

Workshop on 'International Law and the Blue Economy'

**Convened by Professor Margaret Young
Australian Research Council Future Fellowship [FT220100418](#)**

Room 610, Level 6, Melbourne Law School, 7-8 May 2026

Extended Program (with Abstracts)



Day 1: Thursday

9:30 – 10am *Coffee and Registration*

10– 10:30 **Welcome and Acknowledgment; Opening Remarks**

[Margaret Young](#), Convenor and Chair

The blue economy “seeks to marry ocean-based development opportunities with environmental stewardship and protection,” yet the term is used in divergent and contested ways across policy, practice and law ([Voyer et al.](#) 2018; see also [Techera](#) 2019; [Young](#) 2025). The gap in understanding international law’s role in the blue economy is of special concern because international law relating to the oceans is fragmented and complex ([Young](#) 2011; [Scott](#) 2021). While UNCLOS is often termed ‘the constitution of the oceans’, there is a plethora of relevant treaties and instruments. International organisations have different state membership, divergent parent-treaties and differing methodologies and epistemologies. This context of legal fragmentation and diversification underpins the aim of this workshop, which is to investigate how international law shapes the dependence of humans on the ocean in the context of increasing economic demands, human welfare needs, and drastically mounting ecological harms.

10:30–12:00 **Panel 1: Law’s Reach: Rights, Responsibilities and Growth**

This panel will set the scene for ‘law’s reach’: we consider rights, responsibilities and growth in the blue economy. The panel builds on the previous evening’s public lecture by the UN Special Rapporteur on climate change and human rights to presage our interest in the climate/oceans nexus. We consider the influence of the International Court of Justice’s advisory opinion on climate change on the blue economy, a highly significant decision that has implications for all the workshop papers. As another fitting beginning, we visit the long-held notion of the freedom of the seas, as codified in the United Nations Convention on the Law of the Sea, and we interrogate practices and theories of ecology, economics (and livelihoods) and justice, all arguably covered in the etymology of ‘economy’, which is inseparable from stewardship. (There are no formal discussants allocated to this introductory panel.)

Elisa Morgera , ‘Co-developing a Human Rights-based Blue Economy at the Climate-Nature Nexus’	This presentation will focus on the co-development of a human rights-based blue economy at the nexus of climate change and nature laws. It will build on the author’s public lecture at Melbourne Law School this week as UN Special Rapporteur on climate change and human rights: “State obligations on climate change and human rights: where are we at and where do we go from here?”.
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Irimi Papanicolopulu, 'Participatory and Emancipatory Regulation in the Blue Economy'	This presentation draws on the author's current research on freedom of the seas, which discusses whether the concept of freedom of the seas is helping or actually stands in the way. The presentation discusses how the concept is still imbued with colonial legacies, but also how it holds a promise for participatory and emancipatory regulation.
Erika Techera, 'Is Degrowth Essential for Ocean Sustainability? Examining the Intersection of the Blue Economy, International Law and Blue Degrowth'	The blue economy is synonymous with sustainable use of marine resources. It supports ocean-based growth and innovation in ways that balance economic, environmental and socio-cultural development. This explanation belies the difficulty of achieving the blue economy in practice. In part this is because many economic activities directly impact on marine health, and others can lead to inequities and injustice for coastal communities. Addressing these conflicting issues should lie at the heart of the blue economy, yet international law has tended to facilitate utilisation of, and extraction from, the oceans and often only addressed environmental issues retrospectively. International law has also been largely unsuccessful at balancing these competing concerns. Longstanding uses and abuses of the ocean have left marine resources depleted and environments damaged; despite decades of law and policy interventions sustainable ocean development remains elusive. This raises the question of whether sustainable growth is achievable at all in the current context of a triple planetary crisis. In some areas, reducing consumption and production - degrowth - may be essential for a successful transition to sustainable ocean development. But can degrowth be aligned with blue economy goals? The intersection of the blue economy, degrowth and international law has not yet been fully explored. This paper seeks to contribute to the literature, examining whether, and how, the blue economy can incorporate degrowth, at least in some sectors and places, and analysing what greater role international law can play.
Marcos Orellana, 'Plastics Pollution Treaty, Human rights and the Blue Economy'	This presentation builds on the author's expertise and experience as UN Special Rapporteur on toxics and human rights. It addresses the blue economy in the context of the plastic pollution treaty negotiations, identifying discrete legal issues of relevance to the Pacific region. Ocean governance is inseparably from the aims of addressing hazardous waste, plastics, pesticides and other toxic products in an environmentally sound manner. This also requires access to information and other human rights.

