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THE EFFECTIVENESS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (ITLOS) AS A GLOBAL SECURITY INSTITUTION IN THE RESOLUTION OF THE M/V SAIGA DISPUTE (1997-1999)

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Abstract

This study analyzes the effectiveness of the International Tribunal for the Law of the Sea (ITLOS) as an international institution for the peaceful settlement of maritime disputes through the M/V Saiga case (Saint Vincent and the Grenadines v. Guinea, 1997–1999). Using a qualitative case-study method, it examines primary legal materials, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the two distinct ITLOS proceedings: the 1997 prompt-release case (Case No. 1) and the 1999 merits case (Case No. 2). Guided by Robert O. Keohane's Neoliberal Institutionalism, the analysis applies four indicators: dispute resolution, prevention of conflict escalation, clarification and application of international law of the sea, and state compliance with tribunal rulings. The 1997 judgment ordered the prompt release of the vessel and its crew upon the provision of a bond, while the 1999 judgment examined the merits of the dispute, including the legality of Guinea's conduct under UNCLOS and compensation. Taken together, the proceedings illustrate the value and limits of judicial dispute settlement: ITLOS can clarify legal obligations and provide binding remedies, but effectiveness also depends on implementation. The Bangladesh/Myanmar maritime-boundary case (2012) is used as a brief comparison, not as a substitute for analysis of both M/V Saiga proceedings.

Keywords: ITLOS; institutional effectiveness; maritime disputes; M/V Saiga; Neoliberal Institutionalism

Abstrak

Penelitian ini menganalisis efektivitas International Tribunal for the Law of the Sea (ITLOS) sebagai institusi internasional dalam penyelesaian sengketa maritim secara damai melalui perkara M/V Saiga (Saint Vincent and the Grenadines v. Guinea, 1997–1999). Penelitian menggunakan metode kualitatif dengan pendekatan studi kasus dan mengkaji sumber hukum primer, termasuk United Nations Convention on the Law of the Sea (UNCLOS) 1982 serta dua proses ITLOS yang berbeda, yaitu perkara pelepasan segera pada 1997 (Case No. 1) dan perkara pokok sengketa pada 1999 (Case No. 2). Dengan menggunakan Neoliberal Institusionalisme Robert O. Keohane, efektivitas dianalisis melalui empat indikator: penyelesaian sengketa, pencegahan eskalasi konflik, penjelasan dan penerapan hukum laut internasional, serta kepatuhan negara

terhadap putusan tribunal. Putusan 1997 memerintahkan pelepasan segera kapal dan awaknya setelah penyerahan jaminan, sedangkan putusan 1999 memeriksa pokok sengketa, termasuk legalitas tindakan Guinea berdasarkan UNCLOS dan kompensasi. Kedua proses tersebut menunjukkan manfaat sekaligus keterbatasan penyelesaian sengketa melalui peradilan: ITLOS dapat memperjelas kewajiban hukum dan memberikan pemulihan yang mengikat, tetapi efektivitasnya juga bergantung pada pelaksanaan putusan. Perkara batas maritim Bangladesh/Myanmar (2012) digunakan sebagai contoh pembanding singkat.
Kata kunci: ITLOS; efektivitas institusi; sengketa maritime; M/V Saiga; Neoliberal Institusionalisme

INTRODUCTION

The oceans have long been a strategic space for nations around the world as trade routes, sources of natural resources, and living spaces for millions of coastal residents. However, as countries' demand for marine resources ranging from fisheries, oil, and gas to seabed mining potential has increased, so too has the intensity of maritime disputes between nations.

Current maritime disputes are spread across nearly every region of the world, ranging from maritime boundary disputes between Argentina and Uruguay, as well as between Brazil and its South American neighbors; the Somalia-Kenya dispute and the Bakassi Peninsula dispute between Nigeria and Cameroon in Africa; to the South China Sea dispute and the Dokdo/Takeshima dispute between Japan and South Korea in Asia (Ding, 2024).

