the delimitation of maritime areas between Bangladesh and Myanmar. The doctrine formulates suggestions to broaden the scope of the Tribunal's competences, which could include the competence to issue advisory opinions. However, it depends on the Convention's Parties, out of which only thirty-three have already accepted its compulsory jurisdiction.