12-1:00

Lunch (and Group Photo)

1:00-2:30pm Panel 2: Harm Prevention: Legal, Economic and Material Limits on Production

In this afternoon's panel, we investigate legal, economic and material limits on production. Our mode is to move to multiple examples across the blue economy, in line with our ambitions for regime interaction, and the break down of sectoral silos. As such, evidence from aquaculture, marine capture fisheries, and mining in the deep seabed are brought together in scenarios involving coastal jurisdiction and areas beyond national jurisdiction. (We move to a more structured format, where a member of the workshop is allocated as a 'discussant' and asked to pose the first question.)

Lena Schøning, 'States' International Environmental Legal Obligations for Production Processes: The Case of Norwegian Aquaculture' Discussant: Rohan Nanthakumar	The blue economy narrative promotes growth of industrial activities at sea. States have jurisdictional entitlements in territories or marine areas including rights to organize industrial activities and deciding the volumes of and requirements to these activities. As many industrial activities form part of a production process or global chain of activities, such decisions may impact on the environmental impacts through a global value chain of activities. Do environmental legal obligations under international law extend to these impacts? The investigation is conducted using Norwegian salmon aquaculture as a case, an activity facilitated by Norwegian authorities acting under the Norwegian Aquaculture Act and providing relevant permits under multiple other acts. Environmental impacts of the production of Norwegian farmed salmon include resource use for salmon feed such as soy produced in Brazil, USA or Russia; feeding the salmon in open net cages along the Norwegian coast leading to organic, chemical, parasitic, and genetical pollution locally and potentially regionally; infrastructure on land and at sea leading to local habitat destruction, plastic waste and plastic pollution; and airfreight of fresh salmon to markets in Europe and other continents contributing to the salmon's carbon footprint. The production of farmed Norwegian salmon therefore has environmental impacts in and beyond Norway's boundaries and induce pressure on the environment locally and globally. By deciding, for example, in which volumes production shall take place (which directly influences the consumption of feed), and facilitating for air freight of salmon (directly impacting the carbon footprint), the Norwegian state by large define the environmental footprint of salmon farmed in Norway. Against this background, the paper interrogates which of these environmental impacts are included in states' obligations to possess information and conduct impact assessments under international law.
Pallavi Arora, 'Contestations in the Overcapacity and Overfishing Pillar of the WTO	The entry into force (EIF) of the Agreement on Fisheries Subsidies (AFS-I) marks a significant achievement for the World Trade Organization (WTO), demonstrating that multilateral rulemaking can still deliver after more than two decades of negotiations. As the WTO's first sustainability-oriented agreement, AFS-I disciplines

Agreement on Fisheries Subsidies: The Politics of Protracted Negotiations’ Discussant: James Munro & Stela Rubínová	subsidies contributing to illegal, unreported and unregulated fishing and to the exploitation of overfished stocks. Yet negotiations remain incomplete: Members deferred agreement on the politically sensitive overcapacity and overfishing (OCOF) pillar, and AFS-I’s sunset clause requires concluding OCOF negotiations within four years of EIF. The post-MC-12 momentum did not translate into consensus at MC-13, and OCOF discussions have since stalled. The impasse reflects persistent North–South and South–South divisions, including disagreements over how far coastal states should limit their sovereign right to manage fisheries within their exclusive economic zones (EEZs), the scope of special and differential treatment (SDT), and the regulation of historically subsidised distant-water fishing (DWF) fleets. Drawing on the OCOF pillar’s negotiating history, the paper identifies three key divergences: approaches to disciplining OCOF subsidies, scope of SDT, and nature of transparency obligations. Negotiations have oscillated between targeted prohibitions, list-based models, hybrid sustainability frameworks, and cap-and-freeze proposals—each reflecting distinct governance preferences. A particularly sensitive element in the latest text—the two-tiered demonstration requirement—has heightened concerns among some developing countries about external scrutiny of their EEZ-based conservation measures and the WTO’s mandate creep into fisheries management. Against this backdrop, the paper assesses what the OCOF pillar’s protracted impasse reveals about the WTO’s capacity to govern politically contested sustainability issues and how it may encourage unilateral or plurilateral alternatives, further fragmenting fisheries governance. It argues that progress on OCOF requires recalibrating positions across major coalitions: developed Members easing the strictness of sustainability conditionality, large developing countries accepting reasonable transition periods, and small island developing States obtaining credible assurances on disciplines applicable to DWF fleets. Without such rebalancing, a viable landing zone remains unlikely.
Amanda Turnbull, ‘Marine AI Technologies: Panacea or Predicament in the Blue Economy?’ Discussant: Erika Techera	Government subsidies have long aided industrial fishing fleets to expand but with little attention paid to sustainability practices. To deal with the role of harmful fisheries subsidies, the WTO Agreement on Fisheries Subsidies entered into force in September 2025 after some 25 years of negotiations. It is a landmark, multi-lateral environmental agreement that prohibits specific forms of harmful subsidies which contribute to the depletion of global fish stocks. Since fisheries and ocean wellbeing have a mutually dependent relationship, this Agreement holds much promise also for protecting ocean health and wellbeing and ensuring an equitable ocean economy for coastal communities.

