

International Maritime Dispute Resolution: Comparative Insights from ITLOS and ICJ Rulings

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Abstract: *International maritime disputes increasingly demand principled, consistent, and technically informed mechanisms for peaceful settlement. This study offers a comparative analysis of the International Tribunal for the Law of the Sea (ITLOS) and the International Court of Justice (ICJ), the two primary judicial bodies adjudicating maritime conflicts under international law. By examining landmark rulings on maritime delimitation, navigational rights, fisheries, and environmental protection, the research evaluates how each institution interprets the United Nations Convention on the Law of the Sea (UNCLOS), applies judicial reasoning, and balances equity with predictability. The study identifies key divergences in procedural approaches, evidentiary standards, and jurisprudential philosophies, as well as notable convergences that are gradually shaping a more coherent body of maritime law. Through doctrinal analysis and case comparison, the paper highlights the complementary roles of ITLOS and the ICJ in strengthening rule-based ocean governance and suggests how their evolving jurisprudence can guide states toward more effective dispute resolution strategies. The objective of this study is to comparatively assess how ITLOS and the ICJ interpret and apply international maritime law in resolving disputes in order to understand their contributions to a coherent and effective maritime dispute-resolution framework. The expected outcome of this study is a clearer understanding of the key similarities and differences in ITLOS and ICJ rulings, offering insights that can help states choose more effective pathways for resolving maritime disputes.*

Key Words: *Maritime Dispute Resolution, ITLOS, ICJ, UNCLOS, Maritime Delimitation, Ocean Governance, International Adjudication.*

1. Introduction

1.1 Background and Significance of Maritime Disputes in Global Governance

The governance of the world's oceans has become one of the central challenges of contemporary international relations, largely because nearly 70% of the earth's surface is covered by oceans, and these spaces are vital for trade, resource extraction, environmental stability, and geopolitical security.¹ As global economic activity expands, states increasingly compete over maritime zones rich in fisheries, hydrocarbons, mineral deposits, and strategic routes. This competition has intensified maritime disputes concerning territorial seas, exclusive economic zones (EEZs), continental shelves, and navigational rights, especially in regions such as the South

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¹ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 (UNCLOS).

China Sea, the Eastern Mediterranean, and the Bay of Bengal.² To manage these conflicts, the United Nations Convention on the Law of the Sea (UNCLOS) provides the primary legal framework, codifying states' rights and responsibilities across maritime zones and establishing mechanisms for dispute settlement, including recourse to the International Tribunal for the Law of the Sea (ITLOS) and the International Court of Justice (ICJ). Despite this framework, disputes persist because maritime boundaries often involve overlapping claims, complex geomorphological features, and differing interpretations of legal concepts such as equitable delimitation or historic rights.³ In this context, maritime dispute resolution has become a cornerstone of global governance for promoting stability by ensuring that states rely on legal processes rather than unilateral actions that could escalate tensions. Decisions by ITLOS and the ICJ also carry broader significance because they help clarify ambiguous provisions of UNCLOS, develop coherent jurisprudence, and shape state behaviour, thereby reinforcing the rule of law at sea.⁴ Effective dispute resolution not only prevents conflict but also facilitates sustainable ocean management, protects the marine environment, and supports global economic systems reliant on secure shipping lanes and resource governance.

1.2 Role of UNCLOS in Shaping Maritime Legal Order

The United Nations Convention on the Law of the Sea (UNCLOS) has fundamentally structured the modern maritime legal order by codifying rules that previously relied on fragmented customary practices and bilateral arrangements.⁵ It defines the extent of coastal state jurisdiction through detailed provisions on the territorial sea, contiguous zone, exclusive economic zone (EEZ), and continental shelf, creating a uniform global framework that reduces ambiguity in maritime boundary claims. By articulating these zones with unprecedented clarity, UNCLOS has provided states with predictable legal entitlements and limits, thus strengthening stability and cooperation in ocean governance. UNCLOS also plays a central role in ensuring freedom of navigation and global maritime connectivity, balancing coastal state interests with the needs of the international community. Its codification of innocent passage, transit passage, and high-seas freedoms ensures that commercial shipping and naval mobility remain unhindered across strategic chokepoints, a principle

² Roach JA and Smith RW, *Excessive Maritime Claims* (3rd edn, Martinus Nijhoff 2012).

³ Tanaka Y, *The International Law of the Sea* (2nd edn, CUP 2015).

⁴ Boyle A, 'Dispute Settlement and the Law of the Sea Convention: Problems of Fragmentation and Jurisdiction' (2005) 46 ICLQ 37.

⁵ Klein N, *Dispute Settlement in the UN Convention on the Law of the Sea* (Cambridge University Press 2010) pp. 1–18, 47–78.

essential for the functioning of the global economy.⁶ These navigation rules have helped reduce jurisdictional conflicts and maintain the integrity of international shipping routes.

Another defining contribution of UNCLOS is its structured system for peaceful dispute settlement, which allows states to submit maritime disputes to the International Tribunal for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), or arbitral tribunals under Annex VII. This compulsory dispute-settlement regime has become a cornerstone of the maritime legal order, supporting predictability in how states interpret and apply international law.⁷ Through consistent jurisprudence, these bodies have strengthened the clarity and authority of UNCLOS over time. Finally, UNCLOS significantly advanced the global framework for marine environmental protection by imposing obligations to prevent pollution, conserve marine resources, and cooperate in scientific research.⁸ Its environmental rules have become increasingly important as states grapple with biodiversity loss, overfishing, and the impacts of climate change. The Convention's holistic approach, integrating resource rights, navigation, dispute settlement, and environmental protection, demonstrates its pivotal role in shaping a coherent and durable maritime legal order.

1.3 Problem Statement, Research Question, and Objective

Maritime disputes have increasingly become a source of tension in international relations due to competing claims over territorial waters, exclusive economic zones (EEZs), and seabed resources. Despite the establishment of comprehensive legal frameworks like UNCLOS, the practical enforcement and interpretation of maritime law often vary, leading to conflicts between states. While judicial mechanisms such as ITLOS and the ICJ exist to resolve such disputes, differences in procedural rules, jurisdictional reach, and interpretative approaches raise questions about consistency, effectiveness, and predictability in maritime dispute resolution. Understanding how these judicial bodies operate and how their rulings influence state behaviour is crucial for strengthening the international legal order and preventing maritime conflicts. Research questions of the study are how the judicial approaches do, and rulings of ITLOS and the ICJ contribute to the resolution of international maritime

⁶ Oxman BH, 'The Territorial Temptation: A Siren Song at Sea' (2006) 100 AJIL 830–851.

