International Progress Organization Organisation internationale pour le progrès

«THE PHOENICIA ROUNDTABLE»

International Roundtable Consultation

MARITIME ORDER IN THE GLOBAL ERA
National Interest vs. Common Good of Humanity

· In memory of Arvid Pardo and Elisabeth Mann Borgese ·

The Phoenicia Malta

25 September 2025

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EXPOSÉ

In the face of ongoing geopolitical realignments, the controversy around the Panama Canal – a "permanently neutral" international transit waterway under the jurisdiction of the eponymous republic – has highlighted the challenges that may arise for the rule of law and peace between nations when major global players resolve to assert their national interests irrespective of the sovereignty of other states or the rights of third parties.

In the last few centuries, disputes over maritime sovereignty were the cause of tension or armed conflict in virtually all corners of the globe. With the Truman Proclamation of 1945, a process for the expamsive assertion of national interests by coastal states has been set in motion that led to an "appropriation" of areas of the sea the magnitude of which, in the words of Arvid Pardo, was "unprecedented in history." The notion of "continental shelf," codified in the United Nations Convention on the Law of the Sea (UNCLOS), has become the rationale behind granting coastal and archipelagic states "sovereign rights" of exploitation in vast spaces of the ocean, with numerous overlapping claims of jurisdiction resulting in new scenarios of geopolitical confrontation. Also, the entitlement of islands, irrespective of the size of their territory, to a continental shelf cum exclusive economic zone (EEZ) – that can be larger than the EEZ of big coastal states – has led to complicated disputes over jurisdiction, particularly in terms of equity.

While, traditionally, rights of maritime sovereignty were tied to the **ability to control** (by military means), as in Cornelius van Bynkershoek's *De dominio maris dissertatio* (1742), or the **ability to exploit**, as in the Geneva Convention on the Continental Shelf (1958), UNCLOS defines sovereign maritime rights in the sense of **entitlement,** resorting, *inter alia*, to the notion of a "legal" continental shelf. Though generously accommodating the interests of coastal and archipelagic states, UNCLOS – unlike the Convention of 1958 – sets an absolute outer limit to the exercise of any kind of national sovereignty and, thus, to the greed justified by invoking it. The "Area" of the sea and its resources beyond the limits of national jurisdiction are declared "the common heritage of mankind."

Use of the "Area" under UNCLOS should not just be "equitable exploitation" of its resources for the benefit of all countries, ultimately driven by collective greed. In the face of global environmental challenges, the principle of **common heritage** must be complemented by the **common good of humanity** as guiding principle for sharing the wealth of the oceans, which must be more than a legalized version of dividing the booty. Rights entail responsibility. It is to be hoped that the paradigm of common good, though not codified in the Convention, will serve as a kind of normative compass also for the overall implementation of UNCLOS – especially in view of the permanent arbitration without which the Law of the Sea, with its often diplomatically vague and at times conflicting provisions, cannot exist. How to navigate the tension between the pursuit of national interests in the name of sovereignty, on the one hand, and a commitment to the global common good, on the other, will be one of the major challenges of the international community in the maritime domain.

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CONFERENCE TEAM

Davide Sirna (ITALY) / **María Vallés González** (SPAIN) (academic team members)
Lukas Köchler (logistics & audiovisual) / **Ramazan Ersoy** (I.P.O. head office)

SCHEDULE

24 September 2025

19:00

WELCOME RECEPTION

(The Gazebo, Phoenicia Garden)

25 September 2025

Individual breakfast (Contessa Restaurant) (from 07:00)

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ROUNDTABLE CONSULTATION

(Green Lounge)

Session I: 9:00-10:45

Coffee break

Session II: 11:00-12:30

Lunch: 13:00-14:00

Session III: 14:30-16:15

Coffee break

Session IV: 16:30-18:00

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20:00

GALA DINNER

(Sala Nobile, Domus Zamittello, Valletta)

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26 September 2025

10:00 (optional)

Visit to

IMO International Maritime Law Institute

and

International Ocean Institute

PROGRAM

SESSION I

Hans Köchler
Introductory Remarks

Awni Behnam
Whither Ocean Governance and UNCLOS?

Bardo Fassbender
Elisabeth Mann Borgese and the Constitutionalization of the Law of the Sea

Tirza Meyer
Elisabeth Mann Borgese and the Power of Individuals to Change the Course of History

SESSION II

Rauf Versan
The Principles Governing Maritime Delimitation

Stefan Talmon
Islands as a Cause and Subject of International Conflict

Murat Sümer
The Impact and Treatment of Islands in Maritime Boundary Delimitation

Tullio Scovazzi
The Principle of Common Heritage of Humankind
in the 2023 Biodiversity beyond National Jurisdiction Agreement

SESSION III

Valérie Boré Eveno
Addressing Challenges of Sea Level Rise:
From National Interests to Common Concern of Humankind

David S. Berry
Competition on the High Seas: Marine Biodiversity vs Marine Resources

Yuri Parkhomenko
From Pardo's Common Heritage Vision to Trump's Defiant Unilateralism:
The U.S. Deep Sea Mining in "the Area" Undermines International Law
and Risks a Global Race to the Bottom

Alina Miron
Protection of Critical Undersea Infrastructure

SESSION IV

Chin Leng Lim
Law of the Sea Arbitration

Bec Strating
Assessing the Effectiveness of Maritime Dispute Resolution Mechanisms:
Lessons from the Indo-Pacific

Kristina Siig
A New Approach to Coastal State Jurisdiction and Agency in the Exclusive Economic Zone
at the Expense of Freedom of Navigation as a "Common Good"

Bert Soens
Economic War against the Freedom of Navigation

ABSTRACTS

Awni Behnam

WHITHER OCEAN GOVERNANCE AND UNCLOS?

The ocean covers 70% of our blue planet and is regarded as the source of all life, yet the manner in which humans have taken its sustainability for granted and exploited its resources and services is anything but humane. Instead of living with the ocean and from the ocean sustainably, humans exploited ocean services and resources beyond any policies of reason. The historic evolution of ocean and seas governance is traced to early Sumerian laws around 2200 BC, evolving with the rise of commercial shipping and the exercise of power by city states, coastal states and European empires, increasing in importance with the discoveries of distant lands, particularly in the Americas.

Throughout history, three remarkable individuals stood out in shaping our understanding of ocean and seas governance, leaving an indelible mark on history: Hugo Grotius (1609) who articulated the principle of the Freedom of the Seas (*Mare Liberum*) that endured and remained unassailable until 1 November 1967 when Arvid Pardo, representing the island state of Malta, made his historic address to the United Nations triggering the road to convening UNCLOS III in 1972. That year Elisabeth Mann Borgese, who came to be known as the Mother of the Ocean, established the International Ocean Institute in Malta as the think tank for the UNCLOS negotiations and deliberations.

UNCLOS III was adopted in 1982 as a constitution for the ocean that entered into force in 1994, a remarkable achievement in the history of treaty law, an achievement of milestone proportions in managing the sovereignty of nations over 70 percent of the planet – it was truly *Pacem in Maribus*. UNCLOS was not intended nor designed to be the Alpha and Omega of ocean governance, or to the satisfaction of all, as no human construct is. However, with the passage of time, and with advances in science and technology coupled with increased understanding in managing the nexus of ocean governance and climate change, the consequences of abuse of the ocean and thus the impact on biodiversity have become abundantly clear. Unsustainable exploitation of ocean and seas, living and non-living resources and services, fraudulent appropriation, claims to ownership rights, defiance of the genuine link imposed by UNCLOS, remains a challenge to humanity.

Consequently, the interdependence of ocean governance imperatives with economic, social, and environmental sustainability, and security of all human interactions have forced the evolution of additional, supplemental rules, regulations and norms, under the broad umbrella of UNCLOS, as a Constitution of the ocean and seas. My strong belief is that major lacunae in global ocean governance and in emerging needs can be addressed under that framework of the Constitution of UNCLOS. Regrettably, two recent examples, the WTO fisheries subsidies agreement, and the BBNJ, conditionally are lacking in moral clarity. Today's multilateral cooperation or lack of it, technology as well as changed imperatives of new global governance over the course of time, including the dominance of the single economic system, have overtaken the letter but not the spirit of UNCLOS. Many voices, including those of IOI, claiming governance deficit in ocean governance, have solicited dangerous and self-serving convenient responses for a comprehensive review of UNCLOS. This naturally evokes the concern of undermining acquired rights that have been the ethical and moral basis of UNCLOS, and the prospect of greed replacing policies of reason in protecting the larger common good.

David S. Berry

COMPETITION ON THE HIGH SEAS: MARINE BIODIVERSITY V MARINE RESOURCES

The US President's Executive Order of April 24, 2025, titled "Unleashing America's Offshore Critical Minerals and Resources" has raised concerns about unilateral US mining of the deep seabed. Scholars have suggested that the effect of such an order may be limited, given the constraints of UNCLOS, the 1994 Agreement, and other rules of international law.

Other limitations also may arise from international environmental law and law developed in response to climate change. A recent treaty that seeks to regulate state and non-state actions on the high seas, the *BBNJ Agreement*, could have implications for deep seabed mining. Although the *Agreement* is not yet in force, its provisions could restrict the ability of its parties to support deep seabed mining actions if they are not compatible with the *Agreement*.

The *BBNJ Agreement* establishes a comprehensive regime both to conserve and allow sustainable use of marine biological resources in areas beyond national jurisdiction. The Agreement is operated through a number of organs, headed by the Conference of the Parties (COP). The Agreement creates obligations in relation to marine genetic resources (MGRs, in Part II), authorizes the creation of area based management tools (ABMTs), including marine protected areas (MPAs, in Part III), and sets out requirements for environmental impact assessments (EIAs, in Part IV).

This paper will explore the possibility of whether the BBNJ Agreement's obligations and related processes could be triggered by deep seabed mining techniques that fundamentally harm marine biodiversity. If so, could the Agreement's provisions be used to restrict such mining, even if done by non-parties?

