

# Regime Interaction in Ocean Governance: Problems, theories and methods

(Workshop Report)

## Introduction

The workshop “Regime Interaction in Ocean Governance: Problems, theories and methods” took place on 19 and 20 April 2018, in Utrecht. The workshop was organized by the team of the [SUSTAINABLEOCEAN research project](#), and was hosted by the Utrecht University.

The SUSTAINABLEOCEAN project is a research project funded by the European Research Council (ERC Starting Grant), and runs from 2015 through 2020. The Principal Investigator of the project is [Prof. Seline Trevisanut](#). “Regime Interaction in Ocean Governance: Problems, theories and methods” is the first of two workshops organized by the project.

## Workshop

The workshop began with a welcome address and introduction by Prof. Seline Trevisanut. During the welcome address, Prof. Trevisanut introduced the SUSTAINABLEOCEAN Project and described the project’s theme and structure. She reported on the research progress achieved thus far, and introduced the project team to the workshop attendants. This was followed by a brief introduction of one of the project’s deliverables – the SUSTAINABLEOCEAN Database, provided by Ms. Nina Mileva. A pilot version of the database was presented to the workshop attendees and they were invited to provide their comments and feedback.

The welcome address was concluded with an overview of the workshop structure by Prof. Trevisanut. The workshop was divided in three sessions, each dedicated to a current research focus of the project. *Session I* addressed the many facets of ocean governance and was chaired by Prof. Liesbeth Lijnzaad of the Maastricht University – currently a judge at the International Tribunal for the Law of the Sea (ITLOS). *Session II* addressed the theoretical approaches to regime interaction and international governance, and was chaired by Prof. Cedric Ryngaert of the Utrecht University. Finally, *Session III* addressed the methods of regime interaction, and was chaired by Prof. Nilufer Oral of Bilgi University – currently a member of the International Law Commission.



### *Session I – The Many Facets of Ocean Governance*

Upon an introduction by Prof. Liesbeth Lijnzaad, *Session I* was kicked off with a presentation by Prof. Tullio Scovazzi from the University of Milano – Bicocca. Prof. Scovazzi provided an overview of the environmental side of ocean governance, and touched upon multiple relevant topics including marine spatial planning, the principle of due regard, and the main objectives of ocean governance from the environmental perspective. This was followed by a presentation by Prof. Nilufer Oral of the Bilgi University Istanbul, interestingly titled “The Institutional Schizophrenia of Ocean Governance”. In her presentation, Prof. Oral mapped the current institutional landscape of the field of ocean governance, and discussed the multiple challenges it faces including the lack of a single global institution, the presence of multiple institutions with overlapping mandates, as well as institutional fragmentation. Due to unforeseen circumstances, Dr. Yoshinobu Takei was not able to present in the first session as initially scheduled, and instead gave his presentation in *Session III* of the workshop. *Session I* was concluded with comments by Prof. Alex Oude Elferink from the Utrecht University.



### *Session II – Theoretical approaches to regime interaction and international governance*

*Session II* was introduced by Prof. Cedric Ryngaert and the first presentation was given by Dr. Benjamin Faude from the WZB Berlin Social Science Centre. Dr. Faude presented a joint paper on the topic of constitutionalism and beyond, and contributed an international relations perspective to the legal discussion of regime fragmentation. This was followed by a presentation on formalism and law-making by Dr. Francesca Romanin Jacur from the University of Milan. Dr. Romanin-Jacur presented on the limits and challenges of formalism, questioning whether traditional rules are capable of dealing with regime developments and their interactions. *Session II* was concluded with comments by Prof. Richard Barnes from the University of Hull.



### *Session III – Methods of Interaction*

The second day of the workshop was kicked off with *Session III*, chaired and introduced by Prof. Nilufer Oral. *Session III* opened with a presentation by Dr. Yoshinobu Takei from the UN Department of Economic and Social Affairs. Dr. Takei presented on the topic of defining ocean governance, and touched on issues including the legal discussions within ocean governance, the 2030 Agenda for sustainable development, as well as the Global Indicator Framework. This was followed by a presentation by Dr. Joshua Paine of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law, on the topic of the judicial dimension of regime interaction. In his presentation Dr. Paine inquired whether systemic integration as a rule of interpretation can address regime interaction, focusing on the interpretation of generally worded provisions and the obligation to cooperate. The final presentation in the session was given by Prof. Ellen Hey of the Erasmus University Rotterdam, on the topic of common interests and the construction of commons. Prof. Hey discussed the construction of commons through several examples, illustrating both the legal and political aspects of regime interaction. *Session III* was concluded with comments by Prof. Panos Merkouris from the University of Groningen.



## Conclusion

After three sessions conducted over the course of two days, the workshop was concluded with a roundtable discussion between the project team, speakers, and participants. The roundtable discussion was kicked off by brief presentations from the two PhD candidates of the project –[Nikolaos Giannopoulos](#) and [Rozemarijn Roland-Holst](#). Mr. Giannopoulos and Ms. Roland-Holst reflected on the discussions of the three sessions through the prisms of their own research, and reported on the lessons learned from the sessions as well as the new avenues of research they opened. The floor was then opened to questions and comments from all participants and a fruitful discussion ensued.



In addition to the productive exchange of the round-table, the team also benefited from a round of feedback from its Steering Committee.



## Outcome

The workshop “Regime Interaction in Ocean Governance: Problems, theories and methods” provided a platform for a productive discussion of issues at the intersection of the three focus areas of the SUSTAINABLEOCEAN project –law of the sea, climate change law and energy law. As part of their participation in the workshop, the speakers were invited to share the views from their presentations into research papers which will be compiled into an edited volume. The edited volume will feature the detailed research and views of the speakers on each of their topics, as well as an introductory chapter and commentary by the SUSTAINABLEOCEAN team.