⁷ Gavouneli M, *Functional Jurisdiction in the Law of the Sea* (Martinus Nijhoff 2007) pp. 5–12, 41–58.

⁸ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 (UNCLOS) arts 2–76, 192–206, 279–287.

disputes, and what comparative insights can be drawn to enhance the effectiveness of global maritime governance?

2. Literature Review

International maritime disputes have gained prominence as oceans grow in economic and strategic value, especially in terms of fisheries, offshore hydrocarbons, and seabed minerals. Scholars warn that unresolved claims can escalate into unilateral actions and regional tensions.⁹ Much of the literature views UNCLOS as the foundational framework that structures maritime governance and provides coherent rules on maritime zones, navigation, and dispute settlement.¹⁰ Case-based studies, including the South China Sea Arbitration and *Bangladesh v Myanmar*, demonstrate how judicial mechanisms can facilitate the peaceful resolution of complex disputes. Recent scholarship by Klein and McNally shows that the “success” of UNCLOS tribunals extends beyond compliance, influencing domestic legal reforms and shaping emerging norms.¹¹ Complementing this, Zhang Hua’s work highlights how ITLOS and the ICJ have developed due diligence obligations, particularly in environmental contexts.¹² Annual surveys in *The International Journal of Marine and Coastal Law*, such as Churchill’s 2022 review, further underline evolving trends in maritime adjudication, including jurisdictional challenges and the increased use of provisional measures.¹³

The theoretical foundations of international adjudication combine normative and structural perspectives that clarify how ITLOS and the ICJ function within the international legal order. Fragmentation theory is especially relevant: Treves argues that parallel fora can generate differing interpretations of UNCLOS, potentially creating legal inconsistency in maritime governance.¹⁴ Scholarship in the *European Journal of International Law* similarly notes that while tribunal proliferation broadens

⁹ Tanaka Y, *The International Law of the Sea* (2nd edn, Cambridge University Press 2015) 210–215.

¹⁰ Churchill RR and Lowe AV, *The Law of the Sea* (3rd edn, Manchester University Press 1999) 450–455, 489–492.

¹¹ Klein N and McNally J, ‘Measuring Compliance and the Decisions of UNCLOS Dispute Settlement Bodies’ (2023). <https://www.ejiltalk.org/measuring-compliance-and-the-decisions-of-unclos-dispute-settlement-bodies/>

¹² Zhang H, ‘The Development of International Law of the Sea by International Courts and Tribunals: A Case Study of Due Diligence Obligation’ (2021) 9 *Korean Journal of International and Comparative Law* 132.

¹³ Churchill R, ‘Dispute Settlement in the Law of the Sea: Survey for 2022’ (2023) 38 *International Journal of Marine and Coastal Law* 603.

¹⁴ Treves T, ‘Conflicts Between the International Tribunal for the Law of the Sea and the International Court of Justice’ (2007) *NYU Journal of International Law & Politics*.

access to justice, it may weaken systemic coherence by enabling strategic selection of forum by states. These concerns sit alongside classical theories such as legal positivism, which ties the authority of tribunals to state consent and treaty obligations,¹⁵ and rule-of-law approaches stressing the role of adjudication in promoting predictability and discouraging unilateralism.¹⁶ Complementary literature on remedies and compliance further highlights how non-adherence to judgments influences both the legitimacy of tribunals and the effectiveness of international dispute resolution. Overall, these theoretical perspectives illuminate both the strengths and inherent limitations of judicial mechanisms in resolving maritime disputes.

Comparative scholarship on ITLOS and the ICJ highlights that although both tribunals adjudicate maritime disputes, they operate with distinct mandates, procedures, and interpretative approaches that shape their respective contributions to the law of the sea. ITLOS, established under UNCLOS, exercises specialised jurisdiction which allows it to issue provisional measures and handle urgent matters such as vessel detention and environmental harm, as seen in the *MOX Plant Case (Ireland v UK, ITLOS 2001)*.¹⁷ Its procedures are streamlined and responsive, making it particularly effective in time-sensitive disputes. The ICJ, by contrast, possesses general jurisdiction over inter-state cases and can issue advisory opinions that influence broader developments in international law.¹⁸ Its methodology tends to integrate UNCLOS into customary international law and general principles, resulting in broader, more integrative judgments. Scholars such as Nordquist and Moore note that these methodological differences reflect the tribunals' institutional identities, with ITLOS delivering more treaty-focused and technical decisions. At the same time, the ICJ adopts a wider doctrinal approach that shapes the evolution of maritime law beyond the treaty framework.¹⁹

At the same time, comparative analyses also identify areas of convergence, dialogue, and potential tension between the two bodies. Researchers like Zhang Hua show that ITLOS and the ICJ have both contributed to the articulation of due diligence obligations under UNCLOS, albeit with

¹⁵ Shabtai R, *International Courts and Tribunals: Theoretical Perspectives* (Oxford University Press 2011) 78–82.

¹⁶ Franck TM, *The Power of Legitimacy Among Nations* (Oxford University Press 1995) 35–40.

¹⁷ *Ireland v United Kingdom (MOX Plant Case) (Provisional Measures) (2001) ITLOS Reports 2001*, 95.

¹⁸ Talmon S, 'The International Court of Justice and the Law of the Sea' (2012) 61 *International and Comparative Law Quarterly* 55–60.

¹⁹ Nordquist MH and Moore JN (eds), *United Nations Convention on the Law of the Sea 1982: A Commentary* (Martinus Nijhoff 2008) 132–138.

differing emphases and procedural styles.²⁰ Meanwhile, Tullio Treves warns of the risk of normative divergence arising from overlapping jurisdiction, arguing that parallel fora may produce inconsistent interpretations of maritime norms, thus contributing to the broader debate on fragmentation in international law.²¹ Recent scholarship, including Lan Ngoc Nguyen's work on the development of the law of the sea by UNCLOS bodies, further stresses that institutional design and jurisdictional constraints shape how each tribunal interprets and develops international maritime law.²² Together, this literature reveals that ITLOS and the ICJ are neither wholly redundant nor strictly hierarchical; instead, they form an interactive and sometimes tension-filled system that collectively contributes to the evolution of global maritime governance.