Several scientific studies have suggested that deep seabed mining would be severely detrimental to the marine environment, the deep-sea ecosystems, and even to our planet's ability to produce oxygen. Recent studies have suggested that polymetallic nodules, a potentially lucrative source of valuable minerals, are home to ecosystems of life and play a significant role in oxygen production. Mining such minerals might automatically put a mining concern (and its state of nationality, which is required to regulate it), on a collision course with the *BBNJ Agreement*.

The current paper will critically assess the provisions of the *Agreement*, which could be used to prevent or restrict harmful deep seabed mining, and will examine *Agreement* processes that could affect non-parties. Although some *Agreement* provisions preserve the rights of non-parties and guarantee the continued relevance of regional bodies ("not undermining" them), other provisions may affect non-parties. The COP, for example, can create an ABMT on the high seas which will bind all parties, including their vessels. Once adopted, parties are required to promote similar measures to those created under the ABMT in other regional and international frameworks of which they are members, as well as are required to encourage states which are not parties to adopt supportive measures. The BBNJ Agreement also expressly provides that those not parties to it remain subject to parallel obligations arising under international law (i.e., from UNCLOS, other treaties, or customary international law). Whether the *Agreement*, a multilateral, global instrument, could be used to check national interests in this area remains to be seen.

Valérie Boré Eveno

ADDRESSING CHALLENGES OF SEA LEVEL RISE: FROM NATIONAL INTERESTS TO COMMON CONCERN OF HUMANKIND

Sea level rise has accelerated significantly in recent decades, bringing dramatic – even existential – consequences for low-lying coastal States and small island developing States (SIDS), where a large proportion of the population is concentrated in coastal areas.

In this context, it appears legitimate for the affected States to seek to protect their national interests beyond their coasts, even if this may, in some cases, conflict with those of third States. In the absence of any explicit reference to this phenomenon in the United Nations Convention on the Law of the Sea (UNCLOS), the question has arisen whether the limits of maritime zones should be reconsidered when coastal baselines are physically altered as a result of sea level rise. This issue has been recently studied by the International Law Association (ILA) and discussed by the UN International Law Commission (ILC), whose mission is to promote the progressive development of international law and its codification.

If these bodies have observed a strong trend – and even a convergence of views – in recent State practice in favour of a dynamic interpretation of UNCLOS, aimed at preserving the maritime rights of coastal States in the face of rising seas, it is probably because this phenomenon actually affects the entire international community and has become a "common concern of humankind," transcending the borders of the States most directly affected and requiring collective action. This assertion is supported by the fact that sea level rise is undoubtedly a consequence of climate change and that the United Nations Framework Convention on Climate Change (UNFCCC) recognizes in its preamble that "change in the Earth's climate *and its adverse effects* are a common concern of humankind" (emphasis added).

Although this latter concept – whose definition and status remain uncertain – has not received much attention in the context of the above-mentioned works, it could still be mobilized as a framework or guideline, to help the international community act, transcending national rivalries and interests. It could also be operationalized through the implementation of certain fundamental principles of international law, identified to guide the ILC's work on this issue (e.g. international cooperation, equity and solidarity, legal stability, certainty and predictability), while enabling a coherent and inclusive response to the multiple challenges posed by sea level rise.

Bardo Fassbender

ELISABETH MANN BORGESE AND THE CONSTITUTIONALIZATION OF THE LAW OF THE SEA

The use of constitutional language in international legal scholarship is today much more common than it was at the beginning of this century. The transfer, or "translation", of the constitutional idea from the sphere of the modern state to that of international law, which until the mid-1990s had had only few advocates, has attracted the imagination of international lawyers – many differences of opinion about how exactly such transfer should be understood or constructed notwithstanding. Scholars have used concepts of constitutionalism to identify, name and also promote aspects of fundamental change in the international legal order which we all notice but cannot easily be expressed in the traditional language of international law. In my own work, I have tried to give the idea of an international constitutional law a consistent and also concrete meaning by closely associating it with the Charter of the United Nations as a generally accepted source of positive international law. I have argued that the Charter, although formally created as an international treaty, is characterized by a constitutional quality which in the course of the last eighty years has been confirmed and strengthened in such a way that today the instrument can be referred to as the (both substantive and formal) constitution of the international community.

Against this background, it is interesting to note that Elisabeth Mann Borgese, whose impressive lifework we recall in our meeting in Malta, was an early and persistent proponent of a constitutional understanding of the law of the sea and, in particular, of the United Nations Convention on the Law of the Sea of 1982. Apparently, it was in 1972 that she first used the notion of "a constitution for the oceans" in her publications. In her report "The Future of the Oceans" submitted to the Club of Rome in 1986, chapters 4 and 5 are entitled "A Constitution for the Oceans: Systems-Maintaining" and "A Constitution of the Oceans: Systems-Transforming," respectively.

In my contribution to the roundtable consultation, I want to explore what Elisabeth Mann meant, and wanted to convey, by using such constitutional language for the law of the sea. As described by Tirza Meyer in her recent book, there was a strong influence exerted on her thinking by her husband Giuseppe Antonio Borgese and the work of the "Committee to Frame a World Constitution" established at the University of Chicago in 1945. But there was also an impact of the political thought of her father, the writer Thomas Mann, and, much later, of the efforts of Ambassador Arvid Pardo to create a new law of the sea as an integral part of a comprehensive system of global governance under the aegis of the United Nations. In a second part of my contribution, I try to relate the constitutional thought of Elisabeth Mann Borgese to the present academic debate over the existence of an international constitutional law. Can the law of the sea be meaningfully understood as a subset of such a law and, if so, with which ramifications? And to what extent can a "constitutionalization of the law of the sea" be regarded as a part of Elisabeth Mann Borgese's intellectual legacy?

Chin Leng Lim

LAW OF THE SEA ARBITRATION

International lawyers conceive of the common good in terms of the advancement of international law. They think of the maintenance of international peace in terms of the advancement of international law, and they think of recourse to international arbitration and judicial settlement as something which closes a last gap in international law. Which is to have international disputes submitted to peaceful settlement. In short, they view international arbitration as a tool for achieving world peace. Yet it is only the mode of dispute settlement which is peaceful. The idea that international arbitration contributes to the avoidance of war is something of a myth. It is romance rather than reality. Arbitration, put in contemporary language, can be a form of "lawfare" too. It can be used as a part of a hostile campaign.

In this paper, I would like to focus on international arbitration in the maritime domain, and ask how arbitration can be used to advance national interests, rather than being simply a neutral mode for the settlement of disputes. Where there are claims to territorial sovereignty or independence, or claims to sovereign rights which typically would raise heightened national sentiments, these too can be sought to be brought to tribunal constituted under Part XV of the UN Convention on the Law of the Sea (UNCLOS). We have seen this.

However, while on the one hand an incomplete international system of inter-state arbitration, stemming from a failure to establish a system of supervision of international arbitration, leads to claims by states to interpret a right to reject the award; on the other, the subject-matter of a law of the sea dispute can be very broad. So broad that arbitration under UNCLOS need not be confined to the four corners of that treaty. This in fact was what happened with the *South China Sea* tribunal which did ultimately assert its authority over an international law dispute lying outside the four corners of the Convention, or at least not clearly inside it.

I am not speaking about whether that specific tribunal was right or wrong, whether its final award was eccentric, or even whether and if so how that award may have been flawed. I would like to focus instead on the fact that the tribunal claimed a rightful, legitimate authority to deal with the question of historic rights. While on this sort of view a tribunal constituted under UNCLOS can be about potentially anything, the resultant awards may not then hold against a respondent state that disagrees that the particular award is binding, because of some perceived flaw, and which is capable of rejecting such an award. The problem as we have seen is real especially where the respondent state did not go hand-in-hand to arbitration with the claimant state.

What we might suggest is that Part XV tribunals should define their jurisdictional authority narrowly. Yet such parsimony may not reflect the prevailing legal view about how widely UNCLOS in fact defines the bounds of the tribunal's authority. That prevailing view is a fault-line.

Tirza Meyer

ELISABETH MANN BORGESE AND THE POWER OF INDIVIDUALS TO CHANGE THE COURSE OF HISTORY

Activists, diplomats, politicians, and members of civil society all operate within frameworks of institutions and legal regulations. These frameworks, which hold societies together, do not develop in a vacuum; they are neither static nor permanent. Systems based on international agreement cannot function without individuals who ensure their maintenance, revision, and enforcement. It is also through the work of dedicated individuals – often collaborating over the course of many decades – that these institutions are built and their legal frameworks conceived. The negotiation process of the Law of the Sea Convention, from the 1960s until its adoption in 1994, offers a clear example of such collective and sustained efforts. The history of codifying the Law of the Sea and creating new regulations for the deep seafloor reveals much about the power struggles, compromises, victories, and sacrifices involved in establishing new international legal frameworks.

Yet the reverse is equally true: individuals also play a role in dismantling long-standing institutions. This reality is particularly acute today, as we witness the unraveling of the United States' traditional international commitments. Two observations are critical here:

(1) The United States' drive to claim greater control over ocean territory is not new, but under the Trump Administration it has been pursued with an openness and relentlessness unmatched in modern history.

(2) In both the construction and destruction of legal frameworks, key individuals often play decisive roles. Unfortunately, building tends to require far more time and effort than dismantling.

In this presentation, I focus on the individuals who build legal frameworks – specifically, one woman well known to all who work with the United Nations Convention on the Law of the Sea (UNCLOS): Elisabeth Mann Borgese. Her tireless efforts to embed principles of justice into the Law of the Sea, particularly in Part XI, exemplify the profound influence individual actors can exert. Mann Borgese, along with Maltese Ambassador Arvid Pardo, envisioned a new approach to governing the world's oceans on a global scale. Together, they contributed significantly to the creation of a lasting international legal order.

I will offer a brief overview of their most influential ideas and explore the legacy of their work. While much has been said – and much remains to be studied – about the role of activists and diplomats, it is clear that we must once again take seriously the power of individuals, both in understanding how enduring legal frameworks are built and how they are dismantled.