The complexity of this issue is further compounded by the fact that "maritime security" itself is a concept that lacks a single, internationally agreed-upon definition. Bueger, 2015 explains that maritime security is a buzzword whose meaning constantly shifts depending on the actors, interests, and underlying context; it encompasses threats such as piracy, maritime terrorism, arms and drug trafficking, human trafficking, illegal, unreported, and unregulated (IUU) fishing, and damage to the marine environment.

This is where the role of international institutions becomes crucial. Networks of international institutions whether in the economic, social, or political spheres have become the primary forums where nations negotiate their interests and resolve cross-border disputes (Chimni, n.d.). It was this need for a comprehensive legal framework for the seas that led to the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982.

The Convention, which was first negotiated at the Third United Nations Conference on the Law of the Sea in 1973, provides comprehensive regulations for all activities at sea, including the establishment of legal regimes for territorial seas, exclusive economic zones, the continental shelf, the high seas, and the international seabed area, or "the Area" (United Nations, 1982). UNCLOS is often referred to as the "Constitution of the Seas" because it provides a legal foundation for states' rights and obligations in utilizing marine resources while also providing mechanisms for the peaceful settlement of disputes as set forth in Part XV of the Convention.

To operationalize this compulsory dispute settlement mechanism, UNCLOS established the International Tribunal for the Law of the Sea (ITLOS) as an independent judicial body headquartered in Hamburg, Germany. ITLOS was officially inaugurated on October 18, 1996, and began accepting cases by the end of that same year (ITLOS, 2016b). This tribunal has jurisdiction to handle disputes regarding the interpretation and application of UNCLOS, including specific mandatory powers in two areas: procedures for the prompt release of vessels and crew, and the imposition of provisional measures prior to the formation of an arbitral tribunal.

The first case brought before ITLOS and to this day one of the most frequently cited decisions in the study of international law of the sea is the M/V "SAIGA" case between Saint Vincent and the Grenadines and Guinea. This case originated from Guinea's detention of the tanker M/V Saiga on the grounds that it was engaged in bunkering or refueling fishing vessels off the coast of Guinea (United Nations, 1982).

The M/V "SAIGA" case is significant because it set an early precedent demonstrating how ITLOS is capable of interpreting and applying the provisions of UNCLOS concretely in real disputes between states, while also proving that the mechanism for resolving maritime disputes through international judicial channels can function effectively and produce binding rulings.

Although many studies have examined the M/V Saiga judgments from the perspective of the international law of the sea, fewer studies assess ITLOS's institutional effectiveness by distinguishing its prompt-release proceedings from its subsequent merits judgment. This article therefore examines both Case No. 1 (1997) and Case No. 2 (1999), considering what each judgment decided and how

the two together contributed to peaceful dispute settlement, legal certainty, and clarification of state rights and obligations under UNCLOS. Effectiveness is assessed through four indicators: dispute resolution, reduction of escalation risks, clarification and application of international law, and state compliance with the Tribunal's decisions.

LITERATURE REVIEW

Adjudication of the Law of the Sea and the Evolution of the Role of ITLOS

Churchill, 2025 examines the evolution of dispute settlement mechanisms under the law of the sea from the entry into force of UNCLOS 1982 through 2025. This study shows that Part XV of UNCLOS introduced four dispute settlement mechanisms: ITLOS, the International Court of Justice (ICJ), Annex VII arbitration, and Annex VIII arbitration. Over time, ITLOS has become a key forum for addressing disputes over maritime delimitation, the detention of vessels, and the issuance of advisory opinions. Churchill also notes that the 2024 ITLOS Advisory Opinion on climate change expands the tribunal's role in addressing contemporary issues of the law of the sea.

However, the study focuses primarily on developments in adjudicative practice and has not specifically evaluated the effectiveness of ITLOS as a dispute resolution institution based on the implementation of its decisions or the level of state compliance.