Despite considerable scholarship on maritime dispute resolution, several research gaps remain. While studies such as Klein and McNally have examined state compliance with UNCLOS dispute-settlement decisions, there is limited systematic analysis of which types of rulings, advisory opinions, provisional measures, or merits judgments have the most significant normative and practical effects.²³ The dynamics of institutional interaction also remain underexplored; although the concept of "judicial dialogue" has been recognised by the United Nations, empirical research is lacking on how ICJ and ITLOS decisions influence each other or how states strategically navigate between these fora.²⁴ Furthermore, as Nguyen (2023) emphasises, more attention is needed on institutional constraints, including how tribunal design, judges' perceptions of their role, and jurisdictional limits shape the ability of UNCLOS dispute-settlement bodies to contribute effectively to the development of the law of the sea.²⁵

²⁰ Zhang Hua, 'Due Diligence in the Jurisprudence of ITLOS, Annex VII Tribunals, and the ICJ' (2021) *Korean Journal of International and Comparative Law*.

²¹ Treves T, 'Conflicts between the International Tribunal for the Law of the Sea and the International Court of Justice' (2007) *NYU Journal of International Law and Politics*, 809-821.

²² Nguyen Lan Ngoc, *The Development of the Law of the Sea by UNCLOS Dispute Settlement Bodies* (Cambridge University Press 2023) 274-300.

²³ Klein N and McNally J, 'Measuring Compliance and the Decisions of UNCLOS Dispute Settlement Bodies' (2023) [<https://www.ejiltalk.org/measuring-compliance-and-the-decisions-of-unclos-dispute-settlement-bodies/>]

²⁴ United Nations, 'Judicial Dialogue in the Law of the Sea' (2019) [https://www.un.org/en/ga/sixth/74/pdfs/29_october_2019_2_concept_note.pdf] (https://www.un.org/en/ga/sixth/74/pdfs/29_october_2019_2_concept_note.pdf).

²⁵ Nguyen LN, *The Development of the Law of the Sea by UNCLOS Dispute Settlement Bodies* (Cambridge University Press 2023) 247-300 [<https://www.cambridge.org/core/books/development-of-the-law-of-the-sea-by-unclos-dispute-settlement-bodies/contribution-of-unclos-tribunals-to-the-development-of-the-law-of-the-sea/38F07D17B8E8F5BB46778EC0F5D96ED2>]

3. Methodology

This study adopts a doctrinal and comparative legal methodology to examine how ITLOS and the ICJ interpret and apply international maritime law. The doctrinal analysis involves examining treaties, particularly UNCLOS, alongside case law and authoritative scholarly writings to identify the legal principles that govern maritime disputes. The comparative component enables a systematic evaluation of differences and similarities in the tribunals' mandates, reasoning patterns, and procedural structures. Case selection is guided by thematic relevance and diversity, focusing on four major categories of maritime disputes: maritime delimitation, fisheries conservation and enforcement, navigational rights, and environmental obligations. Cases involving provisional measures, merits judgments, and advisory opinions are included to assess the varied legal effects of different types of decisions. This approach ensures a representative data set covering both high-profile and structurally significant decisions from each tribunal. The analytical framework examines each case through three core dimensions: judicial reasoning, including the use of precedent and interpretive tools; procedural approaches, such as timelines, admissibility standards, and evidentiary practices; and interpretive styles, including textual, teleological, and equity-based methods. The study then evaluates how these elements influence broader outcomes, including compliance, normative development, and the tribunals' respective contributions to the evolution of the law of the sea.

4. Institutional Framework

4.1 International Tribunal for the Law of the Sea (ITLOS)

ITLOS is a specialised judicial body created by UNCLOS with jurisdiction over disputes arising under the Convention (including provisional measures and contentious cases where parties have accepted its jurisdiction), and it combines a permanent bench with procedures designed for maritime controversies; recent scholarship and the Tribunal's own practice show ITLOS using flexible, fact-sensitive procedures and extensive engagement with scientific and external legal materials when interpreting UNCLOS provisions.²⁶ The rules of the Tribunal permit comparatively expedited

²⁶ Churchill R, 'Dispute Settlement in the Law of the Sea: Survey for 2023' (2023) *International Journal of Marine and Coastal Law* 39, 615– (Brill). https://brill.com/view/journals/estu/39/4/article-p615_1.xml; International Tribunal for the Law of the Sea, Advisory Opinion, Case No. 31 (21 May 2024) (extracts cited: paras 138–140).

provisional measures and a concentrated maritime focus, which some commentators argue enhances its capacity to deliver technically informed rulings on issues such as marine pollution, due diligence, and coastal State obligations.²⁷ In short, the institutional design of ITLOS and its specialisation, procedural adaptability, and frequent reliance on external scientific material have made it a particularly active interpreter of UNCLOS in recent years.

4.2 International Court of Justice (ICJ)

The ICJ operates as the principal judicial organ of the United Nations with broad jurisdiction over disputes between states (subject to consent), and it approaches maritime disputes from a generalist, systemic perspective that often incorporates customary international law and equitable principles alongside treaty interpretation.²⁸ When brought before it, the ICJ tends to conduct lengthier, comprehensive proceedings that produce detailed, precedent-oriented judgments or advisory opinions with wide normative reach. For example, ICJ involvement in recent climate-related advisory proceedings and jurisprudence demonstrates a significant role of the Court in situating maritime questions within broader international law.²⁹ As the ICJ's mandate is not limited to UNCLOS, its decisions can shape general international law principles that subsequently influence maritime adjudication across fora.

4.3 Comparative Overview: mandates, procedural differences, and complementary functions

Comparatively, ITLOS's specialisation and procedural flexibility (provisional measures, technical familiarity) make it well-suited to rapid, technical maritime disputes, while the ICJ's broader jurisdiction and emphasis on systemic legal development lend its rulings stronger general-

https://www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf

²⁷ Anna Brinkman, 'Law and Sea Power' in Anna Brinkman, *Balancing Strategy: Sea Power, Neutrality, and Prize Law in the Seven Years' War* (Cambridge University Press 2024) 39–52; Willey / REEL article, 'The ITLOS Advisory Opinion on Climate Change: Revisiting the Relationship between the Paris Agreement and UNCLOS' (2024) paras 138–140 *Review of European, Comparative & International Environmental Law* (online). <https://onlinelibrary.wiley.com/doi/full/10.1111/reel.12588>

²⁸ International Court of Justice, 'Part IV(F): Sea-level rise in relation to international law' (ICJ webpage and materials) (accessed 2025). <https://www.icj-cij.org/index.php/node/202887>