Alina Miron

PROTECTION OF CRITICAL UNDERSEA INFRASTRUCTURE

Countries have come to rely on a network of cables and pipes under the sea for their energy and communications. In the past years, the headlines about communications cables being cut and undersea gas pipeline being blown up have been more numerous and attracted attention.

In 2024, several submarine telecommunications cables were disrupted in the Baltic Sea.[*] Although there had been suspicions about ships dragging their anchors to damage the cables, authorities were not able to confirm this. It could not be established with certainty to whom these acts were indeed intended and to whom they would be attributed.

There have been fears about "hybrid warfare": action taken by another nation that is enough to cause disruption but is not enough to be an act of aggression or even of the use of force.

In this grey area where the law of the sea meets the law of maritime security and the law on the use of force, there has been a flurry of countermeasures.

What measures States can take, consistent with international law, in response to intentional acts of damage to submarine cables and pipelines committed by States and non-State actors? UNLCOS is notoriously silent. There is nothing in the LOSC, which expressly permits warships of States other than the flag State to interdict vessels suspected of breaking or injury of submarine cables or pipelines in the high seas. Art. 113 addresses the *Breaking or injury of a submarine cable or pipeline* but merely creates an obligation to criminalize such acts but does not grant authority for enforcement measures against foreign ships.

[*] In October 2024, the Eagle S, a crude oil tanker sailing under the flag of the Cook Islands, allegedly cut two fiber-optic cables between Estonia and Finland. The vessel was seized by Finnish authorities and moved to an anchorage in Porvoo, 25 miles east of Helsinki. In November 2024, the Yi Peng 3 dropped anchor off Sweden and continued sailing with its anchor dragging on the ground. A submarine telecommunications cable connecting Sweden and Lithuania (BCS East-West Interlink) was cut. The next day, the C-Lion 1 submarine telecommunications cable, linking Finland and Germany was cut. Both cuts (also referred to as C-Lion 1 incident) occurred within the exclusive economic zone (EEZ) of Sweden. The Yi Peng 3 sailed on toward the Danish Straits and stopped just outside Danish territorial waters. In December 2024, Swedish, Danish, Finnish and German authorities boarded and inspected the Yi Peng 3, a Chinese-flagged bulk carrier with a Russian captain. The ship was moored in the Kattegat off the Danish coast outside territorial waters. After this inspection the vessel continued its voyage.

Yuri Parkhomenko

FROM PARDO'S COMMON HERITAGE VISION TO TRUMP'S DEFIANT UNILATERALISM: THE U.S. DEEP SEA MINING IN "THE AREA" UNDERMINES INTERNATIONAL LAW AND RISKS A GLOBAL RACE TO THE BOTTOM

Ambassador Pardo in his speech in 1967 urged the UN General Assembly to establish a governance regime for the deep seabed beyond national jurisdiction, shifting the paradigm from high seas freedoms to the common heritage of mankind. The Assembly responded in 1970 with Resolution 2749 (XXV), declaring the Area and its resources the common heritage of mankind, to be governed by an international regime – marking the birth of a new legal order. Now this order is under attack. President Trump in his Executive Order on 24 April 2025 aims to fast-track seabed mining permits beyond national jurisdiction. This presentation will critically analyze the legal, environmental, and political implications of this Executive Order.

First, the U.S. push forward with deep sea mining permits undermines international legal norms, particularly those under the United Nations Convention on the Law of the Sea (UNCLOS) and the 1994 Implementing Agreement, which the U.S. has signed but not ratified. Despite its non-party status, the U.S. is bound under the Vienna Convention on the Law of Treaties to refrain from acts defeating the object and purpose of the Implementing Agreement – namely, the establishment of a collective governance regime under the International Seabed Authority (ISA). Moreover, customary international law has evolved to treat the seabed and its resources as the common heritage of mankind, obligating all states, including non-parties to UNCLOS, to respect the ISA's exclusive mandate. The U.S.'s historical conduct, including decades of ISA participation and support for multilateral seabed governance, contradicts any "persistent objector" defense.

Second, the U.S. unilateral deep-sea mining defies obligations to sustainably and collectively manage ocean resources. Such activities can cause severe and potentially irreversible environmental harm, including habitat destruction, sediment plumes that damage marine ecosystems, and noise pollution that disrupts marine life communication. The deep ocean's unique biodiversity – home to rare, slow-reproducing species – is particularly vulnerable, with risks of long-term ecosystem disruption and species extinction. Moreover, disturbing the seabed could impair the ocean's role in carbon cycling and storage, compounding global climate challenges.

Third, U.S. unilateral mining efforts undermine multilateral governance and threaten the rules-based international order. By bypassing the UNCLOS framework, the U.S. risks setting a dangerous precedent that could encourage other states to ignore international law and pursue unregulated deep-sea mining. This erosion of legal norms could destabilize global ocean governance, fueling competition and potential conflict over resources in international waters. The result may be a "race to the bottom," where states prioritize rapid mineral extraction over environmental protection, cooperation, and legal compliance.

Rather than pursuing unilateralism, the U.S. should reaffirm its commitment to international law by halting unilateral permitting, acceding to UNCLOS, and reengaging with the ISA – its rightful partner in lawful and strategic seabed governance. Meanwhile, the international community must urgently finalize the ISA's Exploitation Regulations to close legal loopholes and prevent opportunistic actions.

Tullio Scovazzi

THE PRINCIPLE OF COMMON HERITAGE OF HUMANKIND IN THE 2023 BIODIVERSITY BEYOND NATIONAL JURISDICTION AGREEMENT

The principle of common heritage of humankind is the most remarkable innovation in the 1982 United Nations Convention on the Law of the Sea (UNCLOS). It implies a third regime, which is completely different from the two previous and opposing regimes of sovereignty, applicable within the territorial sea, and of freedom, applicable on the high seas. The principle of common heritage of humankind was proposed for the first time in a memorable speech made in 1967 before the United Nations General Assembly by the representative of Malta, Arvid Pardo. The basic elements of this principle are the interdiction of national appropriation, the destination of a given space for peaceful purposes, the use of that space and its resources for the benefit of humankind as a whole, with special consideration for the needs of developing countries, and the establishment of an international organization in charge of the management of the resources. All these basic elements can be found in UNCLOS Part XI, as regards the seabed beyond the limits of national jurisdiction and the exploitation of the relevant mineral resources, such as polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts.

However, resources different from minerals can also be found in the high seas and its seabed, in particular biological communities presenting unique genetic characteristics that make them able to live in an extreme environment. While prospects for the commercial exploitation of the marine genetic resources of the high seas are now promising, neither the UNCLOS, nor the 1992 Convention on Biological Diversity provide any specific legal framework. During the negotiations for the 2023 Agreement under the UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement), some developed States supported the application of the principle of freedom of the sea. Other States took the position that the principle of common heritage of humankind covered also marine genetic resources. In fact, there is a legal gap in the UNCLOS for the simple reason that, at the time when it was negotiated, very little was known about the economic value of marine genetic resources.

While activities relating to marine genetic resources are open to all States parties and their nationals, the BBNJ Agreement provides that Parties are bound to ensure the deposit of marine genetic resources and their digital sequence information in publicly accessible repositories and databases. It also provides that such activities must be carried out in the interest of all States and for the benefit of all humanity, implicitly rejecting the most undesirable aspect of freedom of the sea (the first-come-first-served approach). The relevant benefits, both non-monetary and monetary, must be shared in a fair and equitable manner and in order to contribute to the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. However, as a proof of the difficulties in dealing with the question of monetary benefits, the determination of the modalities for their sharing is reserved for a future decision by the Conference of the Parties to the BBNJ Agreement

By including the sharing of benefits among its principles and approaches, the BBNJ Agreement implicitly transposes into its provisions the most tangible part of the principle of common heritage of humankind. In practice, all will depend on the future fate of the BBNJ Agreement, in particular whether it enters into force, whether a substantial number of developed States decide to become parties to it and how they will react to a potential attack that the BBNJ Agreement makes to the (supposed) sanctity of the rules on intellectual property rights.

Kristina Siig

A NEW APPROACH TO COASTAL STATE JURISDICTION AND AGENCY IN THE EXCLUSIVE ECONOMIC ZONE AT THE EXPENSE OF FREEDOM OF NAVIGATION AS A "COMMON GOOD"

"The Common Good of Humanity" in the context of the oceans usually denotes the general human interest in ocean resources. However, as a secondary Common Good, the concept of freedom of navigation allows all states, also landlocked or otherwise coastally disadvantaged States, to participate in international maritime trade and commerce. Therefore, outside a state's territorial waters, coastal state jurisdiction is limited, allowing the freedom of the high seas to provide a joint maritime infrastructure for all of humanity. Since 2022, however, increased geopolitical tensions have led coastal states in the Baltic and North Sea areas to revisit their jurisdiction and agency in their Exclusive Economic Zones.

The trend was first seen in the Nord Stream incidents where critical infrastructure was sabotaged and has continued in later cases such as the M/V Eagle S and the M/V Eventin. The state practice displayed in those cases shows coastal states having assumed both legislative and enforcement jurisdiction in situations where the United Nations Convention on the Law of the Sea (UNCLOS) does not explicitly provide for it.

The new state practices relating to coastal state jurisdiction and agency are rooted in incidents relating to maritime security or enforcement of environmental protective rules. However, the new practice, although originating in the confines of the Baltic and North Seas, may open the door for increased coastal state agency in general. Other coastal states, including states in the Global South, may wish to apply the same balancing of interests as in the above-mentioned situations, thereby expanding their legal toolbox in their endeavour to protect not only their maritime security interests but also their marine resources and environment.

The paper explores this new practice, its lawfulness, and its potential for strengthening national coastal state jurisdiction and agency when balanced against the freedom of navigation as a Common – but maybe more restricted – Good.