	At the same time, governments around the world are investing heavily in the Artificial Intelligence (AI) technologies, and this includes AI technologies to modernize fisheries, thus enhancing operational efficiency. Through for example predictive analytics which allow fishers to plan optimal routes and times in order to maximize catch rates and AI-powered computer vision systems to reduce bycatch, marine AI technologies also hold the potential to improve the capacity of fisheries. However, the whole point the Agreement was to reduce fishing capacity. This leads to the question of whether investments that support the integration of AI in fisheries provide, directly or indirectly, a loophole that could result in undermining the objectives of the Agreement.
Millicent McCreath, 'Regulating the Blue Minerals Extraction Economy in Areas under National Jurisdiction' Discussant: Anastasia Telesetsky	The minerals of the deep seabed in areas beyond national jurisdiction are subject to a complex international legal regime governed by the International Seabed Authority, designed to preserve the 'common heritage of humankind'. In areas under national jurisdiction (AUNJ) however, states fortunate enough to have seabed minerals on their continental shelf can extract these resources as they see fit, subject to their international environmental obligations. Found in high concentration amongst these seabed minerals are the so called 'critical minerals' required for the green energy transition, including for technologies such as batteries and wind turbines. Norway, Japan, Canada and the Cook Islands are some of the states actively pursuing plans to extract the economic potential from their continental shelf mineral resources. The legal regime for the protection of the marine environment from seabed mining in AUNJ is under-developed and under-explored. With seabed mining in AUNJ to scale up imminently it is therefore timely to consider coastal state obligations to protect the marine environment from seabed mining. This paper will explore the legal regime for the protection of the marine environment from seabed mining in AUNJ, including in light of the legal developments since the 2024 ITLOS COSIS Advisory Opinion. It will set out the obligations mining coastal states owe to all other states to protect the marine environment as a whole, including in situations where the harm is contained within the mining state's own maritime areas. While not applicable to deep seabed mining in areas beyond national jurisdiction, this paper will also explore the extent to which the principle of common but differentiated responsibilities applies to seabed mining in AUNJ, and what this means for the regulation of the blue minerals extraction economy.

3:00-4:30

Panel 3: Domestic or Global Economy: Multilateralism, Plurilateralism, Unilateralism

This panel invites reflection on key questions: when we describe the 'blue economy', is it a domestic or a global economy? Are decisions made unilaterally, pluralitally or multilaterally? Does sovereign equality apply, or are the actions of some states defining the blue economy for all? This panel is also an opportunity to take stock of the 'inputs' and 'outputs' of the blue economy, and the broader link with fossil fuel and plastic-consuming global practices.