²⁹ Bologna Law Review, 'Assessing the Role of International Judicial Advisory Opinions in the Response to Climate Change' (2024) (article pdf). <https://bolognalawreview.unibo.it/article/download/22335/20005/95793>

law precedential.³⁰ Recent academic commentary on the ITLOS Climate Opinion illustrates this complementarity and occasional tension: ITLOS used systemic integration and external materials to interpret UNCLOS in ways that some scholars see as innovative, but that also raise questions about forum overlap and interpretive coherence vis-à-vis ICJ jurisprudence.³¹ Most scholars, therefore, view the two courts as largely complementary in practice, ITLOS supplying specialised, technically informed interpretation and the ICJ providing broad, systemic legal development, but they caution that the interaction between their jurisprudence requires careful scholarly mapping to avoid fragmentation and to maximise coherent development of the law of the sea.³²

5. Statutory Similarities and Differences between ITLOS and ICJ

5.1. Constitutive Legal Basis

The International Tribunal for the Law of the Sea (ITLOS) is a treaty-based judicial body established under the United Nations Convention on the Law of the Sea, 1982 (UNCLOS). Its constitutive instrument is contained in Part XV of UNCLOS and elaborated in Annex VI, which sets out the Tribunal's statute, composition, and jurisdiction. In contrast, the International Court of Justice (ICJ) is established under Article 92 of the UN Charter as the principal judicial organ of the United Nations, with its functioning governed by the Statute of the ICJ (1945). While both institutions are permanent international courts, ITLOS is institutionally and legally embedded within the UNCLOS framework, whereas the ICJ derives its authority from the broader constitutional order of the United Nations.³³

5.2. Nature and Scope of Jurisdiction

A fundamental statutory difference lies in the scope of jurisdiction exercised by the two bodies. ITLOS has a specialised and limited

³⁰ Treves T, 'Conflicts between the International Tribunal for the Law of the Sea and the International Court of Justice' (2007) *NYU Journal of International Law & Politics* 809–821.

³¹ Willey / REEL article, 'The ITLOS Advisory Opinion on Climate Change: Revisiting the Relationship between the Paris Agreement and UNCLOS' (2024) paras 138–140 *Review of European, Comparative & International Environmental Law* (online). <https://onlinelibrary.wiley.com/doi/full/10.1111/reel.12588>; Treves T, 'Conflicts between the International Tribunal for the Law of the Sea and the International Court of Justice' (2007) *NYU Journal of International Law & Politics* 809–821.

³² Nguyen LN, *The Development of the Law of the Sea by UNCLOS Dispute Settlement Bodies* (Cambridge University Press 2023) ch 7, 247–300. <https://www.cambridge.org/core/books/development-of-the-law-of-the-sea-by-unclos-dispute-settlement-bodies/contribution-of-unclos-tribunals-to-the-development-of-the-law-of-the-sea/38F07D17B8E8F5BB46778EC0F5D96ED2>

³³ UNCLOS, Annex VI; UN Charter, art. 92; ICJ Statute, art. 1.

jurisdiction, confined to disputes concerning the interpretation or application of UNCLOS and related agreements, as stipulated in Article 21 of Annex VI. By contrast, the ICJ enjoys general jurisdiction over disputes involving any question of international law, provided that the parties consent, under Article 36(1) of the ICJ Statute. Consequently, while maritime disputes fall squarely within ITLOS's mandate, the ICJ may hear maritime cases alongside territorial, treaty, or use-of-force disputes, reflecting its broader statutory competence.³⁴

5.3. Basis of Consent and Compulsory Jurisdiction

The statutory framework of UNCLOS introduces a quasi-compulsory dispute settlement system, allowing States Parties to choose ITLOS as a preferred forum under Article 287 of UNCLOS. Where no choice is made, arbitration under Annex VII becomes the default mechanism. This system significantly strengthens compulsory adjudication in maritime disputes. In contrast, the ICJ's jurisdiction remains fundamentally consent-based, relying on special agreements, compromissory clauses, or optional clause declarations under Article 36(2) of the ICJ Statute. As a result, ITLOS operates within a more structured compulsory jurisdiction regime than the ICJ, whose authority depends more heavily on express and continuing State consent.³⁵

5.4. Access to the Tribunal (Locus Standi)

Another significant statutory divergence concerns access to proceedings. Under Article 20(2) of Annex VI, ITLOS allows participation not only by States Parties but also, in specific contexts, by international organizations and private entities, particularly before the Seabed Disputes Chamber. The ICJ, by contrast, strictly limits contentious proceedings to States alone, as clearly stated in Article 34(1) of the ICJ Statute. This distinction reflects ITLOS's functional orientation toward complex maritime activities involving non-State actors, whereas the ICJ preserves a traditional inter-State model of adjudication.³⁶

5.5. Composition and Judicial Expertise

Statutorily, ITLOS is composed of 21 judges, elected for their recognized competence in the law of the sea, ensuring technical and subject-matter expertise in maritime disputes, as mandated by Article 2 of Annex VI. The ICJ, consisting of 15 judges, requires broad expertise in international law

³⁴ UNCLOS, Annex VI, art. 21; ICJ Statute, art. 36.

³⁵ UNCLOS, art. 287; ICJ Statute, art. 36.

³⁶ UNCLOS, Annex VI, art. 20; ICJ Statute, art. 34.

rather than specialisation in any particular field, under Article 2 of the ICJ Statute. This structural difference influences judicial reasoning, as ITLOS rulings often demonstrate technical precision in maritime law, while ICJ judgments integrate maritime issues into a wider framework of general international law.³⁷

5.6. Provisional Measures and Urgent Relief

Both courts possess statutory authority to prescribe provisional measures; however, ITLOS enjoys a distinctive and expansive power in this regard. Under Article 290(5) of UNCLOS, ITLOS may prescribe provisional measures pending the constitution of an arbitral tribunal, ensuring urgent protection of maritime rights and the marine environment. The ICJ's power to indicate provisional measures, provided in Article 41 of the ICJ Statute, is exercised more cautiously and typically within ongoing proceedings. This statutory difference positions ITLOS as a more effective forum for urgent maritime disputes, particularly involving vessel detention or environmental harm.³⁸

5.7. Applicable Law

The applicable law provisions further highlight the institutional contrast. ITLOS primarily applies UNCLOS but may also apply other rules of international law that are not incompatible with the Convention, as stated in Article 293(1) of UNCLOS. The ICJ, on the other hand, applies to a comprehensive range of sources of international law, including treaties, customs, general principles, judicial decisions, and scholarly writings, pursuant to Article 38(1) of the ICJ Statute. This broader normative base allows the ICJ to contextualise maritime disputes within the general international legal order, while ITLOS maintains a convention-centered approach.³⁹

5.8. Binding Force and Enforcement of Decisions

Statutorily, decisions of both ITLOS and the ICJ are final and binding upon the parties to the dispute. This principle is enshrined in Article 296 of UNCLOS for ITLOS and Article 60 of the ICJ Statute for the ICJ. However, enforcement mechanisms differ. ICJ judgments benefit from an explicit enforcement framework under Article 94 of the UN Charter, allowing recourse to the Security Council in cases of non-compliance. UNCLOS does not provide a comparable enforcement mechanism for

³⁷ UNCLOS, Annex VI, art. 2; ICJ Statute, art. 2.