Bart Soens

ECONOMIC WARFARE AGAINST THE FREEDOM OF NAVIGATION

Naval blockades denying the capacity to import and export goods by sea pose an existential threat to many states; the most effective way to block trade is the closure of sea straits. The right of passage through straits, protected by UNCLOS, is essential for the security not only of the state whose ports are accessed via a strait, but equally for strait-bordering states, as the former no longer has an incentive to seek territorial control over the strait to the detriment of the latter.

Over the last decade, the US, followed by the UK and the EU, has attempted to achieve the effect equivalent to a naval blockade by *coercive economic measures*, notably the prohibition to sell, *inter alia*, liability reinsurance to merchant vessels carrying certain cargoes destined to or from Iran, Venezuela, Russia, and others. Any merchant ship will have limited or no trading ability without so-called P&I insurance, which covers liabilities to third parties for harm caused by a vessel. The provision of P&I insurance is controlled by a cartel of 12 mutual insurers, which are bound by a common reinsurance contract, underwritten by Western companies. Since no financial service provider can operate outside the USD system, the US effectively oversees a monopoly on reinsurance, and the provision of it on a discriminatory basis amounts to state-imposed abuse of a dominant market position.

These unilateral measures have largely failed in their intended purpose because for importing countries the benefits of maintaining and diversifying their vital supply chains outweigh the costs of allowing ships carrying no or limited P&I insurance in their ports. UNCLOS allows the strait state to take *appropriate enforcement measures* against ships *causing or threatening major damage to the environment.* However, lack of insurance does not in itself constitute a threat to the environment. And even if such an argument would be made, it would mean that by denying certain vessels to purchase insurance, the strait state is itself creating such threat to the environment in order to stop the transit of the ship.

UNCLOS equally allows strait states to regulate transit passage in respect of the prevention of pollution *by giving effect to applicable international regulations*. The CLC treaty does impose an insurance obligation on certain oil tankers. However, it is the flag state that verifies the insurance cover by issuing the so-called *Blue Card*. Blocking transit passage because a flag state has not ratified the CLC or because its Blue Card is not recognized amounts to the strait state usurping the flag state's authority, or to the imposition of a treaty on a sovereign state not party to the treaty. It would equally constitute a breach of the right of any state to sail ships flying its flag on the high seas as per Article 90 of UNCLOS. Lastly, even if a strait state, drawing inspiration from the US Oil Pollution Act, would attempt to subject the transit to the presentation by the vessel of an insurance guarantee provided by a domestic provider, UNCLOS still prohibits any such regulation *to discriminate in form or in fact among foreign ships* or *to have the practical effect of denying, hampering or impairing the right of transit passage*. This would preclude the application of unilateral sanctions concerning the provision of any such hypothetical compulsory insurance.

Bec Strating

ASSESSING THE EFFECTIVENESS OF MARITIME DISPUTE RESOLUTION MECHANISMS: LESSONS FROM THE INDO-PACIFIC

The Indo-Pacific is home to some of the most intractable maritime disputes. While disagreements about sovereignty and maritime boundaries plague the South and East China Seas, there are many lesser-known examples of successful maritime dispute resolution in this region. States have used both the dispute resolution mechanisms and maritime boundary delimitation principles set out in United Nations Convention on the Law of the Sea to try to establish clear zones of maritime resource exploitation. In a number of cases, smaller states have been able to 'win' their disputes against bigger powers in asymmetrical bilateral maritime disputes, with UNCLOS providing a language and litigation mechanisms for states to assert their rights in the maritime domain. This paper assesses the use of dispute resolution mechanisms in the Indian and Pacific Oceans since the 1994 ratification of UNCLOS. How have these mechanisms been used by states to resolve and/or manage maritime disputes? What lessons are there – if any – for ongoing disputes in critical areas such as the South and East China Seas? What prospects are there for the utility of these mechanisms when disputes involve great powers?

Murat Sümer

THE IMPACT AND TREATMENT OF ISLANDS IN MARITIME BOUNDARY DELIMITATION

At first glance, UNCLOS appears to offer a clear framework for the island's capacity to generate maritime zones. Article 121 provides that islands are entitled to maritime zones, including the territorial sea, EEZ, and continental shelf. However, it is often overlooked that these entitlements are subject to the same delimitation provisions applicable to other land territory and are therefore qualified by the overarching requirement of achieving an equitable result, as reaffirmed by international courts and tribunals both before and after the adoption of UNCLOS.

Over time, the principles governing maritime boundary delimitation have evolved, and international courts and tribunals have repeatedly interpreted the impact and treatment of islands with increasing emphasis on equity, particularly in the post-UNCLOS era. In this respect, it is safe to observe that a clear trend has emerged i.e., when remote islands compete with mainland coasts, the ICJ, ITLOS, and arbitral tribunals have frequently granted them limited or no effect.

Modern delimitation methodology, refined in the *Black Sea* case, now follows a three-stage process, drawing a provisional delimitation line, adjusting it in light of relevant circumstances, and applying a disproportionality test. The treatment of islands has become a recurring theme within this framework. Contrary to conventional assumptions, even large and inhabited islands such as the Channel Islands or St. Martin's Island have been disregarded or enclaved when their full effect would cause a disproportionate outcome depending on the overall geographical circumstances. The selection of appropriate base points, often excluding such islands in the delimitation of the EEZ and the continental shelf, has thus become central to ensuring an equitable delimitation. It is submitted that the role that an island plays in maritime delimitation is not merely a function of its size or legal status, but of the broader geographical and legal context in which it is found. The same island may be central in one delimitation scenario and peripheral in another. Hence, the context determines whether its effect is full, partial, or none.

Against this backdrop, this paper examines the evolving treatment of islands in maritime boundary delimitation in light of the jurisprudence which emphasizes that islands on the "wrong side" of the median line should be granted no more effect than equity permits to achieve an equitable outcome as imposed by the law of the sea regime.

Stefan Talmon

ISLANDS AS A CAUSE AND SUBJECT OF INTERNATIONAL CONFLICT

Nobody knows exactly how many there are, but according to estimates there are more than 86,500 islands with a size between 0.1 and 1 million km^2, and about 700 million with a size of less than 0.1 km^2. The potential for conflict is endless. In most cases, the cause of conflict is not the island itself, but the maritime entitlements generated by such islands. Even the smallest rock with a size of only a few square centimeters is entitled to a territorial sea of 12 nm and can thus generate some 1,550 km^2 of territorial sea. Even more importantly, however, a proper island can generate at least some 430,000 km^2 of exclusive economic zone (EEZ) and continental shelf (CS). By comparison, Germany's total EEZ area is less than 360,000 km^2. Most island conflicts are thus primarily conflicts about natural resources. However, as the international law of the sea is based on the principle that the land dominates the sea, every island conflict usually is framed as a conflict over territorial sovereignty. This aspect of island conflicts has nothing to do with the law of the sea, but is governed by general international law rules on the acquisition of territory. Statements by some Western States with regard to the island conflicts in the South China Sea that the United Nations Convention on the Law of the Sea (UNCLOS) is the legal framework that governs "all activities in the oceans and the seas" are thus beside the point. The law of the sea, including UNCLOS, governs questions about the legal status of maritime land features (as rocks or proper islands in terms of Article 121 UNCLOS), their maritime entitlements and the delimitation of their EEZ and CS entitlements in case of overlapping claims. The presentation will address these questions as well as the more general question of whether island conflicts are best be resolved through judicial or non-judicial means of dispute settlement.

Rauf Versan

THE PRINCIPLES GOVERNING MARITIME DELIMITATION

The delimitation of maritime boundaries has become one of the most prominent issues of the modern law of the sea, giving rise to seminal questions of the law both in academic discussion and in judicial jurisprudence.

Today, many maritime boundaries remain undelimited, and a sizeable number are contested. A great variety of factual situations, as regards both geography and activity, are involved.

Historically, the rudimentary rules of maritime law developed from limited needs: the need of the sea for international commerce and navigation, the need for sustainable food resources from the sea, and the need for defensive margins against enemy incursions from the sea. The first two constituted the rationale of the universal principle of the freedom of the high seas, and the last generally observed rule on the width of the territorial sea. More recently, during the past decades, technological improvements and the increased need for sea resources have paved the way for new uses of the sea, such as exploration and exploitation of the sea-bed resources (i.e. oil and gas), renewable energy production (i.e. wind-farms, tidal and wave-parks), installation of cables and transmission lines and pipelines, sea-bed mining and cultural heritage. In all these areas, the means for legally achieving the needs have to depend upon a multitude of new legal and factual circumstances. From a scientific point of view, these circumstances involve geographical, geomorphological and hydrographical realities which, in a given situation, can play a supportive role to the advantage of one state vis-a-vis another.

Maritime boundary delimitation is the determination of the extent to which coastal states, individually or severally, are entitled to areas of the sea. It is a long and detailed process which, in the absence of agreement to the contrary, cannot, of its nature, curtail or extend, let alone extinguish, that entitlement. Detailed principles and rules of law, therefore, become imperative and the adoption of any such rules of law as well as the application of that system to specific cases is a matter the validity of which, in relation to other states, is subject to international law.

Juan Luis Suárez de Vivero

OCEANS AND WORLD ORDER: UNCLOS AS A DRIVER OF GEOPOLITICAL CHANGE

The terms "geopolitics" and "world order" are often used undistinguished and interchangeably to refer to international disorder and territorial disturbances. Hence the appeal to a geopolitical order or the qualification of the state of international relations as a "geopolitical recession" (Ian Bremmer, 2023). With the oceans being the dominant ecosystem of the planet, it is of interest to question the "maritime order" and "ocean geopolitics" which, although receiving less attention, have undergone major changes (Ranganathan, 2021) and from which, paraphrasing Butorov (2020), it can also be said that there has been a "geopolitical transformation of the maritime order." Two processes have contributed to this transformation: nationalism at the political level together with initiatives promoting privatization ("ocean grabbing," enclosures) at the socio-economic level, both resulting in the retreat of the commons.