Ekaterina Antsygina, 'The Crisis of the International Deep-Sea Mining Regime and the Rise of Unilateralism in the Exploitation of Critical Minerals' Discussant: Nengye Liu	This paper examines the fragmentation of the international framework governing deep-sea mining (DSM) and the legality of recent U.S. unilateral initiatives on licensing for activities in the Area. It identifies a structural obstacle to the customary law formation of rules on exclusive institutional management: where non-parties are prevented from engaging in equivalent practice within a treaty-based organ, the rule conferring exclusive authority upon that organ cannot crystallize into customary international law. Accordingly, the common management element of the common heritage of humankind principle, requiring that activities in the Area be organized and controlled exclusively through the International Seabed Authority (ISA), has not attained customary status vis-à-vis non-parties with the certainty often assumed. The paper then examines alternative constraining doctrines: objective regimes, the ISA's objective international personality, the obligation to cooperate, and due regard and concludes that require the restraint from unilateralism, or, at minimum, meaningful cooperation with the ISA, alignment with evolving international standards, and genuine regard for the rights of other States in the Area.
James Munro and Stela Rubínová, 'Legal and Economic Considerations on Fossil Fuel Subsidies in International Trade: Lessons for the Blue Economy' Discussant: Don McRae	This paper provides an overview of the key issues currently pertaining to fossil fuel subsidies in the international trade regime, from both the economic and legal points of view. From the economic perspective, this paper would present the latest in the field on the extent to which fossil fuel subsidies tilt the competitive advantage in favour of fossil fuel-intensive sectors. By exploring the extent to which they distort international trade flows, this paper would consider how fossil fuel subsidies impact the incentives around the extraction and use of fossil fuels in connection with the blue economy. From the legal perspective, this paper lays out recent developments in international case law over States' responsibility for negative environmental externalities that occur outside of their jurisdictions, with a particular focus on differing approaches to the accounting for greenhouse gas emissions and related externalities. This paper is directed at identifying connections and disjunctures between the legal and economic perspectives, and at identifying future avenues for research. Given that these issues are often the subject of differing perspectives in the international trade

	regime, this paper does not seek to offer analysis on the "right" answers, but rather seeks to bring together a salient descriptive overview of the legal and economic considerations at stake.
Nengye Liu, 'U.S. – China Competition, the Law of the Sea and Ocean Sustainability' Discussant: Jacqueline Espenilla	The world has entered into a dangerous era of “polycrisis”. This is seen in intersecting issues of rising inflation and economic recession, food and energy crises, climate change, mass extinction, pandemics, and geopolitical tensions. We are also living in a critical period of fast evolving ocean law and governance. Meanwhile, U.S.-China competition is the current poster child of great power contest. But what does this power rivalry mean for the future development of the law of the sea and what are its implications for environmental sustainability of the world’s oceans? This paper aims to shed some light by examining three case-studies where U.S.-China competition is most related to ocean sustainability. First, this paper considers how China is using its power in the face of significant challenges of US dominance, to shape international fisheries law for expanding its fishing interest at sea. Next, the paper explores the impact of U.S.-China competition that affects environmental sustainability in the South China Sea. Thirdly, the paper investigates the clash between two worldviews: neoliberalism vs. common heritage of humankind and how it plays out in the development of the deep sea-bed mining regimes. Finally, it concludes by drawing connections across three case studies from lenses of power, order and ideology to suggest what is in store for legal development to achieve sustainability in the world’s oceans.
Andrew Sullivan, 'Soft law and the Blue Economy; the Case of the Ocean Panel and Sustainable Ocean Plans' Discussant: Erlis Nurbani	Countries whose jurisdictions collectively cover almost half the world’s exclusive economic zones (EEZs) have committed to managing 100% of their ocean territory under sustainable ocean plans. Sustainable ocean plans are the headline commitment of member countries of the High Level Panel for a Sustainable Ocean Economy (the Ocean Panel), an informal international organisation with the objective of building momentum for a sustainable blue economy in which effective protection, sustainable production and equitable prosperity go hand-in-hand. Ocean Panel membership is held by the heads of state or government from 19 countries across all regions of the globe, representing a diversity of ocean-based economies. It has the ambitious target to see all coastal states committing to develop SOPs by 2030, in an initiative known as the 100% Alliance. Reflecting the Ocean Panel’s growing influence, the 100% Alliance was recently referenced in the President’s Action Agenda report from the UN Climate Change Conference (COP31) in Brazil, as well as within the political declaration of the third UN Ocean Conference. Drawing on interviews with creators and representatives of the Ocean Panel, including former Prime Minister of Norway, Erna Solberg, I provide insight into how and why the Ocean Panel was created and the drivers

	behind this soft law approach. I examine the role of informal governance within a policy domain dominated by legally binding international conventions and treaties and more specifically examine how the Ocean Panel is gaining prominence within what is an increasingly crowded and complex global governance arena.
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5:00-6:30

Panel 4: Restoring Ecosystems: Management and Protection across Jurisdictions and Regimes

It is not lost on us that the UN Decade on Ocean Science for Sustainable Development coincides with the UN Decade on Ecosystem Restoration. This panel continues the discussion of management and protection across jurisdiction and regimes. Presentations will consider the interaction between the biodiversity regime and the law of the sea, and the actors that shape outcomes in regime interaction in a ‘regenerative’ blue economy.