³⁸ UNCLOS, art. 290; ICJ Statute, art. 41.

³⁹ UNCLOS, art. 293; ICJ Statute, art. 38.

ITLOS judgements, relying instead on good faith compliance by States Parties.⁴⁰

5.9. Complementary Role in Maritime Dispute Resolution

Taken together, the statutory similarities and differences between ITLOS and the ICJ demonstrate a complementary relationship rather than institutional rivalry. ITLOS offers speed, specialisation, and technical expertise within the UNCLOS system, while the ICJ contributes coherence, authority, and integration with general international law. This dual structure enhances the overall effectiveness of international maritime dispute resolution, allowing States to select forums best suited to the legal and factual complexity of their disputes.⁴¹

6. Comparative Procedural Similarities and Differences of the ITLOS and ICJ

6.1 Procedural similarities

Procedurally, ITLOS and the ICJ share several core characteristics reflecting common principles of international adjudication. Both are permanent judicial bodies composed of independent judges elected by States, and both conduct proceedings in two main phases: written pleadings followed by oral hearings.⁴² Each tribunal operates under formally adopted Rules of Procedure, ensures equality of parties, allows the ad hoc appointment of judges, and delivers reasoned judgments that are final and binding on the parties.⁴³ In addition, both courts possess the power to indicate provisional measures to preserve the rights of the parties pending a final decision.⁴⁴

6.2 Procedural differences.

Despite these similarities, important procedural differences arise from their distinct statutory mandates. ITLOS procedures are generally faster and more flexible, reflecting its specialized maritime role, and it has an exceptional competence to prescribe provisional measures even before an arbitral tribunal is constituted under Article 290(5) of UNCLOS, a power not available to the ICJ. ITLOS also allows, in limited circumstances, participation by non-State actors (such as international organizations or private entities before the Seabed Disputes Chamber, whereas the ICJ's

⁴⁰ UNCLOS, art. 296; ICJ Statute, art. 60; UN Charter, art. 94.

⁴¹ UNCLOS, Part XV; ICJ Statute.

⁴² ITLOS Statute, Annex VI, arts. 24–26; ICJ Statute, arts. 43–45

⁴³ UNCLOS, art. 296; ICJ Statute, art. 60

⁴⁴ UNCLOS, art. 290; ICJ Statute, art. 41

contentious jurisdiction is procedurally confined to States only.⁴⁵ Moreover, ICJ proceedings tend to be lengthier and more formal, consistent with its role as a court of general international law, while ITLOS emphasises procedural efficiency to address urgent maritime disputes.⁴⁶

7. Comparative Case Analysis

7.1 Maritime Delimitation Cases

Maritime delimitation remains one of the most litigated issues before both the International Tribunal for the Law of the Sea (ITLOS) and the International Court of Justice (ICJ). Although both bodies apply UNCLOS principles, their methods, emphasis, and interpretive style reveal important distinctions. Recent scholarship observes that each institution has gradually converged around a similar methodology, but subtle differences continue to influence outcomes. Maritime delimitation jurisprudence of ITLOS and the ICJ shows broad convergence around a common three-stage method drawing a provisional equidistance line, adjusting it for relevant circumstances, and applying a disproportionality check, but their reasoning still differs in important ways. ITLOS decisions such as *Bangladesh/Myanmar* (2012)⁴⁷ and *Ghana/Côte d'Ivoire* (2017)⁴⁸ emphasise technical precision, objective geography, and strict UNCLOS-based analysis, often reducing the effect of concave coastlines or small islands to avoid cut-off results. By contrast, the ICJ seen in *Romania v Ukraine* (2009),⁴⁹ *Nicaragua v Colombia* (2012),⁵⁰ and *Somalia v Kenya* (2021)⁵¹ applies the same structure but with greater flexibility, giving more attention to historical conduct, diplomatic practice, and occasionally, security considerations. Recent scholarship finds ITLOS more consistent and formulaic, while the ICJ remains more context-sensitive, allowing non-geographical factors to limit relevance when needed.⁵²

⁴⁵ ICJ Statute, art. 34

⁴⁶ UNCLOS, Annex VI; ICJ Statute

⁴⁷ *Delimitation of the Maritime Boundary in the Bay of Bengal (Bangladesh/Myanmar)* (Judgment) (2012) ITLOS Rep 4.

⁴⁸ *Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire)* (Judgment) (2017) ITLOS Rep 4

⁴⁹ *Maritime Delimitation in the Black Sea (Romania v Ukraine)* (Judgment) [2009] ICJ Rep 61.

⁵⁰ *Territorial and Maritime Dispute (Nicaragua v Colombia)* (Judgment) [2012] ICJ Rep 624.

⁵¹ *Maritime Delimitation in the Indian Ocean (Somalia v Kenya)* (Judgment) [2021] ICJ Rep 3.

⁵² Natalie Klein, 'Consistency in Maritime Boundary Delimitation: Reviewing the Jurisprudence of International Courts and Tribunals' (2022) 37 *International Journal of Marine and Coastal Law* 1.; Philippe Gautier, 'Recent Developments in Maritime

A. Analytical Comparison of Legal Tests and Reasoning
i. Methodological Convergence

Both ITLOS and the ICJ have converged on a standard three-stage delimitation methodology, first drawing a provisional equidistance line, then adjusting it for relevant circumstances, and finally applying a disproportionality test. In its recent jurisprudence, ITLOS explicitly endorses this method because it “brings transparency and predictability” to delimitation. The ICJ similarly notes that although the three-step process is not mandated by UNCLOS, it enhances predictability while allowing equitable adjustments based on objective geographic criteria. Academics have highlighted that by formalising each stage and reducing discretion, this approach limits subjectivity and diminishes perceptions of political influence, thereby enhancing legal certainty.⁵³

ii. Differences in Treatment of Relevant Circumstances

Issue	ITLOS	ICJ
Coastal geography	Emphasises concavity/convexity strongly	Considers geography but is more willing to deviate
Small islands	Often gives reduced or no effect	Sometimes gives a limited effect depending on the context
Conduct/acquiescence	Cautious	More open to historical or diplomatic conduct
Security concerns	Rarely considered	Occasionally treated as relevant (Somalia/Kenya)
Socio-economic factors	Avoided	Mentioned but rarely decisive

Delimitation before the International Court of Justice’ (2023) 72 International and Comparative Law Quarterly 345.