This assertion is based on the premise that UNCLOS is the normative framework within which changes have been generated that modify the territorial basis of the State and the distribution of territorial power in the world, constituting an exception in the succession of changes of a geopolitical nature that have taken place in the field of international relations in recent history (liberal world order in force). Thus, while recent political events lead us to denounce processes of "geopolitical rupture" (Financial Times, 21.02.2025), "return" (Gomart, 2016) or "recession" (Bremmer, 2023), UNCLOS constitutes an open process that is advancing in its implementation and whose logical end is the expansion of maritime jurisdictions.

This paper presents some of the effects derived from the development of the Convention, which, although it places the State as the central element, also acquires regional dimensions. Regional seas, Large Ocean States/Big Ocean States and SIDS (Small Island Developing States), together with geographically disadvantaged States, archipelagic States and developing middle-income countries and coastal African States, have acquired an institutional status for joint consideration in initiatives such as the BBNJ (Art. 9). These different casuistries highlight the capacity of UNCLOS as a driver of geopolitical change and the configuration of spatial structures organizing maritime space.

CURRICULA VITAE

Awni Behnam

Dr. Awni Behnam began his public schooling and cadetship in the United Kingdom 1952-1959. He served as a commanding officer in the Iraqi Navy 1962-1969 and held an executive post in the shipping administration in Iraq 1969-1971. He joined the University of Wales Department of Maritime Studies in 1972 and became a member of the academic staff lecturing in the Maritime Studies Department.

Dr Behnam joined the United Nations at Geneva in 1977 as Economic Affairs Officer and became Assistant to the Director of the Shipping Division of UNCTAD where he was instrumental in the adoption of several international maritime conventions (multimodal convention, ship registration convention, convention on mortgages, liens and arrest of vessels convention) before assuming responsibility as the chief of liaison with developing countries, the Group of 77, for the Secretary-General of UNCTAD. He was promoted to the rank of Director in 1992 as the Secretary of the Trade and Development Board of UNCTAD, in addition to his responsibilities as Chief of Intergovernmental Support Services.

In 1996, Dr. Behnam was appointed Executive Secretary of the Ninth United Nations Conference on Trade and Development and served as Secretary of the ministerial meetings of the Group of 77 to UNCTAD Havana, Morocco, South Africa, and as Secretary of the regional meetings in Bangladesh, Jordan, and Lebanon. He assisted the government of Qatar in the organization of the Summit in Doha in 2004 as an advisor to the president of UNCTAD, the Minister of Culture in Qatar. In 2008, he was invited by the UN Secretary-General to assume responsibility as the United Nations Commissioner-General at the World Expo in Shanghai at the level of Assistant Secretary-General. Having left his country of birth in 1972, he became a Swiss citizen in 1994. On the entry of Switzerland to the UN, the Swiss authorities honored him with the Swiss diplomatic passport for the duration of his service in the UN.

Dr. Behnam, since early 1970, was a close friend and personal advisor to Elisabeth Mann Borgese, founder of International Ocean Institute (IOI). On her departure, he was appointed as the President of the IOI and now serves as its Honorary President. Dr Behnam also coordinates and directs the IOI Malta Training Programme on Regional Ocean Governance for the Mediterranean, Black, Baltic and Caspian Seas as Training Course Director.

Dr. Behnam holds a first degree in Business Administration (Al-Mustansiriya University, Baghdad), a Masters (MSC) in Development Economics and a Doctorate (PHD) from the University of Wales (UK) in 1974 and 1976, respectively.

David S. Berry

Professor David S Berry, BA (UT), LLB (UBC), LLM (Queen's), PhD (Edin), teaches and practices in the areas of public international law, regional integration law and international commercial arbitration. In his practice he has primarily served Governments and regional and international organizations, including in the roles of Deputy Agent, counsel or legal adviser in cases before a range of international tribunals, including the Inter-American Court of Human Rights, the Caribbean Court of Justice, an arbitral tribunal constituted under Annex VII of the *United Nations Convention on the Law of the Sea*, and the Judicial Committee of the Privy Council. He has served as an arbitrator in two International Centre for the Settlement of Investment Disputes (ICSID) arbitrations, as a Key Expert in the *Consultancy for the Review of Caribbean Community Institutions* and as CARICOM Lead on Area Based Management Tools (ABMTs) and legal adviser in the negotiations towards an *International legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction*. He is a Consultant at Berrys Attorneys and Arbitrators, a commercial law firm in Barbados.

Professor Berry is on the Roll of Eminent Caribbean International Law Jurists (conferred by the CCJ Academy for Law), is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and is a recipient of the Principal's Award for Excellence (Academic). He served for eight years as Dean of the Faculty of Law of the University of the West Indies, Cave Hill Campus, and for four years as University Dean of Law. He has written books, chapters and journal articles in the above fields as well as in the areas of constitutional law, indigenous rights, law of the sea and legal theory. His book, *Caribbean Integration Law* (Oxford University Press, 2014), is widely cited and used by jurists, practitioners and students across the West Indies. Professor Berry is currently teaching both undergraduate and graduate courses, including classes on *Caribbean Integration Law, International Commercial Arbitration* and *Public International Law*.

Valérie Boré Eveno

Valérie Boré Eveno holds a Doctorate in Public Law from Paris 1 Panthéon-Sorbonne University (2004) and has been an Associate Professor of International Law at Nantes University (France) since 2006, where she teaches, notably, law of the sea and public international law. She is a member of the *Law and Social Change* (DCS) Laboratory at the Faculty of Law and Political Science of Nantes and an associate member of the *Sorbonne Research Institute for International and European Law* (IREDIES) at the Sorbonne Law School. She is also a Member of the International Association of the Law of the Sea (AssIDMer) and of the Board of the French Society for International Law (SFDI).

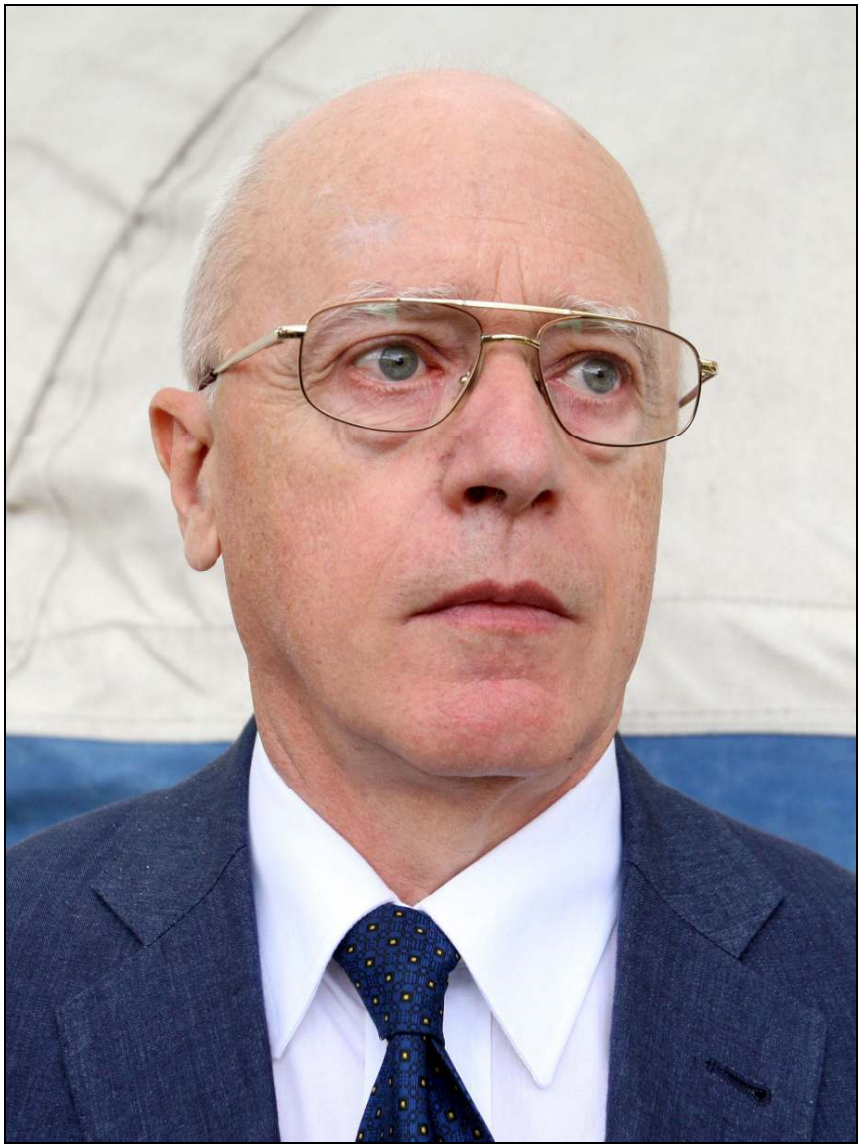
Her main research interests include international law of the sea, interpretation of the sources of international law, international jurisdictions, and the relationship between various fields of international law. In recent years, she has focused particularly on issues relating to sea-level rise under international law, delivering several lectures in France and Japan and publishing various articles on the subject. In particular, she edited the book *Élévation du niveau de la mer et droit international*, published by Pedone in 2022. She was also a member of the "International Law and Sea Level Rise" Committee of the International Law Association from 2020 to 2024 and has been a member of the "Protection of People at Sea" Committee since then. Lastly, she was an expert advisor of France on the request for an advisory opinion submitted on 12 December 2022 to the International Tribunal for the Law of the Sea by the Commission of Small Island States on Climate Change and International Law.

Bardo Fassbender

Bardo Fassbender is an expert in international law and relations. His principal fields of expertise are public international law, United Nations law, comparative constitutional law and theory, and the history of international and constitutional law. He is particularly interested in questions of the structure of the international legal order and its possible future in terms of organization, participants and processes, and the interplay of international and domestic law. Many of his publications deal with the UN Security Council, the maintenance of international peace, human rights, the constitutionalization of international law, and the foreign relations law of federal states. He taught international law, European law and constitutional law at universities in Germany, Switzerland and Italy.