ITLOS Advisory Opinion on Climate Change

Klerk, 2025 analyzes the 2024 ITLOS Advisory Opinion regarding the relationship between UNCLOS and the Paris Agreement. The study's findings indicate that ITLOS recognizes greenhouse gas emissions as a form of marine pollution under UNCLOS and affirms that states have a duty of due diligence to protect the marine environment. This study also explains that ITLOS does not treat the Paris Agreement as lex specialis, but rather as an instrument that can be used to interpret states' obligations under UNCLOS.

Although it provides an in-depth analysis of the advisory opinion, this study focuses solely on the issue of climate change and therefore does not address ITLOS's effectiveness in resolving maritime disputes in general.

ITLOS and the Protection of Human Rights

Petrig & Bo, 2019 discuss the development of ITLOS jurisprudence in accommodating human rights principles through the interpretation of UNCLOS. This study shows that ITLOS applies interpretive approaches, such as "considerations of humanity" and "systemic integration" based on Article 293 of UNCLOS, particularly in cases involving prompt release, provisional measures, and decisions on the merits of the case. These findings indicate that ITLOS plays a role in expanding the interpretation of the law of the sea without exceeding the authority granted by UNCLOS.

However, this study places greater emphasis on legal interpretation approaches and the protection of individual rights, rather than on assessing the effectiveness of ITLOS in resolving disputes between states.

Synthesis of Previous Research

Based on previous research, it can be concluded that studies on ITLOS generally focus on the development of jurisdiction, methods of legal interpretation, and analysis of specific rulings or advisory opinions. These studies have not comprehensively examined the effectiveness of ITLOS as an institution for resolving maritime disputes by considering indicators such as its ability to resolve disputes, states' compliance with its rulings, and its contribution to the resolution of international disputes. Therefore, this study aims to fill this gap by analyzing the effectiveness of ITLOS through several cases of international maritime dispute resolution.

THEORETICAL FRAMEWORK

This study uses the Theory of Neoliberal Institutionalism developed by Robert O. Keohane as the analytical framework to explain the role of the International Tribunal for the Law of the Sea (ITLOS) as an international institution in the resolution of maritime disputes. According to Keohane (1984), international cooperation does not always depend on the existence of a hegemonic state but can be built through international institutions that provide a set of rules, procedures, and mechanisms to reduce uncertainty in interstate relations. International institutions serve to provide credible information, lower transaction costs, reduce the potential for cheating, and facilitate coordination so that states can continue to cooperate despite having differing interests.

This perspective stems from the concept of "complex interdependence" introduced by Keohane and Nye (1977), which explains that increasing interdependence among states necessitates international institutions as mechanisms for managing shared interests. From this perspective, the effectiveness of an institution is measured not only by its existence as a forum for cooperation but also by its ability to create legal certainty, facilitate dispute resolution, and encourage states' compliance with agreed-upon rules.

This theoretical framework is relevant to this study because ITLOS is an international judicial body established under Part XV of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to provide a mechanism for the peaceful settlement of disputes concerning the law of the sea. As part of the UNCLOS regime, ITLOS serves to reduce legal uncertainty through binding rulings, provide an independent forum for dispute resolution, and strengthen the implementation of international maritime law norms. Thus, the existence of ITLOS reflects the functions of international institutions as described in the theory of Neoliberal Institutionalism (Richardson, 2009).

Based on the framework of Neoliberal Institutionalism, this study operationalizes the effectiveness of ITLOS through four analytical indicators. First, the ability to resolve disputes, namely the extent to which ITLOS is able to issue rulings that provide a resolution to interstate maritime disputes. Second, the ability to prevent conflict escalation, namely ITLOS's role in defusing potential conflicts through mechanisms such as provisional measures and prompt release. Third, its contribution to the enforcement of international law, namely ITLOS's ability to clarify and strengthen the application of UNCLOS provisions through its rulings and legal interpretations. Fourth, the level of state compliance with rulings that is, the extent to which contracting states implement ITLOS rulings as an indicator of the institution's legitimacy and effectiveness. These four indicators serve as the basis for analyzing the various cases under study to assess the effectiveness of ITLOS as an international maritime dispute resolution body.

