



Universiteit Utrecht

**The United Nations Convention on the Law of the Sea at Forty: The Contribution of
the Judiciary and Judicial Jurisdiction**

Workshop, Utrecht 5 and 6 May 2022

Organized in the framework of the Judicial Jurisdiction project by the Netherlands
Institute for the Law of the Sea (NILOS) and the Utrecht University Centre for Water,
Oceans and Sustainability Law (UCWOSL) of Utrecht University



Venue

**Museum Speelklok
Steenweg 6
3511 JP Utrecht
The Netherlands
and
Online**

Program of the Workshop

Thursday 5 May 2022

9:00-9:30 **Arrival and registration**

9:30-9:40 **Welcome and introduction to the workshop**

9:40-11:15 **Panel 1 – *The judiciary and the development of the law of the sea***

Moderator: Eric de Brabandere (Director of the Grotius Centre for International Legal Studies, University of Leiden)

International Legal Reasoning and Rational Justification

James Devaney (School of Law, University of Glasgow)

Towards the Proactive Use of the Doctrine of Cogent Reasons: The Stimulus of the Battle of Ideas under the UNCLOS Dispute Settlement Procedures

Ke Song (School of Law, University of Edinburgh)

The Interaction between the Judiciary and Other Mechanisms for Law Interpretation and Application

Lan Nguyen (NILOS and UCWOSL, Utrecht University)

11:15-11:30 **Coffee break**

11:30-13:00 **Panel 2 – *Whose interests and what interests should be served by the judicial process?***

Moderator: Fred Soons (Utrecht University)

***Locus standi* in UNCLOS cases**

Stefan Talmon (Institute of Public International Law, University of Bonn)

Whose interests/what interests should be served by international courts and tribunals in deciding disputes on the merits?

Millicent McCreath (University of New South Wales)

13:00-14:00 **Lunch**

14:00-15:30 **Panel 3 – *Bargaining under the shadow of the Convention: International relations and legal perspectives***

Moderator: Theresa Squatrito (Department of International Relations, London School of Economics)

Judicialization of the Sea: A Response to Our Critics

Sara McLaughlin Mitchell (Department of Political Science, College of Liberal Arts and Sciences, University of Iowa) and Andrew P. Owsiak (Department of International Affairs, University of Georgia)

Bargaining in the Shadow of the Convention: A legal perspective

Alex Oude Elferink (NILOS and UCWOSL, Utrecht University)

Bargaining in the Shadow of the Convention: A practitioner's perspective

Rolf Einar Fife (Ambassador of Norway to the European Union)

UNCLOS in Southeast Asia: Significance, Achievements, Prospects

J. Eduardo Malaya (Philippine Embassy, The Hague)

15:30-15:50 **Coffee break**

15:50-17:00 **Round table – *Determining the bounds of judicial jurisdiction***

Moderator: Liesbeth Lijnzaad (Judge, International Tribunal for the Law of the Sea)

Panelists: Alina Miron (Angers University) – Advisory opinions, a new form of strategic litigation?
Zhongzheng Tan (Mission of the People's Republic of China to the European Union) – Relearning the Limits of the UNCLOS Mandatory Jurisdiction
Rüdiger Wolfrum (Max Planck Institute for Comparative Public Law and International Law) – Is ITLOS well suited to enforce community interests - A critical appraisal?

17:00 End of Day 1

Friday 6 May 2022

9:00-10:30 **Panel 4 – *Compulsory dispute settlement under the LOSC framework to date***

Moderator: Cedric Ryngaert (Utrecht University)

Has Part XV lived up to the expectations of the drafters and why would that matter? *Reflections on the ‘governance function’ of compulsory dispute settlement in the legal order for the oceans*

Rozemarijn Roland Holst (NILOS and UCWOSL, Utrecht University)

Role and Authority of Arbitral Tribunals under UNCLOS Annex VII

Dirk Pulkowski (Permanent Court of Arbitration)

The scope of judicial jurisdiction by virtue of the expressed renvois in the substantive rules of the Law of the Sea Convention

Danae Georgoula (NILOS and UCWOSL, Utrecht University)

10:30-10:45 **Coffee break**

10:45-12:15 **Panel 5 – *The future of compulsory dispute settlement under the LOSC framework: Risks of overreach and underutilization(?)***

Moderator: Tomas Heidar (Vice-President, International Tribunal for the Law of the Sea)

What would/should Part XV look like if it were to be negotiated today?

Joanna Mossop (Faculty of Law, Victoria University of Wellington)

Is Part XV aligned with the current political world order?

Makane Moïse Mbengue (Faculty of Law, Université de Genève)

The potential role of Part XV in addressing pressing societal challenges

Seline Trevisanut (NILOS and UCWOSL, Utrecht University)

12:15-12:30 **Closing of the workshop**