



Workshop

Non-use measures for global goods and commons in international law

8-9 May 2023 in Utrecht

OPEN CALL FOR ABSTRACTS

GENERAL THEME OF THE WORKSHOP

Most resource management measures at the international level focus on the conditions under which use of some resources is allowed. In certain cases, however, States decide to adopt and implement non-use measures, i.e., measures that ban a certain use altogether or restrict (certain types of) use in certain areas. With the increasing pressure on natural resources, in particular those considered global goods and commons, and in order to implement the precautionary approach, such measures might need to be further promoted and adopted.

The present workshop intends to look at a selection of non-use measures (e.g., bans, moratoria, closed areas) of three types in international law: existing ones; a selection of those that have been unsuccessfully proposed; and non-use measures that are currently considered. The aims of the presentations, by both academics and practitioners, are

- First, to better understand how specific non-use measures were adopted (or not) and with what effects; and
- Second, to consider the potential for success of proposals currently under discussion or consideration.

In addition to contributors selected on the basis of submitted abstracts, some speakers will be guest-invited by the organizers. While the major focus of the workshop will be on international law and governance, input from guest-invited environmental scientists will be sought in order to address, from a hard science point of view, questions such as the rationale of non-use measures, the role of science in non-use measures, and the effectiveness of existing non-use measures.

OBJECTIVES OF THE WORKSHOP

The workshop aims to be a platform for discussion for the development of an edited volume. Each contributor is expected to draft a chapter, the exact theme and focus of which will be discussed with the editors after authors have been selected. Each contributor will also be asked to read and comment on the draft chapter of another author.

During the workshop, feedback on drafts will be provided by the designated commentators and by plenary discussion. The editors will also provide the contributors with written feedback based on the discussions during the workshop. Contributors are subsequently expected to submit a final version of their chapter. The detailed timeline can be found below. Participation in the workshop is based on invitation only. We will also explore the possibility of organizing additional follow up discussions and interactions, possibly online, as needed.

The workshop will be an opportunity to meet academics and practitioners working in different fields of public international law and environmental sciences, therefore creating substantive links between topics, and contributing to a discussion on issues that remain understudied in international law. Participants can expect to receive feedback, both during and after the workshop, and to interact with early career and senior researchers and practitioners to exchange views and experiences.

The workshop is organized by the Netherlands Institute for the Law of the Sea (NILOS) and the Utrecht Center for Water, Oceans and Sustainability Law (UCWOSL) of Utrecht University, and by the Royal Netherlands Institute for Sea Research (NIOZ) as part of the projects [*Proactive Management of Antarctic Tourism*](#) (a collaboration between Tilburg University, Utrecht University and Wageningen University) and [*Protecting deep seabed hydrothermal vent fields through area-based management tools*](#) (a collaboration between Utrecht University and NIOZ).

TOPICS DISCUSSED

Abstracts on the following themes are welcomed.

1. Marine living resources

Marine living resources have historically been harvested under the preconception that they would always be plentiful, and hence access needed not be regulated. In a dramatic illustration of the tragedy of the commons, the decline in whales and fish stocks has proven this assumption incorrect. Even with management measures in place, many challenges to sustainable use remain, ranging from lack of sufficient scientific information to inadequate conservation and management measures, or still challenges of implementation and enforcement in such vast and

remote areas. A variety of other factors, such as the growing demand for proteins or the impacts of climate change on the marine environment, is expected to further fuel the ongoing crisis.

This session aims to discuss non-use measures in relation to the conservation of marine living resources, in particular in the high seas. Papers could address, *inter alia*, the whaling moratorium and whaling sanctuaries, fisheries spatial closures under regional fisheries management organizations, the Central Arctic Ocean Fisheries Agreement, and the proposal to close the high seas to fishing.

2. Antarctica

With sovereign claims frozen in Antarctica by the 1959 Antarctic Treaty, resources of the continent and its adjacent waters are managed as global commons. The principles of peace, scientific research, and environmental protection are at the center of the relevant legal regime. Some economic activities in the region are subject to international regulations that give effect to the concept of non-use. However, not all are, and the changing geopolitical circumstances might trigger a shift towards pro-use measures.

This session aims to discuss non-use measures in relation to the conservation and management of resources, both living and non-living, in the Antarctic. Papers could address, *inter alia*, the moratorium on mineral mining, marine protected areas (MPAs) under the Commission for the Conservation of Antarctic Marine Living Resources, and the measures regulating tourism in the region.

3. Areas beyond national jurisdiction at sea

Areas beyond national jurisdiction (ABNJ) represent, in legal terms, a new frontier for the development of the law of the sea. These areas, the high seas and the deep seabed, have been subject to dynamic regulatory developments in the last two decades, and several new or revised non-use measures are currently under consideration. These are warranted in light of the rise of new threats to the marine environment.

This session aims to discuss non-use measures targeting the exploitation of non-living resources of ABNJ, as well as the protection of the marine environment in these areas. Papers could address, *inter alia*, spatial management tools of the International Seabed Authority closing designated areas from mining activities, the suggested moratorium on all deep-seabed mining activities, (recent amendments to) the prohibition of dumping at sea, plastic pollution, and MPAs under the (hopefully) upcoming Biodiversity Beyond National Jurisdiction Agreement.

4. Atmosphere and outer space

Non-use measures are also found in those other branches of international law that are concerned with global goods and commons, in particular the legal regimes relevant to the atmosphere and outer space. The conditions for the development of such non-use measures, their strengths and weaknesses can help identify/suggest ‘what to do and what not to do’ in the development of

non-use measures in remote environments or for activities that have yet to take place. Exploring such measures is therefore essential for completing our analysis of non-use and for understanding their relevance to current environmental concerns.

This session aims to address non-extractive non-use measures with regards to the atmosphere, as well as non-use measures in the outer space. Papers could address, *inter alia*, the regime for the protection of the ozone layer, the legal responses to carbon emissions, and the moon mining ban.

INSTRUCTIONS FOR SUBMISSION

Information to be included

Abstracts are to be submitted to Catherine Blanchard (c.blanchard@uu.nl) no later than 31 July 2022 at 23.59 CEST. Please use ‘Workshop on non-use measures in international law’ as the title of your email.

The following information must be included:

- An abstract, not exceeding 500 words;
- The topic for which the abstract should be considered (one session only);
- The author’s name, affiliation, and contact details (email address and phone number);
- The author’s CV, including a list of relevant publications (max. 800 words) **OR** a short biography (max. 300 words).

Abstracts submitted after the deadline will not be considered.

Timeline

- The deadline for submission of abstracts is 31 July 2022
- Successful applicants will be informed no later than 15 September 2022
- The deadline for submission of draft papers is 28 February 2023
- The workshop will take place on 8-9 May 2023
- The deadline for submission of final papers is 31 July 2023

FINANCES

The travel and accommodation costs of successful applicants will be covered by the organizers.

CONTACT INFORMATION

For any inquiries, please contact Solène Guggisberg (s.a.guggisberg@uu.nl) and Catherine Blanchard (c.blanchard@uu.nl).