Anastasia Telesetsky, ‘Realizing an Aqua Economy: Ecosystem Restoration and the Blue Economy’ Discussant: Millicent McCreath	Increasing ocean-based interest has been focused on the blue economy particularly in transforming emissions for the shipping sector, accelerating renewable ocean energy projects, enhancing aquaculture production to alleviate pressure on wildstocks, and mining of deep seabed resources for battery technologies to accelerate land-based low-carbon transitions. Meanwhile, land-based interest has been focused on the green economy which in part focuses on energy transitions and sustainable food sourcing but also encompasses increasing amount of ecosystem restoration activities. This part of the green economy is driven in part by global efforts such as the Kunming-Montreal Global Biodiversity Framework and the UN Decade on Ecosystem Restoration. With this as the background, this paper will explore the concept of a “aqua economy” how green economy activities ecosystem restoration have become or could become a substantive part of blue economy planning. The majority of the paper will focus on typology of law. This part of the paper will look at which countries have directly incorporated ecosystem restoration activities as a substantive part of their blue economy (and potentially blue carbon) laws and policies with a specific evaluation of the implementation of the first comprehensive ecosystem restoration law, the European Union Nature Restoration Law, as it applies to Europe’s marine areas. To identify laws for this research, this paper will search law databases for terminology related to restoration and terminology related to blue economy (shipping, aquaculture) to identify instances where legislators have directly incorporated restoration goals into economic sectors. This paper will largely focus on ecosystem restoration efforts in coastal regions and near-shore waters but will conclude with a discussion offshore “marine restoration” work in light of planned renewable offshore energy infrastructure
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	which may generate “artificial reef effects.” Depending on findings from existing research, the paper may offer additional recommendations of how to embed ecosystem activities within blue economy laws and policies.
So Yeon Kim, ‘The Past, Present, and Future of Area-based Management in the Deep Seabed’ Discussant: Lena Schøning	This paper evaluates the International Seabed Authority (ISA)’s use of Areas of Particular Environmental Interest (APEIs) as an area-based management tool (ABMT) in the deep seabed, in light of growing environmental concerns, scientific uncertainty and mounting calls for a mining moratorium. During the negotiation of the mining regime under the United Nations Convention on the Law of the Sea (UNCLOS), the international community centred largely on ideological and economic questions, with little attention paid to its environmental impact. With the commencement of mining explorations, however, the ecological significance of the deep seabed has become increasingly evident. Under Article 145 of UNCLOS, the ISA holds the environmental competence in the Area and has established thirteen APEIs as no-mining zones in the Clarion-Clipperton Zone. Despite being an integral part of the ISA’s regional environmental management plans, APEIs have been seldom examined, particularly regarding their function as an ABMT or their relevance to current moratorium discussions. This paper traces the development of the APEIs and assesses whether they comply with the general principles for the protection of the marine environment and the obligations under Part XII of UNCLOS. Looking forward, this paper explores the opportunities for coordination between the ISA and the newly adopted Agreement under the UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement). It also discusses the prospect for establishing APEIs in other exploration zones, such as the Mid-Atlantic Ridge. Considering the criticism that the ISA has not sufficiently utilised its environmental competence, a legal analysis of the APEIs is essential to evaluating the current debate between initiating exploitation or adopting a mining moratorium.
Ethan Cale Beringen, ‘Cities by the Sea: How do Cities Engage with International Law on the Protection of the Marine Environment?’ Discussant: Amanda Turnbull	Cities are being increasingly recognised as important actors in international law in their own right. In particular, scholars have focused on the role cities have played in engaging with international environmental and human rights law when states prove unwilling or unable to take action. However, the role of cities when it comes to international law and the protection of the marine environment is understudied. This is despite the centrality of coastal cities, or “ocean cities”, as hubs of activity for a range of human uses of the ocean, including fishing, shipping, tourism and other aspects of the blue economy. These cities can also have profound impacts on the marine environment through land-based activities, including plastic pollution, greenhouse gas emissions and habitat destruction due to coastal development. This paper will explore the engagement of cities with international law on the marine environment in two key dimensions. The first is how cities seek to practice international diplomacy and promote particular positions at