RESEARCH METHOD

This study employs a qualitative research method using a case-study approach. Its principal case is the M/V Saiga dispute, analyzed through both ITLOS Case No. 1 (prompt release, 1997) and

Case No. 2 (merits judgment, 1999). The Bangladesh/Myanmar maritime-boundary dispute is included only as a brief comparison to illustrate ITLOS's handling of a different type of dispute. Data were collected through library research, including UNCLOS 1982, official ITLOS judgments and case documents, and academic literature on the law of the sea and international institutions.

Data collection was conducted through the identification, retrieval, and systematic review of legal documents, ITLOS decisions, and academic literature relevant to the research focus. Data analysis utilized the Miles and Huberman interactive model, which includes data reduction, data display, and conclusion drawing and verification. The analysis focused on identifying the effectiveness of ITLOS based on the research indicators, namely its ability to resolve disputes, prevent conflict escalation, enforce the provisions of UNCLOS, and encourage states' compliance with the tribunal's rulings.

RESULTS AND DISCUSSION

Chronology of the MV Saiga Dispute

The MV Saiga dispute began when the Saint Vincent and the Grenadines-flagged tanker was seized by Guinean authorities on October 28, 1997. The day before, the vessel had been observed bunkering fuel to several fishing vessels. Guinea asserted that these activities took place within Guinea's EEZ and were linked to alleged smuggling of petroleum products, which it claimed was detrimental to the country's economy. On October 28, a Guinean patrol vessel ordered the M/V Saiga to stop; however, according to Guinea, the vessel failed to comply with the order, leading to a pursuit that ultimately resulted in the vessel being stopped and seized (Counter-Memorial Submitted by Guinea, 1997).

Guinea argued that the seizure was part of law enforcement actions against oil smuggling. Guinea also asserted that the pursuit began while the M/V Saiga was still within waters under Guinea's jurisdiction; therefore, the seizure outside those waters was still considered lawful under the principle of hot pursuit. Guinea based its actions, among other things, on the coastal state's authority under Article 73 of UNCLOS to conduct law enforcement actions in the EEZ (International Tribunal For The Law, 2001a).

Since no settlement was reached between the two countries, Saint Vincent and the Grenadines filed a petition with ITLOS on November 13, 1997, pursuant to Article 292 of UNCLOS. The petition requested the prompt release of the M/V Saiga, its cargo, and its crew. This case became the first to be brought before ITLOS since the tribunal began operations. The proceedings began on November 21, 1997, and resumed after a postponement requested by Guinea. Thus, the M/V Saiga dispute highlights a conflict of interests between Guinea, as the coastal state, and Saint Vincent and the Grenadines, as the flag state, regarding the authority to enforce the law at sea (Petrig & Bo, 2019).

The ITLOS Proceedings

The proceedings regarding the M/V Saiga began after Saint Vincent and the Grenadines filed a request for prompt release on November 13, 1997, pursuant to Article 292 of UNCLOS. This article serves as the basis for the flag state to request the immediate release of the detained vessel and its crew. The proceedings then addressed whether Guinea's detention had violated the prompt release provisions of UNCLOS (International Tribunal For The Law, 2001b).

Saint Vincent and the Grenadines argued that the arrest of the M/V Saiga was related to bunkering activities in the EEZ and could not be justified under Article 73 of UNCLOS. Conversely, Guinea asserted that the arrest was carried out due to alleged oil smuggling that violated Guinea's customs regulations and criminal law, not due to a violation of fisheries law (Park et al., 1997).

The examination of evidence took place during the hearing in Hamburg on November 27–28, 1997. Both parties submitted documents, including Procès-Verbal No. 29 regarding the vessel's seizure, as well as the Guinean customs regulations and laws upon which the action was based. ITLOS then assessed whether Saint Vincent and the Grenadines' argument regarding Guinea's non-compliance with the prompt release requirement was sufficiently well-founded to be accepted (M/V "Saiga" (Saint Vincent and the Grenadines v. Guinea), 1997).

