



Interest Group on the Law of the Sea

ANNUAL REPORT 2017-2018

I. Governance

LAWSEA has held an election for three new convenors in 2018. Anthi Koskina, Gabriela Oanta and Jessica Schechinger joined Maria Gavouneli in steering the Interest Group for the next two years. Miguel Garcia Garcia stepped down after a long period of distinguished service to LAWSEA, which he co-founded in 2012: we would like to thank him for his decisive contribution to the success of the Group.

With the new team of convenors, LAWSEA has moved into the mass media world. We now have a Twitter account: @esil_lawsea – and we have already 120 followers in less than a month! We hope to remain active and have plenty of activities to tweet about.

We have also updated our webpage and we plan to request ESIL's financial help for a more comprehensive remake.

II. Events

LAWSEA held a workshop during the 2018 Manchester and the 2017 Napoli Conferences, both after a call for papers has brought it numerous interesting suggestions. We are grateful to all those, who participated in the selection process whether successfully or not. We were also happy to see some of our speakers, submitting their candidacy for the ESIL Young Scholars Prize (Valérie Wyssbrod, Manchester 2018). We were also gratified to note that papers originally presented in our workshops have moved on to win major accolades, most recently with the Daniel Vignes Prize (Valentin Schatz, Riga 2016) and honourable mentions (Peter Tzeng, Napoli 2017) by the Association Internationale du Droit de la Mer - AssIDMer (2018).

In Manchester, we organized a workshop on 'International Law of the Sea and Universality'. We had four papers presented (and commented upon), two in English and two in French, following the best traditions of the Society. A fifth presenter was unfortunately unable to join us for health reasons. The workshop programme, as advertised on our website and our social media, is attached.

In Napoli, we organized a workshop on 'Global Commons and values in the oceans: What should be the role of the new implementing agreement under UNCLOS?'. We had six papers presented (and commented upon), all of them in English. Again, the workshop programme, as advertised on our website and our social media, is attached.

Plans for the future

LAWSEA is co-organizing on 25-26 October 2018 at Leiden a conference on ‘The EU as a global actor in maritime security: Competences – Obligations – Accountability’, with the Europa Institute of the Leiden Law School and the ESIL Interest Groups on the EU as a Global Actor, on Migration and Refugee Law and on International Human Rights Law. We are looking forward to further cooperation among the ESIL IGs and beyond.

Attempting to convert our wishes to reality, we are currently exploring the possibility of an event at the side-lines of the 2019 Research Forum meeting at Göttingen jointly with the Law of the Sea Interest Group – LOSIG of the American Society of International Law and the corresponding IG of the Latin American Society of International Law. We will keep you abreast of developments.

4 October 2018

For ESIL LAWSEA
Maria Gavouneli
Anthi Koskina
Gabriela Oanta
Jessica Schechinger



Interest Group on Law of the Sea

Workshop

on the occasion of the 13th ESIL Annual Conference:

'Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law'

Napoli, 6 September 2017

Aula 35, Palazzo Pecoraro Albani, 14.00-18.00 hrs

Global Commons and Values in Oceans: What should be the role of the New Implementing Agreement under UNCLOS?

The oceans include one of the largest global commons, the high seas, and are on a trajectory of significant degradation, as a result of overexploitation of marine resources and other human activities. This situation is also exacerbated by global climate change, which is exerting an increasingly negative influence on the sea. Moving the oceans from decline to recovery is a hugely complex problem involving a host of intersecting factors, including socioeconomic drivers, climate change and geopolitical issues. Law is not absent in this mixture; quite to the contrary, it is called to play a pivotal role in altering this trajectory and moving the regulatory agenda towards the sustainable use of the global goods and commons of the oceans.

At the centre of this endeavour stand the negotiations for a new implementing agreement under the United Nations Convention on the Law of the Sea. In 2015 the UN General Assembly adopted Resolution 69/292 calling for development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (ABNJ). Following the meetings of the Preparatory Committee (PrepCom) -the last planned to be held in July 2017- an intergovernmental conference will be convened to consider the recommendations of the PrepCom and draft the text of a binding agreement under UNCLOS.