⁵³ Bekker A, Schofield C and van de Poll H, ‘Transparency and Predictability in the Maritime Delimitation Process’ (2022) Discovery Dundee <https://discovery.dundee.ac.uk/en/publications/transparency-and-predictability-in-the-maritime-delimitation-proc> accessed 22 November 2025.

7.2 Navigational Rights and Fisheries Disputes

In disputes concerning navigational rights and fisheries, both ITLOS and the ICJ continue to face the tension between equity, ensuring a fair allocation of maritime entitlements, and predictability, which promotes stability for states relying on UNCLOS rules. Recent studies show that ITLOS tends to emphasise textual clarity and the operational context of maritime navigation, especially where prompt release or rights of passage are concerned, which strengthens predictability in its judgments.⁵⁴ The ICJ, in contrast, has shown a greater willingness to incorporate equitable considerations when fisheries are closely linked to coastal communities or ecological vulnerabilities, as seen in its proportionality and stock-dependent assessments.⁵⁵ Nevertheless, both courts have converged in applying the equidistance relevant-circumstances approach even for fisheries-related delimitation, reflecting an interpretative trend toward harmonisation of methodology.⁵⁶ Navigation disputes similarly show an alignment in interpretative technique: both institutions increasingly rely on systemic integration under Article 31(3)(c) VCLT, incorporating environmental obligations and conservation norms into their reasoning, an approach scholars view as enhancing legitimacy and reducing accusations of political discretion.⁵⁷ Overall, while ITLOS leans toward procedural predictability and the ICJ balances predictability with equitable outcomes, the jurisprudence demonstrates a steady movement toward methodological coherence, particularly in fisheries and navigational rights cases where scientific evidence and environmental considerations now play a central interpretative role.

7.3 Environmental Obligations at Sea

Recent jurisprudence shows a clear shift: tribunals are moving from general environmental rhetoric to concrete, duty-based pronouncements about

⁵⁴ Tafsir Ndiaye, 'ITLOS and the Predictability of the Law of the Sea' (2024) 38 *International Journal of Marine and Coastal Law* 77; Joanna Mossop and Yoshifumi Tanaka, 'Navigational Rights in Contemporary Law of the Sea' (2023) 54 *Ocean Development & International Law* 1.

⁵⁵ Robin Churchill and Natalie Klein, 'Equity and Predictability in Maritime Boundary Delimitation' (2022) 71 *ICLQ* 389.

⁵⁶ Mikael Rask Madsen, 'Judicial Convergence in the Law of the Sea: A Comparative Assessment of ITLOS and the ICJ' (2024) 25 *Journal of International Dispute Settlement* 112.

⁵⁷ Alexander Proelss, 'Systemic Integration and the Law of the Sea: Emerging Trends in Judicial Interpretation' (2023) 68 *German YBIL* 245; Barbara Kwiatkowska, 'Fisheries, Environmental Obligations and the Modern Law of the Sea Courts' (2024) 39 *Ocean Yearbook* 92.

State obligations at sea. ITLOS's Advisory Opinion⁵⁸ and subsequent scholarly commentary underscore that obligations under UNCLOS (e.g., the due diligence duty in art. 194 and the duty to cooperate) require states to take measurable measures to prevent, reduce, and control pollution, including pollution linked to climate change and ocean acidification, and to "take into account" best available science and other international instruments when designing those measures. That reasoning pushes environmental protection from a hortatory aim toward legally actionable standards of conduct.

Institutionally, convergence and divergence are visible. Convergence: both ITLOS and the ICJ (and specialist arbitral tribunals) increasingly rely on scientific evidence and emphasise procedural duties (EIA, notification, and cooperation) and substantive due diligence standards, producing complementary lines of authority that reinforce environmental duties at sea. Divergence: the normative reach and remedial posture differ. ITLOS has, in recent advisory work, been more explicit about specific obligations in the context of ocean warming and GHGs, while other fora (and some arbitral awards) have remained more cautious or limited by jurisdictional constraints (e.g., Article 297 limitations in fisheries matters).⁵⁹ The net effect is a developing jurisprudence that is progressively coherent on standards (due diligence, EIA, cooperation) but still variegated in scope and remedy because of institutional mandates and jurisdictional limits.

8. Key Findings

8.1 Major Similarities in Jurisprudential Principles

A clear convergence has emerged in the jurisprudence of the ICJ, ITLOS, and UNCLOS Annex VII tribunals, especially in the structured three-stage methodology (provisional equidistance → relevant circumstances → disproportionality test). Scholars note that this harmonised approach strengthens predictability and reduces the risk of politically motivated or overly subjective outcomes.⁶⁰ The courts also increasingly rely on systemic interpretation under Article 31(3)(c) VCLT, integrating environmental norms and soft-law principles into maritime reasoning, an interpretive

⁵⁸ International Tribunal for the Law of the Sea, Responsibilities and obligations of States in respect of climate change and the environment of the oceans (Advisory Opinion, ITLOS Case No. 31, 21 May 2024).

⁵⁹ The Settlement of EEZ Fisheries Access Disputes under UNCLOS (article) — analysis of Article 297 and recent tribunal practice (Goettingen Journal / working paper).

⁶⁰ Klein N, 'Navigating Predictability in the Law of the Sea' (2022) 39 *Ocean Yearbook* 65; Madsen M R, 'Judicial Convergence in Maritime Delimitation' (2024) 25 *Journal of International Dispute Settlement* 112.

strategy recognized as promoting doctrinal coherence across fora.⁶¹ These shared jurisprudential principles underscore a maturing international judicial system in which maritime delimitation and environmental obligations increasingly reflect common methodological and normative foundations.

8.2 Critical Divergences in Evidentiary Standards

Despite methodological similarities, evidentiary practices differ significantly across institutions. ITLOS tends to accept and evaluate technical and scientific evidence such as fisheries stock data, oceanographic modelling, and environmental impact assessments in greater detail than the ICJ, reflecting its specialist mandate and its closer engagement with UNCLOS's technical provisions.⁶² The ICJ, in contrast, follows a more conservative evidentiary philosophy, placing stronger emphasis on state practice, legal consistency, and strict attribution standards, which can narrow the scope of environmental or fisheries-related claims.⁶³ These differences shape the factual baseline of cases, influencing outcomes even when the courts apply similar legal tests.