He studied law, history and political science at the University of Bonn (Germany) and holds an LL.M. from Yale Law School and a *Doctor iuris* from the Humboldt University in Berlin, where he also completed his *Habilitation* and became *Privatdozent*. He was a Ford Foundation Senior Fellow in Public International Law at Yale University and a Jean Monnet Fellow at the European University Institute in Florence. He advised the Legal Counsel and Under-Secretary-General of the United Nations on the subject of "Targeted Sanctions of the UN Security Council and Due Process of Law." He held the Chair in International Law and Human Rights Law at the Bundeswehr University in Munich (2007-2013) and the Chair in International Law, European Law and Public Law at the University of St. Gallen, Switzerland (2013-2024), where he also was Vice Dean and Dean of the Law School (2019-2022).

His books include *UN Security Council and the Right of Veto: A Constitutional Perspective* (Kluwer Law International, 1998) and *The United Nations Charter as the Constitution of the International Community* (Martinus Nijhoff, 2009). He edited the volumes *Securing Human Rights? Achievements and Challenges of the UN Security Council* (Oxford University Press, 2011) and *Key Documents on the Reform of the UN Security Council 1991-2019* (Brill Nijhoff, 2020), and co-edited *The Oxford Handbook of the History of International Law* (Oxford University Press, 2012) and *The Limits of Human Rights* (Oxford University Press, 2019).



Hans Köchler

Hans Köchler is University Professor emeritus of Philosophy and former Chairman of the Department of Philosophy at the University of Innsbruck, Austria. In 1972, he was awarded his Doctor of Philosophy degree *sub auspiciis praesidentis rei publicae* (under the auspices of the President of the Republic), the highest academic recognition in Austria. He is the founder and President of the International Progress Organization (I.P.O.), an NGO in consultative status with the United Nations. In 2000-2002, he served as international observer, appointed by the Secretary-General of the United Nations, at the Scottish Court in the Netherlands ("Lockerbie Trial"). Köchler is the author of numerous articles and books on phenomenology, transcendental philosophy, political and legal philosophy, theory of international relations and the United Nations, conflict resolution, as well as issues of cultural hermeneutics and inter-cultural dialogue. In a lecture and article in 1972, he coined the notion of "dialogue among civilizations." He serves as editor of the series "Studies in International Relations" and member of the editorial board of several journals, including "Culture and Dialogue," "Geopolitica," and "Indian Yearbook of International Law and Policy." Köchler is the recipient of numerous honors and awards such as an Honorary Professorship of Pamukkale University (Türkiye), honorary doctor degrees from Mindanao State University and Armenian State Pedagogical University, the medal "Apostle of International Understanding" (India), the Honorary Medal of the International Peace Bureau (Geneva), and the Gusi Peace Prize (Philippines).

Chin Leng Lim

Chin Leng Lim (C. L. Lim) is a Malaysian national and presently the Choh-Ming Li Professor of Law at the Chinese University of Hong Kong, an associé of the Institut de droit international, visiting professor at King's College London, honorary senior fellow of the British Institute of International and Comparative Law and one of the editors of the International and Comparative Law Quarterly. His 2023 Hague Lectures, "The Aims and Methods of Postcolonial International Law", were published recently in Brill/Nijhoff's Hague Academy Pocketbooks Series and in the Collected Courses/Recueil des cours; while other more recent books include Treaty for a Lost City (Cambridge University Press, 2022); the Cambridge Companion to International Arbitration (Cambridge University Press, 2021), as editor; and Lim, Ho and Paparinskis, International Investment Law and Arbitration (Cambridge University Press, 2d. ed., 2021). He was formerly Professor of Law and a member of the Court and Senate of the University of Hong Kong, and the inaugural Lionel A. Sheridan Visiting Professor at the National University of Singapore. An early career had included serving with the United Nations secretariat in Geneva and as government international law counsel for Singapore. He is included in the European Commission's list of chairpersons for disputes under the EU's bilateral free trade agreements. In Hong Kong he served on a committee advising Hong Kong's Commerce Secretary and as part of a governmental expert group on international legal services. He practises as a barrister with chambers in London and has acted as counsel, arbitrator, or expert in various international arbitrations conducted under the ICC, UNCITRAL, HKIAC, LCIA and SIAC rules, and he has been nominated to act as presiding arbitrator, co-arbitrator, and sole arbitrator by parties and institutions including the PCA. He is currently a member of the ICC/UNIDROIT Working Group on International Investment Contracts, and has been a regular delegate to UNCITRAL Working Group III meetings.

Tirza Meyer

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Research: 2018: Visiting scholar, Faculty of Law, University of New South Wales (UNSW), Sydney, Australia. – 2019: Visiting Researcher, Rachel Carson Center for Environment and Society (RCC), Munich. – 2020-2023: Visiting Scholar, Oslo School of Environmental Humanities (OSEH). – 2023-2024: Visiting Scholar, Fridtjof Nansen Institute, Oslo. – 2021-current: OSEH Collaboratory Member: "Media Seas of the High North Atlantic." – 2022-current: Reference Group Member, Norwegian delegation to the International Seabed Authority.

Past employment: 2021-2024: Postdoctoral Researcher, Division of History of Science, Technology and Environment, KTH Royal Institute of Technology, Stockholm, Sweden; project: *The Mediated Planet: Claiming Data for Environmental SDGs (FORMAS)***. –** 2019-2021: Postdoctoral Researcher, Department of Historical and Classical Studies, Norwegian University of Science and Technology (NTNU), *HAVANSVAR Blue Humanities Initiative – NTNU Oceans Project*: "Humanoid Oceans – or an Ocean of Humanoids?"

Teaching: Guest Lecturer, KTH Royal Institute of Technology and Stockholm University.

Project participation: *The Mediated Planet: Claiming Data for Environmental SDGs* (FORMAS) (2021-2024). – *The High Seas and the Deep Oceans: Representation, Resources and Regulatory Governance* (3ROceans) (2016-2020).

Alna Miron

Alina Miron is Professor of International Law and co-director of the Master of International and European Law program at the University of Angers (France). She is also a partner at *FAR Avocats* (Paris).

Prof. Miron has been Counsel and Advocate in a number of cases before the International Court of Justice, the International Tribunal of the Law of the Sea, the Court of Justice of the European Union, and before arbitral tribunals.

Professor Miron's research covers areas like proceedings before international courts and tribunals, law of the sea, and sanctions. She is a co-author (with Alain Pellet and Mathias Forteau) of *Droit international public* (LGDJ, 2022), leading editor of the *Atlas des espaces maritimes de la France* (Pedone, 2022), and co-authored with Antonios Tzanakopoulos a report for the Left Group of the European Parliament on *Unilateral coercive measures and international law* (2021).

Yuri Parkhomenko

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EXPERIENCE: Foley Hoag, LLP, Partner, International Litigation and Arbitration, 2009 – present / Representing sovereign States in their disputes with other States or foreign investors / Advising foreign governments on a wide range of international law issues, including the law of the sea, treaty law, international human rights, humanitarian law, sovereign immunity, conclusion and implementation of investment protection treaties, State succession, transboundary harm, sharing of resources, international watercourses, sovereignty and boundary disputes, and reparation / Representative experience includes the following cases before the International Court of Justice, International Tribunal for the Law of the Sea, and other international courts and tribunals: *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (The Gambia vs. Myanmar) / *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (Mauritius vs. United Kingdom) / *Mauritius* v. *the Maldives* / *Philippines v. People's Republic of China*; *Equatorial Guinea v. Gabon* / *Nicaragua* v. *Colombia* / *Georgia* v. *Russia* / *Bangladesh* v. *Myanmar* / *Bangladesh* v. *India* / *Croatia* vs. *Slovenia* / *Ecuador* v. *United States of America* / *Somalia* vs. *Kenya*, and several cases of international commercial arbitration involving states and international investors.

Ukraine's Foreign Service, Diplomat, 1998-2006: Embassy of Ukraine in the United States of America, Legal adviser, 2001-2006 / Ministry of Foreign Affairs of Ukraine, Attorney-adviser at a Department of International Law, 1998-2001.

PUBLICATIONS AND TEACHING: Book, *Canons of Construction and Other Interpretative Principles in Public International Law* (Co-editor with J. Klingler and C. Salonidis) (2018) / "The Territorial and Maritime Dispute (Nicaragua v. Colombia) and its implications for future maritime delimitations in the Caribbean Sea and Elsewhere," in *Nicaragua before the International Court of Justice: Impacts on International Law* (2018) (eds. B. Samson and E. Sobenes) (co-author with L.H. Martin) / Teaching a master class, "Investment-Arbitration of Disputes in a Renewable Energy Sector," Harvard Law School (March 2024).

HONORS: George B. and Helen J. Hargens Scholar, the Fletcher School of Law and Diplomacy, 2006-2008 / Award for Outstanding Service, the Ministry of Foreign Affairs of Ukraine, 2005.

Tullio Scovazzi

Tullio Scovazzi (now retired) was professor of international law at the Universities of Parma, Genoa, Milan and Milan-Bicocca, Italy. He taught courses at The Hague Academy of International Law and at the Academy of European Law (Florence), and was, *inter alia*, visiting professor at the universities of Brest, Paris I and Nice. He occasionally acted as legal expert of Italy or international secretariats in negotiations and meetings relating to the law of the sea, the environment, cultural properties and human rights. He is a member of the *Institut de Droit International*.

He is the author or editor of numerous books and articles, especially in the fields of international law of the sea, international environmental law, and cultural law; e.g., *The Evolution of International Law of the Sea: New Issues, New Challenges*, Hague Academy of International Law, Recueil des Cours, vol. 286, 2000; Francioni & Scovazzi (eds.), *International Responsibility for Environmental Harm*, London, 1991; Garabello & Scovazzi (eds.), *The Protection of the Underwater Cultural Heritage – Before and after the 2001 UNESCO Convention*, Leiden, 2003.

Honors: *Ordine al Merito della Repubblica Italiana*, *Commendatore*, 2000; *Honoris causa* degree, Universidad Tecnológica del Perú, Lima, 2009; *Ordre de Saint Charles*, *Chevalier*, Monaco, 2012.

