

Expert Workshop, Thursday 13 June 2019

Sovereignty: a shape-shifting concept in ocean governance?

The Sustainable Ocean Project (ERC Starting Grant Agreement No. 639070) is hosting an expert workshop entitled '*Sovereignty: a shape-shifting concept in ocean governance?*' in Utrecht, the Netherlands, in June 2019. The aim of this half-day workshop is to bring together experts to reflect on the modern-day meaning(s) and function(s) of 'sovereignty' over ocean space and marine non-living resources, especially in the light of emerging challenges in ocean use and governance.

Introduction to the workshop theme:

In traditional positivist legal doctrine, 'sovereignty' is often understood in terms of 'territorial sovereignty', intertwined with the concept of statehood itself and with the perception of international law as a strict inter-state order built on state consent. Applying this territorial conception of sovereignty to ocean space is not necessarily self-evident as the oceans are intrinsically interconnected, dynamic and different in character from any form of land territory. Yet, 'sovereignty' has always been a fundamental pillar of the law of the sea, the development of which is famously characterised by a continuous struggle between the ever further seaward expanding sovereignty of coastal states over natural resources on the one hand, and the freedoms of the high seas on the other hand.

The incrementally extended assertions of sovereignty over maritime spaces have heavily influenced the development of the law of the sea since the mid-20th century. The inheritance of this classic 'sovereignty versus freedom' narrative is reflected in the fundamental structure of the modern law of the sea set out in the UN Convention on the Law of the Sea (UNCLOS) in two different ways: its zonal jurisdictional system; and the ways in which UNCLOS attempts to balance conflicting interests of states as well as 'common interests' within each of these jurisdictional zones. Sovereignty in the law of the sea has never been absolute, and under UNCLOS 'sovereignty' and 'sovereign rights' are qualified by a complex web of limitations, conditions and specified interrelationships with other (external) rules and principles of international law. Tension between the traditional connotations of the sovereignty concept and fundamentally changing circumstances is furthermore highlighted by the impacts of global challenges, such as climate change or the loss of biodiversity, on the state of our oceans and how we use them. At the same time, global energy demand is rocketing, initiating a strong momentum for the multiplication of offshore energy generation activities. As new economic activities at sea develop at an unprecedented scale, the oceans serve as an arena where competing interests of states are measured against each other. Against this background, the concept of sovereignty is central to the research conducted within the [Sustainable Ocean project](#).

The workshop format:

The organisers warmly invite speakers to reflect on these or related themes from their own perspective. The aim of the workshop is twofold: to brainstorm with experts about core issues that the Sustainable Ocean project engages with; to give the opportunity to the PhD students within the project to get useful feedback on their interim findings. (The event will not result in a publication)

The workshop format consists of two panels composed of three speakers, each followed by a round table discussion with all participants.

Panel I, on '*Sovereignty over the sea in theory and practice*', welcomes panellists to reflect on the tensions or interactions between the traditional connotations and functions of sovereignty and its role in today's changing legal and physical environment. This includes (but is not limited to) questions relating to the conceptualisation of (legal) limitations and conditions inherent to the exercise of sovereignty and sovereign rights, as well as questions concerning the relationship between sovereign rights and common interests. PhD candidate Rozemarijn Roland Holst, who has been working on this topic with a focus on UNCLOS' legal framework and general legal theory, will participate in this panel.

Panel II, on '*Sovereignty over marine energy resources: between Scylla and Charybdis?*', invites panellists to consider the functions of sovereignty regarding the regulation of the exploitation of marine energy resources, in the context of the relevant international environmental and international investment law obligations. The focus will be on the normative impacts of marine environmental law and investment law on the sovereign discretion of states to regulate offshore energy production activities. PhD candidate Nikolaos Giannopoulos, who has been working on the potential interactions (or lack thereof) between the two regimes, will participate in this panel.

The workshop's participants will be limited to the speakers, the members of the Sustainable Ocean project team, and a small number of interested colleagues and students, to allow for fruitful discussions.

Programme:

13.00 – 13.30 Welcome coffee & opening by Prof. Seline Trevisanut & Sustainable Ocean Project team

13.30 – 14.30 Panel I: Sovereignty over the sea in theory and practice

Speaker I: Yoshifumi Tanaka (University of Copenhagen)

Speaker II: Duncan French (University of Lincoln)

Speaker III: Rozemarijn Roland Holst

14.30 – 15.00 round table discussion/Q&A

15.00 – 15.30 Coffee

15.30 – 16.30 Panel II: Sovereignty over marine energy resources: between Scylla and Charybdis?

Speaker I: Eric de Brabandère (University of Leiden)

Speaker II: Ilias Plakokefalos (University of Athens)

Speaker III: Nikolaos Giannopoulos

16.30 – 17.00 round table discussion/Q&A

17.00-18.00 Drinks for all participants

18.00 Speakers Dinner