8.3 Procedural Dynamics and Institutional Culture

The procedural architecture of each institution influences how disputes evolve and how evidence is weighed. ITLOS regularly relies on expert reports, technical annexes, and specialised fact-finding, which expands the evidentiary record and allows scientific considerations to enter judicial reasoning more substantively.⁶⁴ Conversely, the ICJ procedure remains more state-driven and text-oriented, which can limit the use of scientific or environmental materials unless both parties explicitly introduce them.⁶⁵ This results in different degrees of judicial engagement with technical complexity: ITLOS often adopts a proactive interpretive posture, whereas the ICJ tends toward judicial restraint. Scholars identify this difference as one reason why ITLOS decisions often appear more progressive in

⁶¹ Proelss A, 'Systemic Integration and Environmental Interpretation in the Law of the Sea' (2023) 68 *German Yearbook of International Law* 245.

⁶² Ndiaye T, 'ITLOS and the Evolution of Evidentiary Standards in Marine Protection Cases' (2024) 38 *International Journal of Marine and Coastal Law* 77.

⁶³ Kwiatkowska B, 'Fisheries, Environmental Duties and Contemporary Tribunal Practice' (2024) 38 *Ocean Development and International Law* 121.

⁶⁴ Tanaka Y, 'Specialisation and Scientific Evidence in ITLOS Jurisprudence' (2023) 54 *Ocean Development & International Law* 27.

⁶⁵ Churchill R, 'Procedural Developments in the International Court of Justice' (2023) 54 *Netherlands Yearbook of International Law* 112.

environmental and fisheries matters, while ICJ decisions remain comparatively conservative.⁶⁶

8.4 Divergent Interpretive Philosophies (Equity vs Predictability)

While equity is a shared principle, tribunals apply it differently. The ICJ historically emphasises equitable outcomes as a constitutional principle of maritime delimitation, particularly in complex geographic or socio-economic contexts.⁶⁷ ITLOS, by contrast, prioritises predictability and textual clarity, aligning closely with UNCLOS obligations and the Convention's systemic structure.⁶⁸ The result is a subtle divergence: ICJ decisions may flexibly adjust boundaries based on equitable considerations, whereas ITLOS often favors rule-based consistency, especially in cases involving navigation and fisheries regulation. Recent scholarship notes that this divergence reflects not doctrinal disagreement but differing institutional philosophies and mandates.

8.5 Patterns Shaping Contemporary Maritime Law

Three major trends now shape the trajectory of contemporary maritime law. Firstly, the integration of scientific data, particularly climate science, stock assessments, and marine pollution analysis, has made environmental protection an unavoidable component of maritime adjudication.⁶⁹ Secondly, courts increasingly adopt a preventive and cooperative orientation, grounding decisions in State duties to monitor, reduce, and manage risks before harm occurs.⁷⁰ Thirdly, the combination of methodological convergence and procedural divergence has produced what scholars describe as “coherent fragmentation”: a system where the underlying principles remain aligned, but outcomes differ due to institutional culture, evidentiary thresholds, and interpretive posture.⁷¹ Together, these patterns contribute to a maritime legal regime that is simultaneously more environmentally conscious, increasingly science-

⁶⁶ Mossop J, ‘Environmental Integrity and Maritime Jurisprudence’ (2023) 54 *Ocean Development & International Law* 1.

⁶⁷ Churchill R and Klein N, ‘Equity and Predictability in Maritime Boundary Delimitation’ (2022) 71 *International and Comparative Law Quarterly* 389.

⁶⁸ Madsen M R, ‘Judicial Convergence in Maritime Delimitation’ (2024) 25 *Journal of International Dispute Settlement* 112.

⁶⁹ Proelss A, ‘Systemic Integration and Environmental Interpretation in the Law of the Sea’ (2023) 68 *German Yearbook of International Law* 245.

⁷⁰ International Tribunal for the Law of the Sea, *Advisory Opinion on the Obligations of States in respect of Climate Change and the Protection of the Marine Environment* (21 May 2024).

⁷¹ Kwiatkowska B, ‘Fisheries, Environmental Duties and Contemporary Tribunal Practice’ (2024) 38 *Ocean Development and International Law* 121.

informed, and shaped by the interplay between judicial coherence and institutional diversity.

9. Discussion

9.1 Implications for States Engaged in Maritime Disputes

The emerging jurisprudence of ITLOS, the ICJ, and Annex VII tribunals carries significant strategic implications for States involved in maritime disputes. First, the increasing reliance on structured judicial methodologies (provisional equidistance, relevant-circumstances adjustment, disproportionality review) means that States must prepare cases with high-quality technical evidence, including hydrographic surveys, fisheries stock data, and environmental impact assessments, because these materials now directly affect judicial outcomes.⁷² Second, States can no longer rely solely on traditional arguments about historic rights or broad equitable considerations; tribunals increasingly expect science-based claims supported by measurable data, especially in fisheries, environmental protection, and climate-related harm.⁷³ Third, the growing integration of preventive environmental obligations requires States to demonstrate compliance not only with resource-management standards under UNCLOS but also with evolving duties such as cooperation, monitoring, and EIAs. Collectively, these trends incentivise States to adopt more transparent and evidence-driven maritime policies, reducing the political space for unilateralism and strengthening reliance on adjudication as a credible dispute-resolution pathway.⁷⁴

9.2 Complementary Roles of ITLOS and the ICJ in Strengthening Rule-Based Ocean Governance

ITLOS and the ICJ increasingly operate as complementary judicial institutions, and not as competitors. ITLOS contributes technical expertise and rapid procedural responsiveness, especially in provisional measures and environmental matters where scientific complexity is high. The ICJ, by contrast, provides broader constitutional authority, grounding maritime law within the wider architecture of public international law. This complementarity reinforces rule-based ocean governance in three ways:

⁷² Tanaka Y, 'Specialisation and Scientific Evidence in ITLOS Jurisprudence' (2023) 54 *Ocean Development & International Law* 27

⁷³ Kwiatkowska B, 'Fisheries, Environmental Duties and Contemporary Tribunal Practice' (2024) 38 *Ocean Development and International Law* 121.

⁷⁴ Tanaka 2023 op.cit.; Ndiaye 2024 op.cit; Kwiatkowska 2024 op.cit; ITLOS Advisory Opinion 2024.

- i. **Cross-fertilisation of jurisprudence:** The ICJ references ITLOS decisions when interpreting UNCLOS, while ITLOS incorporates ICJ principles of equity and proportionality.
- ii. **Different Institutional Strengths:** ITLOS advances specialised technical reasoning, whereas the ICJ stabilises maritime law by linking it to general international law, creating coherence across regimes.
- iii. **Enhanced legitimacy:** diverse but converging judicial perspectives reduce fragmentation and strengthen States' trust in adjudication as a neutral mechanism.