	the international level, including through transnational city networks. The second is how cities can influence the fulfilment of international obligations taken on by states through acting under their own governmental authority, such as improving waste management in relation to the issue of marine plastic pollution for example. The literature on regime interaction in international law will be used as a lens of analysis as many of these environmental issues are governed by a range of international legal regimes. This will help to better understand the position of city-level governments within the complex web of inter-relationships between regimes at the international level. Ultimately this paper aims to draw attention to the key nexus between cities and the marine environment and the role that cities play in the practice of international law.
Jeff Noro, 'International Blue Economy Frameworks and the Limits of State-Centric Ocean Governance in Small Island Contexts' Discussant: Andrew Sullivan	Oceans are increasingly critical as the planet's life support system, mitigating climate change, providing resources for a growing population, and sustaining the global economy. The consequential blue economy agenda has generated a substantial body of international agreements over the past decade. Notable examples include the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Sustainable Development Goal 14, the Kunming-Montreal Biodiversity Framework, and the 2023 Agreement on Marine Biodiversity of Areas Beyond National Jurisdiction. In addition, major decisions by ITLOS and the ICJ hold that national governments are primarily responsible for protecting the oceans and for the sustainable management of marine resources. This paper challenges that assumption. It argues that the international blue economy framework is poorly designed for a particular type of jurisdiction, one that is ecologically important and climate-vulnerable but lacks full national standing. These include autonomous territories, areas in political transition, and sub-state communities that govern themselves to a significant extent but cannot participate directly in international negotiations that shape their ocean futures. Bougainville is one of the clearest examples of this problem. Drawing on the Autonomous Bougainville Government's Bougainville Green-Blue Economy Policy (2025), this paper identifies four specific areas where the international framework falls short for Bougainville: marine protected area governance, fisheries management, access to international climate finance, and the distribution of benefits under the BBNJ Agreement. The paper also examines what Bougainville is doing to work around these constraints and considers whether recent court rulings might, in time, open the door to broader recognition of communities like Bougainville's in global ocean governance.

Day 2: Friday

9am Coffee

9:30-11:00 Panel 5: Legal Pluralism: Essential Voices

Whose voices are heard in the blue economy? Does international law support first nations' futures, traditional and Indigenous knowledges, and historical justice? Or instead are there barriers, assumptions and blind spots that international law maintains? These essential questions permeate the entire two-day workshop, but this panel provides a focussed response as the starting panel for Day 2.