ITLOS Judgment

The ITLOS judgment in the M/V Saiga case was announced on December 4, 1997, in Hamburg, just six days after the oral proceedings concluded. The Tribunal ruled unanimously that it had jurisdiction to hear the application, but was split 12 to 9 on the issue of the vessel's release.

The majority of the judges held that Saint Vincent and the Grenadines' allegation that Guinea had failed to comply with the requirement of prompt release under Article 73 of UNCLOS was well-founded, and therefore ordered the immediate release of the tanker M/V Saiga and its crew, who were still being detained in Conakry. As security, Saint Vincent and the Grenadines was required to deposit 400,000 U.S. dollars plus the cargo of gasoil on board the vessel (ITLOS, 1997).

Although this ruling does not directly state that Guinea violated UNCLOS as a whole or that the detention was unlawful from the outset, the majority nevertheless concluded that the arrest could be linked to the coastal state's sovereign rights in the exclusive economic zone, thereby rendering Article 292 applicable. This ruling is final regarding the release and does not preclude further examination in other forums concerning the legality of the arrest itself.

Consequently, the vessel and its crew must be released upon the posting of a bond; however, no order for compensation was included in this prompt release ruling because the Tribunal is authorized only to rule on the release pursuant to Article 292 (ITLOS, 2016a).

The 1997 prompt-release judgment addressed a procedural question: whether the vessel and crew should be released under Article 292 of UNCLOS. It did not finally determine every question concerning the legality of Guinea's arrest and use of force. Those substantive questions were considered in the subsequent M/V Saiga (No. 2) proceedings, which culminated in the Tribunal's judgment of 1 July 1999. The two proceedings must be distinguished because an order for prompt release and a judgment on the merits serve different legal purposes.

In the merits proceedings, the Tribunal considered whether Guinea had lawfully exercised enforcement powers against the M/V Saiga, including its reliance on customs legislation and hot pursuit, and whether its actions complied with UNCLOS. The judgment addressed the limits of a coastal state's enforcement jurisdiction and the rights of the flag state. The Tribunal found violations of rights of Saint Vincent and the Grenadines under UNCLOS and international law. The 1999 judgment therefore went beyond the 1997 order by assessing the legality of the conduct at issue rather than only the conditions for release.

The Tribunal also addressed reparation and ordered Guinea to pay compensation to Saint Vincent and the Grenadines for the damage caused by the violations found. This compensation must be attributed to the 1999 merits judgment, not the 1997 prompt-release decision, which concerned release upon provision of a bond and did not award damages. The manuscript should cite the official Case No. 2 judgment directly for the exact findings and amount of compensation.

For this study, the two judgments provide complementary evidence of institutional effectiveness. The 1997 decision demonstrates ITLOS's ability to act quickly through a specialized UNCLOS procedure, while the 1999 decision demonstrates its role in determining substantive legal responsibility and ordering reparation. However, the existence of a binding judgment should not automatically be treated as proof of complete compliance. Claims about implementation should be supported by verifiable evidence of the parties' subsequent conduct.

Analysis of the Effectiveness of ITLOS

Peaceful Settlement of Disputes

The M/V Saiga proceedings show two complementary forms of dispute settlement. In 1997, ITLOS acted under Article 292 of UNCLOS and ordered prompt release, demonstrating the value of a time-sensitive procedure for a detained vessel and crew. In 1999, the Tribunal considered the substantive legality of Guinea's conduct and the remedies arising from the violations found. Evaluated together, the decisions show that ITLOS can address both an urgent procedural issue and the underlying legal dispute. The 1997 judgment alone should not be presented as a final ruling on every aspect of the arrest's legality.