Kristina Maria Siig

Doctor of Law, Scandinavian Institute of Maritime Law, University of Oslo, Norway (2003). – Thought leader with a background in Maritime Law and a strong profile in comparative law; primary focus within private law and private law aspects of public and public international law; in later years, particularly focusing on the interplay between private law and the public law regulations under the Law of the Sea.

Employment: External Associate Professor, Department of Private Law, Institute of Law, University of Aarhus, Denmark (2003-2004); Professor II, Scandinavian Institute of Maritime Law, University of Oslo, Norway (2023-); Professor MSO, Department of Law, University of Southern Denmark (SDU), Odense, Denmark (2017-).

Management experience: Coordinator for the *Blue SDU interdisciplinary research network* at SDU. The network consists of researchers with a maritime and/or marine interest from 4 of SDU's 5 faculties (2019-); Head of the *Scandinavian Star Task Force*: creating investigation design across employees with different backgrounds and competencies; handling external communications and political pressures (2021-2024).

Editorial boards etc.: Member of the Academic Council at the Faculty of Business and Social Sciences (2021-); Board of editors, NFS (Nyt Fra Samfundsvidenskaberne) (2017-2021); Referee, Scandinavian Institute of Maritime Law Yearly (2010-); Board of editors, Mercator (an interdisciplinary maritime journal, discontinued in 2014) (2007-2014); Editor-in-chief, Scandinavian Institute of Maritime Law Yearly (1995-1997).

Publications: 50+ primarily international publications; 60+ scientific presentations at conferences and seminars; 300+ research-based press entries.

Bart Soens

Education: Master in Law, University of Ghent, 1997-2002. Master in Maritime Science**,** Universities of Ghent and Antwerp, 2002-2003. Master in Corporate Finance**,** Post-graduate program, EHSAL Management School, Brussels.

Professional activity: Self-employed marine consultant to ship owners and marine insurance brokers.

Main focus of consultancy activity

- Drafting and negotiating charter parties.
- Handling, adjusting, introducing and negotiating marine insurance claims.
- Managing contentious cases and contract disputes on behalf of ship owners.

Education and research activities

- Antwerp university: guest lecturer on maritime law and marine insurance.
- Co-drafting (in progress), student course and practitioner's handbook on maritime law: writing chapters on contracts of carriage, charter parties, casualties at sea, marine insurance, war risks, crewing and shipping intermediaries.
- Creating and lecturing comprehensive 8-module training course on maritime law and marine insurance for marine professionals.
- Participation as speaker in various seminars and roundtable conferences by Saint Petersburg State University, G.O.R.K.I. Institute, and Empress Catherine II Saint Petersburg Mining University on the Northern Sea Route; sustainable development and the geo-economy of marine insurance.
- Providing regular one-page briefs to a selection of academics and analysts on geo-economic topics, with particular focus on the Red Sea and West Asia.

Bec Strating

Current Positions: Director, La Trobe Asia; Professor, International Relations, School of Humanities and Social Sciences, La Trobe University, Melbourne, Australia.

Education: PhD, conferred March 2013, Politics, Monash University; Bachelor of Arts (Journalism) (Honours, First Class), Monash University.

Recent Publications (selected):

Books: 2024: *Blue Security in the Indo-Pacific*, Routledge (co-edited with I. Hall and T. Lee-Brown); 2024: *Girt by Sea: reimagining Australia's security,* La Trobe University Press (with J. Wallis); **2023:** *Australia on the World Stage*, Routledge (co-edited with B. Jones and B. Brooklyn).

Peer-Reviewed Journal Articles/Book Chapters: 2024**:** "Human rights at sea: The limits of inter-state cooperation in addressing forced labour on fishing vessels," *Marine Policy,* vol. 159 (with S. Yea and S. Rao). 2023: "The 'Rules-based Order' as Rhetorical Entrapment: Comparing Maritime Dispute Resolution in the Indo-Pacific," *Contemporary Security Policy*. 2022: "Norm contestation and the South China Sea: A regional power approach to defending maritime norms", *The Pacific Review*. 2022: "Strategic Competition in Oceania," in: Ashley J. Tellis, Alison Szalwinski and Michael Wills (eds.), *Strategic Asia 2021-22: Navigating Tumultuous Times in the Indo-Pacific,* Washington: National Bureau of Asian Research (with J. Wallis).

Selected prizes and fellowships (recent):

2024	Winner, Fulbright Scholarship
2024	Awardee, Fellow of the Australian Institute of International Affairs
2024	Finalist, Australian Financial Review *Emerging Leader in Higher Education* award
2024	Winner, *Bernard Brodie Award,* best article in *Contemporary Security Policy* in 2023
2023	Winner, *Research Excellence in Engagement and Impact,* School of Humanities and Social Sciences, La Trobe University
2023-	Affiliate Expert, National Security College, ANU

Murat Sümer

Dr. Murat Sümer is the Nippon Foundation Lecturer in International Maritime Law at the International Maritime Law Institute (IMLI) in Malta, a position he has held since 2019. He holds an LL.B., two Master's degrees, and a Ph.D., and attended the Diplomacy Academy of the Turkish Ministry of Foreign Affairs. He is a registered Advocate and enlisted Arbitrator.

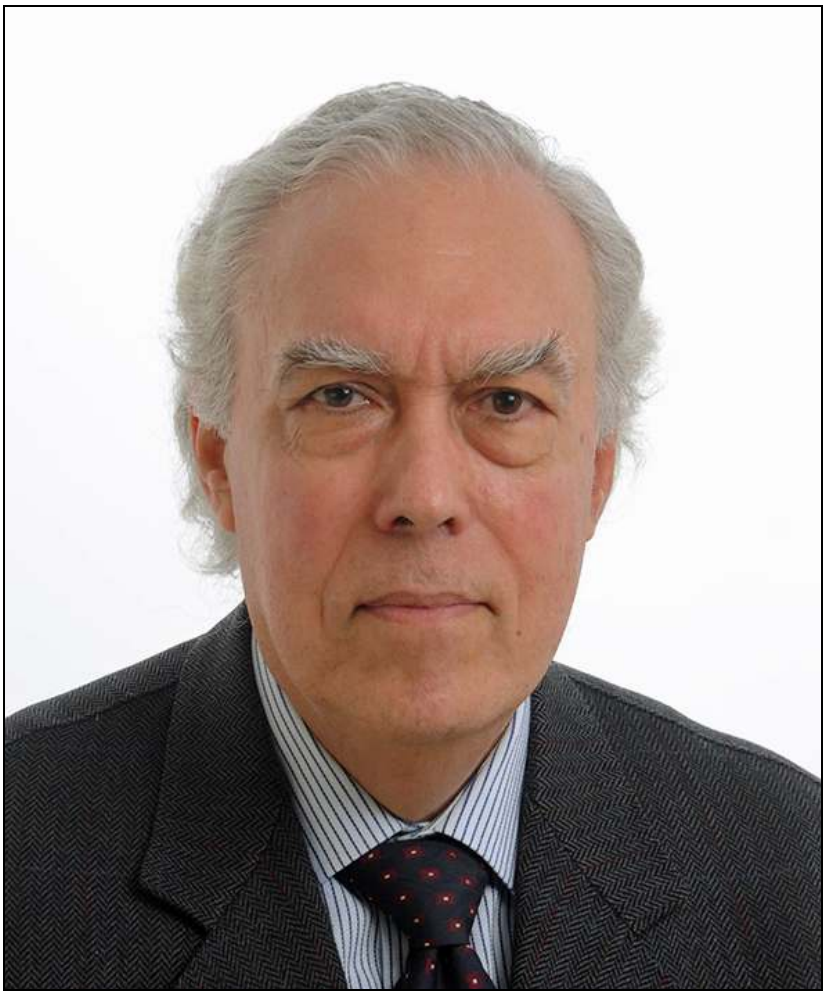
Dr. Sümer lectures on the public aspects of international maritime law and has coordinated IMLI's prestigious Course on the Peaceful Settlement of Maritime Disputes and the Delimitation of Maritime Boundaries since 2022. He has also served as a visiting fellow at several distinguished universities. Prior to his academic career, he served as a career diplomat from 2008 to 2019.

He has published extensively on the public aspects of international maritime law in peer-reviewed journals. Dr. Sümer also serves on the Editorial Board of Peace & Security – Paix et Sécurité Internationales (Euro-Mediterranean Journal of International Law and International Relations), published by the University of Cádiz in Spain.

He regularly participates as a speaker in international conferences and expert workshops on the law of the sea, maritime boundary delimitation, and the peaceful settlement of disputes.

Stefan Talmon

Stefan Talmon is Professor of Public Law, Public International Law and European Union Law, and Director at the Institute for Public International Law at the University of Bonn. He is also a Supernumerary Fellow of St. Anne's College, Oxford. Prior to taking up the chair in Bonn, he was Professor of Public International Law at the University of Oxford, where he also held visiting fellowships at All Souls College and Christ Church. Professor Talmon is the general editor of GPIL – German Practice in International Law (https://gpil.jura.uni-bonn.de). He practices as a Barrister from Twenty Essex, London, and frequently advises on questions of public international law. He has appeared as counsel and expert before the International Court of Justice, the European Court of Human Rights and international arbitral tribunals as well as domestic courts in England, Germany and the United States of America.



Rauf Versan

Rauf Versan is emeritus Professor of International Law at the Faculty of Political Science of İstanbul University. A graduate from the Law Faculty of İstanbul University, he undertook postgraduate studies in international law at Downing College, University of Cambridge, UK (LL.B, 1978; PhD, 1986). He served as Research Fellow at the Law Faculty of Heidelberg University and concurrently at the Max-Planck-Institute for Comparative Public Law and International Law at Heidelberg, Germany (1984-1985). From 1986 to 1993, he was Lecturer at the Faculty of Political Science, İstanbul University; *Privat-Dozent* (Associate Professor) (1993-2001); Professor (2001-2021). – *Ad hoc* judge at the European Court of Human Rights (2007-2008). – Member of the Board of Trustees, Turkish Education Foundation.