Michelle Voyer, 'What is the Role of International Law in Bridging Indigenous and non-Indigenous Governance Systems to Support Transformative Ocean Governance?' Discussant: Viliame Kasanawaqa	Ocean governance remains deeply shaped by colonial legacies that privilege Western legal systems while marginalising Indigenous, local, and experiential knowledge. Existing governance mechanisms have been widely critiqued as ineffective and inequitable, perpetuating systemic exclusion and environmental harm. Transformative approaches are urgently needed - but what should they transform into, and what role can international law play? This talk invites dialogue. As a non-legal scholar, I will pose questions rather than prescribe answers about how legal scholarship might open pathways for innovation in ocean governance grounded in listening, reciprocity, and co-learning with Indigenous knowledge holders. I identify potential meeting points where law and governance scholarship could begin bridging divides between Indigenous and non-Indigenous ways of knowing and relating to ocean environments. These bridges include opportunities for governance approaches that prioritise sustaining ocean systems over extractive approaches. Emerging trends toward regenerative, restorative, and nature-positive frameworks offer promising avenues for alignment with Indigenous models and ontologies, which prioritise reciprocity (giving back) and often view oceans as living entities and marine species as kin or ancestors. Legal innovations granting rights to nature partially reflect these perspectives. Recent trends toward recognition of the relevance of traditional ecological knowledge and knowledge holders in international law, such as through the BBNJ Agreement and negotiations within the International Seabed Authority, also signals progress, yet implementation remains underdeveloped and often constrained by Western decision-making structures. Finally, Indigenous governance systems often emphasise sufficiency, taking only what is needed, a principle that contrasts sharply with international instruments like UNCLOS, which are rooted in resource maximisation. However, the growing emphasis on circularity and resource-use restraint within Western governance creates openings for convergence.
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	Identifying these bridges is only the beginning. Real innovation must be led by, or co-created with, Indigenous peoples, avoiding tokenism and co-option. A reflexive approach that values Indigenous ways of knowing can inspire transformation of dominant governance systems and chart a course toward inclusive, regenerative, and just ocean futures.
Angelique Pouponneau, ‘Who Shapes the Blue Economy? Mapping Reciprocal Influences Between SIDS and International Law’ <u>Discussant</u>: Yoshinobu Takei	Blue economy frameworks are domestic policy constructs shaped by multiple influences, including economic priorities, development strategies, and stakeholder interests. Among these influences, international law—both hard and soft—represents a significant external force shaping how states conceptualize and implement blue economy approaches. However, this relationship is not unidirectional. This paper challenges the conventional top-down narrative of international law implementation by examining who shapes what: how do Small Island Developing States (SIDS) influence international law, and how does international law subsequently shape SIDS domestic blue economy frameworks? Through the analysis of Seychelles and Fiji’s experiences, this paper demonstrates the circular dynamic at play. First, it traces how SIDS domestic experiences, challenges, and advocacy—particularly through forums like AOSIS—have shaped key international instruments including the Paris Agreement, the BBNJ Agreement and the 2030 Sustainable Development Agenda. Second, it examines how these same instruments, operating as both hard and soft law, shape domestic blue economy legislation and implementation, often requiring integration across disparate legal areas from employment and social security to environmental management and governance. The paper identifies which international legal instruments materially influence SIDS blue economy frameworks. The analysis reveals how blue economy frameworks emerge from the interplay between internal domestic factors and external international legal influences, demonstrating the reciprocal nature of this shaping process. By mapping these dynamics in Seychelles and Fiji, the paper contributes to understanding regime interaction in ocean governance and the complex pathways through which international law influences domestic policy implementation.
Viliame Kasanawaga, ‘Reweaving Oceanic Relationality: The Vanua-Hegemony Nexus and the Limits	This paper introduces the Vanua-Hegemony Nexus, a counter-legal framework grounded in Indigenous Fijian epistemologies, to critically examine the role of international law in governing the Blue Economy. While legal regimes such as UNCLOS, the BBNJ Agreement, and the WTO Fisheries Subsidies Agreement claim to balance economic growth with ocean sustainability, they often reproduce extractivist logics and colonial hierarchies that marginalize Indigenous governance systems and relational worldviews.

of International Law in Governing the Blue Economy’ Discussant: Ekaterina Antsygina	Drawing on fieldwork conducted in Fiji, including Talanoa-based interviews and community resistance to Deep Sea Mining (DSM), this paper explores how vanua-based governance , rooted in ancestral stewardship, spiritual relationality, and customary law , offers alternative legal imaginaries that challenge dominant property-based and production-oriented legal norms. The Vanua-Hegemony Nexus critiques the complicity of international law in legitimizing ocean resource exploitation while foregrounding Indigenous legal orders as sites of epistemic justice and marine stewardship. The paper engages with Pacific civil society mobilization, legal pluralism, and the role of Indigenous actors in contesting DSM across local, regional, and global scales. It argues that international law must move beyond tokenistic inclusion of Indigenous knowledge and instead embrace plural legal ontologies that center relationality, mana, and custodianship. In doing so, it contributes to broader debates on marine justice, legal personhood, and the decolonization of ocean governance. By reweaving oceanic relationality through the Vanua-Hegemony Nexus, this paper calls for a transformative reimagining of international law, one that supports the wellbeing of oceans and communities not through extractive compromise, but through justice, solidarity, and Indigenous resurgence.
Erlis Nurbani, ‘Empowering and Strengthening Small-scale and Adat Fishing Communities through the Right of Self-determination in Blue Economy initiatives’ Discussant: Jeff Noro	The relationship between international law and the Blue Economy is inextricably complex. International law enables economic exploitation in the ocean through treaties and conventions, while simultaneously imposing state obligation to ensure that economic activity in territorial waters, EEZ and areas beyond national jurisdiction protects the ocean environment. International law in this context extends beyond the law of the sea, fisheries law, and international investment law. If the Blue Economy is to realise its core objective of promoting social equity, it must also be examined through the lens of international human rights law. The protection and promotion of human rights within Blue Economy initiatives is essential and increasingly urgent. Dispossession, displacement, forced evictions, exclusion from governance and other human rights violations particularly against small-scale and indigenous fishing communities frequently occurs in Indonesia’s Blue Economy agenda. The Mandalika special economic zone project, West Nusa Tenggara has proven this. Michael Fakhri asserts that several Blue Economy projects have harmed coastal communities including small-scale and indigenous fishing communities’ human rights. Therefore, incorporation human rights law as part of international regulatory framework for the Blue Economy is essentially an effort to achieve social equity objective. There is no Blue Economy without social justice.