Enforcement of International Maritime Law

Submitting the dispute to ITLOS provided a legal channel through which the parties could contest competing claims about enforcement jurisdiction, rather than leaving the dispute solely to unilateral action. The prompt-release procedure addressed the immediate detention, while the merits proceedings later examined the legality of Guinea's conduct. These processes created an institutional avenue for managing the dispute and reduced the need to resolve it through coercive escalation. The evidence supports the conclusion that ITLOS provided a peaceful forum, but does not establish that the Tribunal alone prevented every possible form of escalation.

Enforcement of International Law of the Sea

The two M/V Saiga judgments contribute to the clarification and application of UNCLOS in different ways. The 1997 judgment applied the prompt-release procedure and ordered the vessel and crew released upon provision of a bond. The 1999 merits judgment examined the legality of Guinea's enforcement actions, the limits of coastal-state jurisdiction, the rights of the flag state, and reparation for violations found by the Tribunal. The analysis should cite the official Case No. 1 and Case No. 2 judgments separately, rather than treating the procedural order as if it resolved the entire merits dispute.

Compliance with the Ruling

The 1997 judgment required release of the M/V Saiga and its crew upon provision of a bond of US$400,000 together with the cargo of gasoil. This is evidence of the outcome of the prompt-release proceedings, but it should not be conflated with implementation of the 1999 merits judgment. The latter ordered compensation for violations found by the Tribunal. Any claim that Guinea complied with the merits judgment should be supported by a reliable source documenting payment or another form of implementation. In the absence of such evidence, the article should distinguish the binding legal obligation created by the judgment from independently verified compliance.

Taken together, the two judgments show institutional effectiveness in providing a prompt procedural remedy, clarifying UNCLOS obligations, and adjudicating the substantive dispute. Evidence of state compliance must be assessed separately for the release order and the compensation award. This distinction makes the evaluation more precise: ITLOS's capacity to issue a binding judgment is an institutional achievement, while actual implementation is a separate empirical question.

Comparative Case: Bangladesh/Myanmar

The maritime boundary dispute between Bangladesh and Myanmar in the Bay of Bengal has been ongoing since 1974 because the two countries have not yet reached an agreement on territorial sea boundaries, EEZs, and continental shelves. Tensions escalated in 2008 when Myanmar

conducted oil and gas exploration activities in an area also claimed by Bangladesh, necessitating a dispute resolution mechanism acceptable to both parties (Klerk, 2025).

After bilateral negotiations failed to produce an agreement, the dispute was brought before the International Tribunal for the Law of the Sea (ITLOS) and heard as Case No. 16. On March 14, 2012, ITLOS issued a ruling establishing the maritime boundary between the two countries, taking into account the principle of equidistance as well as the geographical conditions of the area. This ruling provided legal certainty regarding the maritime jurisdictional boundary and resolved a dispute that had persisted for decades (Gupta, 2022).

The resolution through ITLOS demonstrates that disputes with the potential to lead to conflict can be resolved through legal channels without the use of force. The clarity of maritime boundaries also provides certainty for both countries in conducting economic activities and utilizing marine resources (Arif, 2018). Thus, the Bangladesh/Myanmar case reinforces the evidence that ITLOS is effective in resolving disputes peacefully, providing legal certainty, and reducing the potential for interstate conflict.

This case also reinforces the findings in the M/V Saiga case that the effectiveness of ITLOS is not limited to a single type of dispute. While in the M/V Saiga case ITLOS played a role in resolving the issue of vessel detention and enforcing UNCLOS, in the Bangladesh/Myanmar case ITLOS successfully provided a resolution to a maritime boundary dispute. This demonstrates ITLOS's ability to carry out its institutional functions to maintain international maritime stability and security.

ITLOS from the Perspective of Neoliberal Institutionalism

The M/V Saiga proceedings and the Bangladesh/Myanmar maritime-boundary case illustrate different functions of ITLOS under UNCLOS. The main case in this article is M/V Saiga, whose 1997 prompt-release judgment and 1999 merits judgment address immediate release and substantive responsibility, respectively. Bangladesh/Myanmar is used only as a short comparison to show that ITLOS has also handled maritime delimitation. These cases should not be treated as interchangeable because their legal questions, remedies, and evidence of implementation differ.