Juan Luis Suárez de Vivero

Merchant Navy Officer. Emeritus Professor of Human Geography at the University of Seville. Research activity has focused on the geographical consequences of the United Nations Convention on the Law of the Sea, maritime policy and coastal-marine management. Author of more than one hundred academic publications in books and international journals (Marine Policy, Ocean and Coastal Management, Sociologia Ruralis, Coastal Management, Geopolitics, Blackwell Science, Ashgate, Kluwer Academic Press, Amsterdam University Press, Thomson Reuters, Routledge, Springer). Consultant for national and international organizations (European Parliament, European Commission, Mediterranean Action Plan, Inter-American Development Bank, IOC-UNESCO).

ACADEMIC TEAM MEMBERS

Davide Sirna

Trade Analyst, ITA (Italian Trade Agency), Denmark; Geopolitical Analyst, IARI (*Istituto Analisi Relazioni Internazionali*), Rome, Italy (2023-2025); *The New Global Order*, Content Writer, European Affairs (2025-).

* Master of Arts (Cultural Diplomacy – International Business), Institute for Cultural Diplomacy, Berlin / University of Furtwangen, Germany (MA thesis: "Cosmopolitan Leadership").
* Master of Arts (International Relations and European Studies), Centre international de formation européenne (CIFE), Nice (Master thesis: "From Istanbul to Ventotene: How to Tackle Populism in the Case of EU-Turkey relations").
* BA (Languages/Translation and Economics), Università SSML (Scuola Superiore Mediatori Linguistici), Pisa, Italy (Bachelor thesis in Spanish: "La recaida populista").

Intern, PPE (European People's Party Group), European Parliament, Brussels (2016); Political Intern, Royal Embassy of Denmark, Madrid (2020); internship student, Dante Alighieri Society, Berlin, Germany (2021); Communication Specialist, Council of American States in Europe (2022-2023); Ambassador's personal assistant, Embassy of Cuba, Copenhagen (2022-2023); Moderator, Associazione Diplomatici, United Nations simulation, New York/Rome (2023; Assistant Trade Analyst, Italian Trade Agency, Northern European Office, Copenhagen (2024-); member of the Italian delegation, *Y20 Summit 2025* in Johannesburg, South Africa (Delegate for Inclusive Economic Growth and Employment)-

Selected publications: https://iari.site/author/davide-sirna/.

María Vallés González

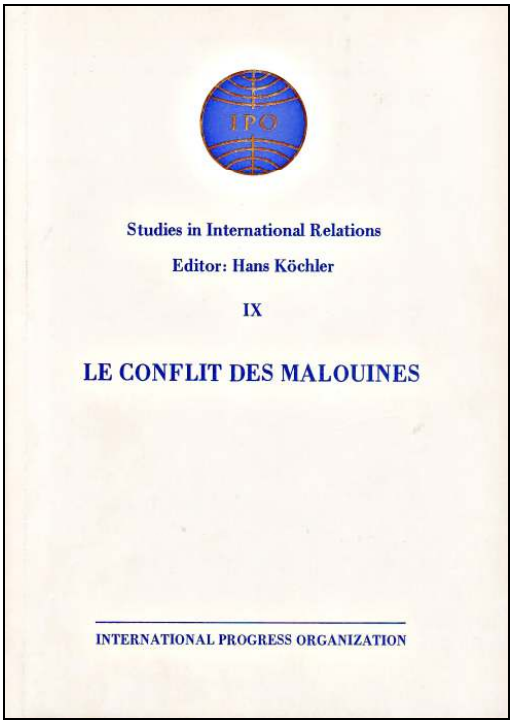
María Vallés González is a Spanish lawyer and serves as Head of Department at the Economic and Commercial Office of the Spanish Embassy in Sweden. She holds a Master's degree and a Ph.D. in Human Rights, Democracy and International Justice from the University of Valencia, Spain. Her doctoral dissertation, *EU restrictive measures and their impact on human rights: A case study of Iran*, examined the relationship between international sanctions and human rights, with particular attention to the role of the European Union as an international actor. She also contributes as an international relations and political analyst to media outlets and think tanks.

I.P.O. publications on maritime affairs

LE CONFLIT DES MALOUINES

By Eric David and Edgardo Mercado Jarrín

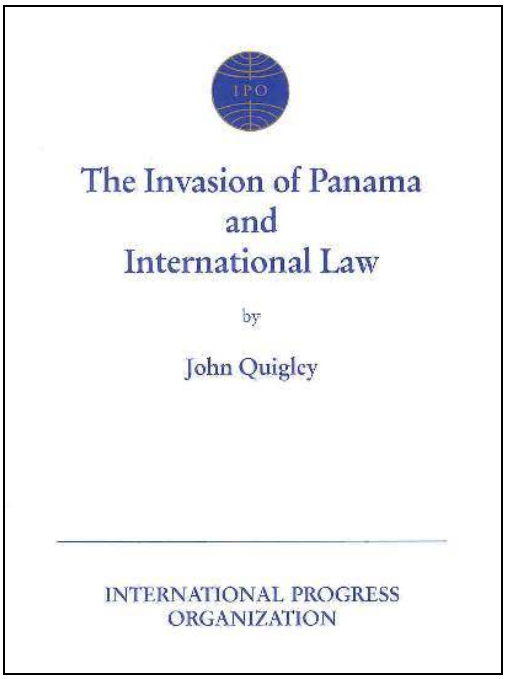
Studies in International Relations IX (1984)



THE INVASION OF PANAMA AND INTERNATIONAL LAW

By John Quigley

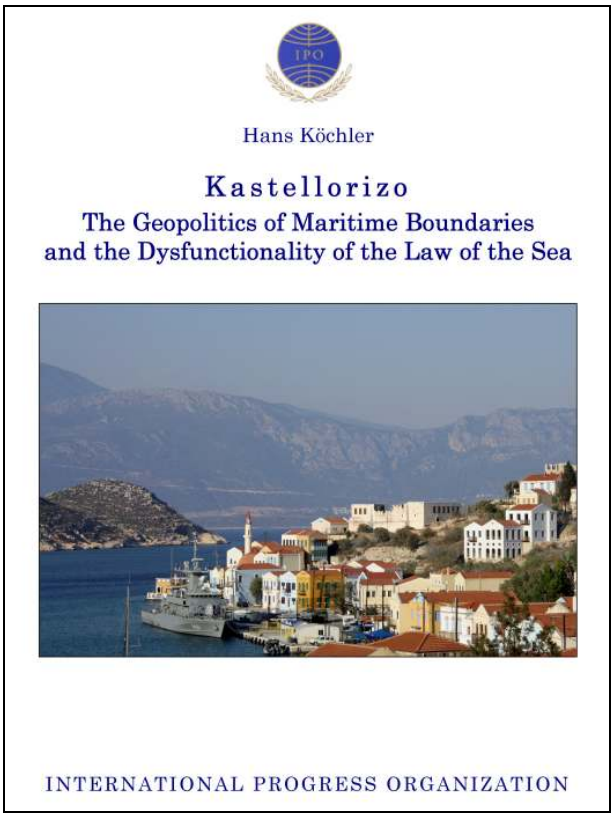
Studies in International Relations XVI (1990), ISBN 3-900704-09-0



KASTELLORIZO
The Geopolitics of Maritime Boundaries and the Dysfunctionality of the Law of the Sea

By Hans Köchler

Studies in International Relations XXXV (2020), ISBN 978-3-900704-27-8



In the more than 50 years since its founding in 1972, the International Progress Organization has witnessed, and consecutively commented on, major tectonic shifts in international relations. A dramatic change of geopolitics occurred with the end of global bipolarity and the end of the Cold War in the years after 1989. The "unipolar moment" of the turn of the millennium, prematurely celebrated by some as the dawn of a "New World Order," has instead led to the gradual emergence of a new multipolar constellation, different from the balance of power that had made possible the foundation of the United Nations after World War II. This development is now, in 2022, threatened by major systemic risks for global order and peace.

Amidst all the turmoil and upheavals of the last fifty years, the focus of the International Progress Organization has remained the same: namely, to contribute to a more critical *self-awareness* of humankind as basis for *peaceful co-existence* among states, civilizations, and peoples.

In the past decades, the International Progress Organization has evolved into a global think tank dealing with crucial issues of global peace and justice. In several instances, the organization was the first to identify problems and propose solutions – in some cases decades before the mainstream catched up with the ideas:

* In 1972, the I.P.O. identified, and analyzed, *"dialogue among civilizations"* as core issue of peaceful co-existence, and approached the UN as well as UNESCO in that regard.

* In 1980, the I.P.O. published an analysis on "*human rights and international law*," suggesting that the basic norms of human rights should be defined as foundation also of the legitimacy of international law, and calling for normative consistency of the international system in that regard.

* In 1985, the organization convened an international meeting of experts in New York City on "*democracy in international relations*," focusing on the need to apply democratic principles also in relations between states. This resulted in the formulation of specific proposals, in 1991, for *reform of the UN Security Council*, especially in regard to the voting procedure and the concept of permanent membership.

* In 1991, the I.P.O. raised the issue of *"economic sanctions and human rights."* At a meeting of the UN Commission on Human Rights in Geneva, the I.P.O. was the first international voice to state that sanctions imposed by the United Nations Security Council must conform to human rights as *jus cogens* of general international law.

* In 1991, the organization published the first critical assessment of the "*New World Order*" that was prematurely declared after the end of the cold war – and that has proven unsustainable in the following decades.

* In the years from 2000 to 2007, the I.P.O. Focused on the conceptual framework for a system of *international criminal justice*, identifying major difficulties in regard to power politics and the assertion of national interests. This initiative stemmed from the nomination, by the Secretary-General of the United Nations, of two delegates of the I.P.O. as international observers at the Scottish Court in the Netherlands ("Lockerbie Trial"). The two analytical reports of the I.P.O., issued after the trial and appeal, had a considerable impact on debates on international criminal justice and the role of "observers" in international trials.