Participants in this workshop will critically examine whether the current workings of the PrepCom are geared towards a positive direction, highlighting areas of agreement, disagreement and lack of clarity. At the same time, this workshop will evaluate how the global public goods, global commons and fundamental values of humankind are to be served better in ABNJ and how we can strike a balance between sustainable oceans and economic growth, especially in view of Goal 14 of the Sustainable Development Goals (SDGs). Moreover, it will address gaps and legal barriers in the management of global commons in ABNJ, including the lack of effective surveillance and enforcement tools concerning marine protected areas or other area-based conservation measures.

PROGRAMME

I. General principles in practice – 14.00 hrs

- *When “not undermining” undermines the BBNJ process: Possible effects of the “not undermining” clause on the outcome of the PrepCom and the upcoming legally binding instrument*

Catherine Blanchard, Netherlands Institute for the Law of the Sea (NILOS), Utrecht University, The Netherlands

- *A Regime Complex Approach to realising the New Implementing Agreement for the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond national Jurisdiction*

Constance Johnson, Global Challenges Scholar, Australian National Centre for Ocean Resources & Security (ANCORS), University of Wollongong, Australia

- *The Common Heritage of Mankind and the BBNJ Implementing Agreement: The Case for an ITLOS Advisory Opinion*

Peter Tzeng, Law Clerk, International Court of Justice

Discussant: Professor Maria Gavouneli, National & Kapodistrian University of Athens

II. Specific procedures in practice – 16.00 hrs

- *The notion of ‘the commons’ in the current negotiations concerning the New Implementing Agreement under UNCLOS*

Konrad Jan Marciniak, Ministry of Foreign Affairs of the Republic of Poland, Visiting Lecturer at the Cardinal Stefan Wyszyński University, Warsaw, Poland

- *Maritime genetic resources of the Area are part of the Common Heritage of Mankind: Some Justifications*

Maria Esther Salamanca Aguado, Assistant Professor of Public International Law, University of Valladolid, Spain

- *Capacity building and transfer of marine technology: How far can the new agreement go?*

Aikaterini Grymaneli, Université Panthéon-Assas Paris 2, France

Discussant: Dr Efthymios (Akis) Papastavridis, Postdoctoral Fellow, University of Oxford and Fellow, Athens PIL



Interest Group on the Law of the Sea

Manchester, 13 September 2018

11.00-12.30 (Room H2)

I. Business meeting: Presentation of the new convenors team:

- Maria Gavouneli, Anthi Koskina, Gabriela A. Oanta & Jessica Schechinger

II. Workshop: *International Law of the Sea and Universality*

- *Tendances en droit international de la recherche scientifique marine: par-delà la diversité des politiques et vers une universalité du droit?*

Anthi Koskina, Research Fellow, Athens Public International Law Center – Athens PIL, National & Kapodistrian University of Athens

- *Marine environmental protection, regional cooperation and universality: The particular view from Southeast Asia*

Amber Rose Maggio, Research Fellow, Centre for International Law – CIL, National University of Singapore

- *The melting ice caps and the new spaces of legal challenges in the Arctic*

Elena Cirkovic, Associate Professor, Docent, Department of Political Science, St. Petersburg School of Social Sciences and Humanities, National Research University Higher School of Economics – HSE

- *L'accès aux ressources génétiques marines issues d'espaces situés hors des zones de juridiction nationale des États: passé, présent, futur*

Valérie Wyssbrod, Visiting Fellow, Stockholm Environmental Law and Policy Centre, Stockholm University

Intervention:

- *The “disappearing island States” phenomenon and its implications to the universality of the International Law of the Sea*

Eduardo Jiménez Pineda, Universidad de Córdoba

Discussants: Professor Maria Gavouneli, National & Kapodistrian University of Athens
Professor Gabriela A. Oanta, Universidad de A Coruña