First, ITLOS provides common rules through UNCLOS, which serve as the basis for states to determine their rights and obligations. In the M/V Saiga case, the rule regarding prompt release formed the basis for resolving the vessel's detention, while in the Bangladesh/Myanmar case, the provisions on maritime delimitation formed the basis for establishing maritime boundaries (ITLOS, 1997).

Second, ITLOS provides a forum for dispute resolution when bilateral negotiations fail. Both cases demonstrate that states opted for legal mechanisms rather than pursuing unilateral actions (International Tribunal For The Law, 2001a).

Third, ITLOS reduces legal uncertainty. The ruling in the M/V Saiga case provided certainty regarding the vessel's status and the coastal state's jurisdiction, while the ruling in the Bangladesh/Myanmar case provided certainty regarding the maritime boundaries between the two countries. Thus, states have a clearer legal basis for advancing their interests (Richardson, 2009).

Fourth, ITLOS helps prevent the escalation of conflicts by channeling disputes into the legal system. Both cases demonstrate that maritime disputes can be resolved through judicial processes without escalating into armed conflict. This aligns with Neoliberal Institutionalism, which views international institutions as a means to enhance cooperation and reduce the likelihood of conflict.

Thus, the cases illustrate how ITLOS can provide a rules-based forum and reduce legal uncertainty, but the strength of each conclusion depends on the issue decided and the evidence available. In M/V Saiga, the 1997 and 1999 judgments must be analyzed separately before drawing an overall conclusion about effectiveness. The Bangladesh/Myanmar case offers comparative support for peaceful adjudication of a boundary dispute, but does not replace the need to evaluate the legal findings and implementation of the Saiga merits judgment.

CONCLUSION

This study finds that ITLOS can contribute to maritime security by providing a rules-based and peaceful mechanism for resolving disputes, but its effectiveness must be evaluated by distinguishing the legal function and outcome of each proceeding. In the M/V Saiga dispute, the 1997 prompt-release judgment (Case No. 1) addressed the immediate detention of the vessel and

crew under Article 292 of UNCLOS and ordered their release upon provision of a bond. It did not finally resolve every question concerning the legality of Guinea's conduct.

The 1999 merits judgment (Case No. 2), delivered on 1 July 1999, examined the substantive dispute, including Guinea's enforcement actions, the rights of Saint Vincent and the Grenadines under UNCLOS, and compensation for violations found by the Tribunal. The two judgments therefore provide complementary evidence: the first demonstrates the value of an expedited procedural remedy, while the second demonstrates ITLOS's role in clarifying legal responsibility and ordering reparation. The specific findings and compensation amount should be cited to the official Case No. 2 judgment.

The judgments also show why legal authority and state compliance should be treated as separate analytical questions. The 1997 release order and the 1999 compensation award created distinct obligations. The article should not claim that Guinea fully complied with the merits judgment unless implementation is established by a verifiable source. ITLOS has no independent military enforcement arm; its institutional influence rests on the legal authority of UNCLOS, the reasoning and legitimacy of its judgments, and the conduct of states.

From the perspective of Neoliberal Institutionalism, ITLOS can reduce uncertainty by supplying common rules, an independent forum, and authoritative decisions when bilateral negotiations do not resolve a dispute. The Bangladesh/Myanmar case provides a brief comparison showing that the Tribunal has also adjudicated maritime-boundary questions. Nevertheless, the main evidence in this article comes from the two distinct M/V Saiga proceedings and must be assessed according to the question each judgment decided.

Overall, ITLOS is best understood as an institution that facilitates peaceful dispute settlement, clarifies international maritime law, and provides binding remedies. The M/V Saiga case supports this conclusion when the 1997 prompt-release judgment and the 1999 merits judgment are examined together but not conflated. Its effectiveness is demonstrated by its capacity to adjudicate and specify legal obligations; the degree of state compliance must be established separately through evidence of implementation.

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