



«THE PHOENICIA ROUNDTABLE»

MARITIME ORDER IN THE GLOBAL ERA NATIONAL INTEREST VS. COMMON GOOD OF HUMANITY

Executive Summary

Valletta, Malta, 25 September 2025
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Convened by the International Progress Organization and chaired by Professor Hans Köchler, the Phoenicia Roundtable brought together scholars and practitioners from Australia, Austria, Barbados, Belgium, China, Denmark, France, Germany, Italy, Malta, Norway, Spain, Switzerland, Türkiye, United Kingdom, and the United States of America to examine challenges of maritime governance in the face of global power shifts and mounting competition for ocean resources. Held in memory of Arvid Pardo and Elisabeth Mann Borgese, the two pioneers of the modern law of the sea, the event provided a multidisciplinary platform for critical reflection on the United Nations Convention on the Law of the Sea (UNCLOS) in the context of the dichotomy between national interests and the common good of humanity.

Key themes and objectives

The experts – jurists, diplomats, and maritime law scholars – dealt with problems of marine delimitation, in particular as regards the definition of the continental shelf and the status of islands under UNCLOS; the unilateral assertion of sovereign rights in the high seas; environmental issues of deep sea mining; challenges of sea level rise and threats to marine biodiversity; freedom of navigation in the context of international disputes and conflicts; and problems of maritime arbitration. The discussion also focused on the need to distinguish between disputes concerning territorial sovereignty over islands on the one hand, and conflicts over maritime rights derived from that sovereignty, on the other.

The roundtable further sought to explore the balance between state sovereignty and global responsibility, with discussions highlighting the ethical, legal, and geopolitical dimensions of maritime governance. The primary objectives were to:

- Reassess the balance between national interests and the global commons;
- Revisit the constitutional framework of ocean governance as envisioned under UNCLOS;
- Evaluate emerging challenges including sea-level rise, deep-sea mining, and biodiversity beyond national jurisdiction (BBNJ); and
- Explore cooperative legal and ethical frameworks to preserve ocean sustainability.

In his opening statement, the President of the International Progress Organization, Dr. Hans Köchler, highlighted the role of Malta in the development of the modern law of the sea and warned of "a new rush for the resources of the ocean" that ignores the provisions of the United Nations Convention on the Law of the Sea and challenges the authority of the International Seabed Authority. He also addressed the problem of how to deal with attacks against, or abduction of, civilian, and in particular humanitarian, vessels and their crews in international waters.

Session I – Foundations of Ocean Governance

This session set the intellectual foundation for the conference, recalling the legacy of Elisabeth Mann Borgese and Arvid Pardo.

Dr. Awni Behnam, Honorary President of the International Ocean Institute (Malta) and a former UN Assistant Secretary-General, emphasized the importance of ocean governance that is based on the principle of common heritage of mankind. He underscored the ethical challenges of humanity's exploitation of the ocean, tracing the evolution of ocean governance from ancient Sumerian codes to modern UNCLOS. He cautioned against undermining the normative foundations of UNCLOS and stressed that policies must evolve *within* its spirit to address sustainability and governance deficits.

Professor Bardo Fassbender from the University of St. Gallen (Switzerland) explored Elisabeth Mann's idea of a "Constitution for the Oceans," linking it to modern theories of international constitutionalism. He asked whether UNCLOS can be meaningfully understood as a subset of an international constitutional law and to what extent a constitutionalization of the law of the sea can be regarded as part of Elisabeth Mann Borgese's intellectual legacy.

Dr. Tirza Meyer from the Norwegian University of Science and Technology examined Elisabeth Mann Borgese's role in shaping the law of the sea and highlighted the power of individuals to influence history. She contrasted the constructive efforts of figures like Mann and Pardo with modern unilateralism, emphasizing the fragility of international norms.

Session II – Sovereignty, Conflict, and the Common Heritage

Professor Rauf Versan of Istanbul University (Türkiye) outlined key principles governing maritime delimitation, stressing that legal frameworks must balance geography, equity, and historical claims. He particularly addressed the challenges to the law of the sea that result from the rapid advancement of technology and the increased potential of exploration and exploitation in the area of the high sea.

Professor Stefan Talmon of the Universities of Bonn (Germany) and Oxford (UK) described how islands often fuel international conflicts, noting that in many cases disputes over maritime entitlements rather than territorial sovereignty drive tensions. He argued that UNCLOS offers tools for resolution but not complete remedies, as territorial sovereignty claims are outside its scope.

Dr. Murat Sümer of the Malta-based IMO International Maritime Law Institute of the United Nations discussed questions of equitable treatment of islands in maritime boundary delimitation, showing how international jurisprudence limits the influence of small or remote islands to ensure fair outcomes.

Professor Tullio Scovazzi of the University of Milano-Bicocca (Italy) revisited the principle of “common heritage of humankind,” emphasizing its incorporation into the 2023 BBNJ Agreement. He argued that benefit-sharing and environmental stewardship must underpin future governance of marine genetic resources.

Session III – Environmental Change, Resources, and Global Responsibility

Professor Valérie Boré Eveno of the University of Nantes (France) addressed the environmental and, subsequently, legal implications of sea-level rise, arguing for recognition of it as a “common concern of humankind.” She suggested that the international community should reinterpret UNCLOS dynamically to preserve maritime rights amid climate change.

Professor David S. Berry of the University of the West Indies (Barbados) examined tensions between marine biodiversity protection and deep-sea resource extraction, particularly in light of the BBNJ Agreement’s restrictions on harmful mining activities.

Dr. Yuri Parkhomenko, Partner at the Foley Hoag Law Firm (United States), criticized the 2025 U.S. Executive Order on deep-sea mining as a threat to international law and environmental stability, warning of a global “race to the bottom” unless multilateral norms are reaffirmed.

Professor Alina Miron of the University of Angers (France) analyzed the growing threat to undersea cables and pipelines, noting legal gaps in UNCLOS regarding hybrid warfare and acts of sabotage. She called for clearer norms on protecting critical infrastructure.

Session IV – Dispute Resolution, Jurisdiction, and Freedom of the Seas

Professor Chin Leng Lim of the Chinese University of Hong Kong (China) explored dispute settlement under UNCLOS, warning that arbitration can be turned into a form of “lawfare” when states use legal mechanisms strategically rather than cooperatively.

Professor Bec Strating of La Trobe University (Australia) reflected on lessons from the Indo-Pacific, noting that UNCLOS has enabled smaller states to assert their rights but remains less effective when confronting great powers. She particularly analyzed the use of dispute resolution mechanisms in the Indian and Pacific Oceans since the entering into force of UNCLOS in 1994.

Professor Kristina Siig of the University of Odense (Denmark) examined new assertions of coastal state jurisdiction in exclusive economic zones, questioning whether expanded national authority undermines the freedom of navigation as a “common good.”

Bart Soens of the Belgian Society of Maritime Law described economic sanctions and subsequent insurance restrictions as forms of “economic warfare” against the freedom of navigation, highlighting risks to the neutrality of straits and the right of innocent passage in particular.

Closing Reflections and Conclusions

The roundtable concluded that the maritime domain is a central arena in which the tension between national sovereignty and collective responsibility is being tested and that the tension between the pursuit of national interests and considerations of the “common good of humanity” – integrating sustainability, equity, and peace as guiding

norms, and including the interests of future generations – is one of the major challenges to maritime order in the 21st century.

There was consensus that UNCLOS, though imperfect, remains the cornerstone of maritime order, requiring dynamic interpretation and multilateral commitment.