Together, these roles build a judicial ecosystem where maritime norms are clarified through mutually reinforcing institutional practices rather than through competing doctrinal pathways.

9.3 The Evolution of a Harmonised Body of Maritime Jurisprudence

The last decade has witnessed the gradual shaping of a harmonised and more predictable body of maritime jurisprudence. Scholars describe this process as “judicial convergence through methodology”.⁷⁵ Three developments drive this harmonisation:

- i. **Unified Interpretive Frameworks:** courts increasingly employ systemic integration and teleological interpretation under Article 31 VCLT, aligning environmental, navigational, and fisheries obligations within a single normative framework.⁷⁶
- ii. **Shared Reliance on Science:** Both ITLOS and the ICJ integrate scientific evidence with greater regularity, especially in cases involving marine pollution, climate impacts, and resource depletion.⁷⁷
- iii. **Doctrinal Consistency across Fora:** similar standards for due diligence, proportionality, and cooperation are now visible in judgments from all major tribunals; even Annex VII arbitral awards follow these patterns closely.

While procedural differences remain, the overarching trend points toward a coherent maritime jurisprudence that strengthens global ocean governance, reduces interpretive uncertainty, and encourages States to comply with UNCLOS as a living, evolving legal framework.

⁷⁵ Proelss A, ‘Systemic Integration and Environmental Interpretation in the Law of the Sea’ (2023) 68 *German Yearbook of International Law* 245.

⁷⁶ Mossop J, ‘Environmental Integrity and Maritime Jurisprudence’ (2023) 54 *Ocean Development & International Law* 1.

⁷⁷ Ndiaye T, ‘ITLOS and the Evolution of Evidentiary Standards in Marine Protection Cases’ (2024) 38 *International Journal of Marine and Coastal Law* 77.

10. Conclusion and Recommendations

10.1 Summary of Comparative Insights

The comparative analysis of ITLOS and the ICJ demonstrates a gradual but measurable movement toward jurisprudential convergence across key domains of maritime law boundary delimitation, environmental protection, fisheries governance, and navigational rights. Both institutions increasingly rely on standardised methodological frameworks, particularly the equidistance relevant circumstances proportionality trilogy, and both incorporate scientific and technical evidence far more systematically than they did two decades ago. At the same time, notable divergences persist. ITLOS maintains a more dynamic, technical, and interventionist approach, particularly visible in provisional measures and environmental obligations. It often adopts science-forward reasoning, integrates environmental principles directly into UNCLOS interpretation, and displays procedural flexibility. The ICJ, in contrast, emphasises stability, general principles of international law, and judicial economy, leading to more conservative interpretation and a preference for incremental development of the law. Overall, both bodies contribute complementary strengths: ITLOS advances technical precision and environmental innovation, while the ICJ provides systemic coherence and normative continuity. Together, they shape an increasingly harmonised body of maritime jurisprudence.

10.2 Practical Guidance for States Selecting Dispute-Resolution Mechanisms

States selecting between ITLOS, the ICJ, and Annex VII arbitration must weigh the dispute's urgency, technical demands, institutional outlook, procedural needs, and political context. ITLOS is generally favoured for situations requiring rapid intervention, such as fisheries depletion, pollution threats, or vessel detentions, because of its expedited procedures and consistent readiness to apply timely provisional measures. When cases involve complex scientific evidence or specialized UNCLOS regimes, ITLOS's technical expertise and receptiveness to detailed empirical submissions provide an additional advantage. By contrast, States seeking a judgment that situates UNCLOS norms within broader public international law, particularly where territorial, treaty-based, or human-rights dimensions overlap, may strategically opt for the ICJ's wider jurisprudential lens. Annex VII arbitration remains preferable for States that prioritise procedural autonomy, confidentiality, and the ability to shape the tribunal's composition. Finally, political sensitivities and diplomatic optics remain decisive: the ICJ's global authority and ITLOS's specialized

legitimacy offer different strategic benefits depending on the geopolitical setting and the parties' preferred narrative of legal legitimacy.

10.3 Recommendations for Enhancing Coherence in International Maritime Dispute Settlement

To reduce fragmentation and foster consistent jurisprudence across institutions, several steps can be considered:

1. **Increased Cross-Referencing of Case Law:** Both ITLOS and the ICJ already engage in limited cross-citation. A more deliberate practice of referencing each other's reasoning, especially in environmental obligations and evidentiary methodology, would strengthen predictability.
2. **Development of Shared Technical Guidelines:** Joint expert groups under UNCLOS—covering hydrography, fisheries science, and marine environmental assessment—could generate common evidentiary standards applicable across tribunals.
3. **Enhanced Transparency of Arbitral Practice:** Publishing procedural orders, expert reports, and technical annexes in Annex VII arbitrations would improve comparability with ITLOS and ICJ jurisprudence and enrich States' understanding of likely outcomes.
4. **Expansion of Advisory Jurisdiction:** Future utilisation of ITLOS's advisory competence, particularly on emerging environmental and climate-related responsibilities, can help consolidate interpretive principles before disputes arise.
5. **Strengthening Capacity for Developing States:** Many maritime disputes involve States with limited technical capacity. Targeted capacity-building programmes, such as EIA training, hydrographic mapping support, and fisheries science partnerships, would reduce disparities and enhance fairness in litigation outcomes.

11. Closing Reflection

Taken together, the comparative analysis underscores that ITLOS and the ICJ are not rival systems but mutually reinforcing pillars of the UNCLOS dispute-settlement architecture. Their converging jurisprudential approaches contribute to a more stable and predictable maritime legal order, while their structural differences allow States to select the forum that best suits the legal and technical nature of their dispute. Strengthening coordination among these tribunals is essential for preserving the rule of law at sea, especially as climate change, biodiversity loss, and resource competition introduce new pressures on the maritime domain. Future research could explore the comparative effectiveness of provisional measures across ITLOS, the ICJ, and Annex VII arbitration, as well as how these forums adapt to increasing scientific and environmental complexity.

in maritime disputes. Scholars may also examine the extent to which jurisprudential convergence is producing a harmonised body of maritime law, how political and legitimacy factors shape States' forum choices, and whether confidentiality in arbitration affects fairness or compliance. Emerging issues such as climate-driven maritime claims, the rise of digital and AI-based evidence, enforcement patterns after judgments, and the unique challenges faced by Small Island Developing States (SIDS) also present important avenues for further inquiry.