	As indigenous peoples, or ‘adat’ communities, constitute a significant part of small-scale fishing communities, this thesis argues for the right of self-determination and their economic, social, cultural, civil and political rights, as a means to strengthen and empower them within the context of Blue Economy. In this framework, the right of self-determination is understood as the right to govern, control, and use customary marine areas and the right to dispose its natural resources. It facilitates self-governance in Blue Economy processes allowing small-scale and indigenous fishing communities to equitably engage with powerful entities in the management of marine resource.
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11-11:30 *Coffee break*

11:30-1:00 Panel 6: Duty to Cooperate and Support: Treaty-Regimes and Custom

This panel traverses examples from finance, shipping, use of marine genetic resources and health to consider integrative themes of duty to cooperate, finance, net zero growth and postgrowth, in contexts of distinct inequality and injustice.

Arinç Onat Kiliç, ‘Post-growth Legalities of Blue Finance: A Utopian Project?’ Discussant: Ethan Cale Beringen	When we think of the blue economy, we cannot overlook the financial pillar. Marine and freshwater ecosystems have become the latest frontiers of impact investing during the last decade. Blue finance transactions like blue loans, blue bonds, and debt-for-nature swaps aim to support the sustainable use, management, and/or conservation of such environments. The underlying narrative suggests that blue financial products deliver environmental and social benefits while simultaneously raising profit for their investors. When it comes to local communities, these initiatives often frame themselves as, for example, empowering small-scale fisheries through financial inclusion. However, there is consistent empirical evidence that the benefits of growth-focused blue finance investments are inequitably distributed. Because of such blue injustices, a growing body of literature on well-being economy and post-growth financial models advocates for a shift away from economic growth and profit maximization towards models that are cognizant of ecological limits, sufficiency, a needs-based economy. While this literature has predominantly focused on financing the well-being economy and post-growth economic activities, legal scholarship on post-growth sustainable finance remains scarce. Such a tension does not only raise questions about whether existing legal techniques that shape blue finance contracts comply with international environmental law. It also demands international (and transnational) legal
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	imagination for post-growth blue finance legalities. This paper explores whether and how law could reorient the distribution of financial resources towards a blue economy that prioritises long-term socio-ecological wellbeing. To imagine such an (utopian) project, it investigates postgrowth sustainable finance legalities in three registers: value (what is defined and measured as success), risk (how risk is allocated), and agency (who controls resources and accountability). It argues that legal techniques and regulation that place ecological and social reproduction at the center of financial practice can align blue finance with a sustainable blue economy.
Dawoon Jung, 'Regime Interaction in the Decarbonisation of International Shipping' Discussant: So Yeon Kim	Shipping, as the backbone of global trade, facilitates the movement of over 80% of internationally traded goods, establishing it as a traditional and fundamental pillar of the blue economy. However, it presents a substantial environmental challenge by contributing approximately 3% of global greenhouse gas (GHG) emissions. The International Maritime Organization (IMO), recognised as the competent organization for international shipping, has been actively engaged in regulating GHG emissions in close collaboration with the maritime industry. Most recently, the IMO Net-Zero Framework has been proposed as legally binding international regulations designed to implement the ambitious climate targets of the 2023 IMO GHG Strategy. To ensure the maritime sector remains sustainable, it is necessary to develop and implement new measures that have strategic and constructive linkages with other relevant treaties. Against this backdrop, this paper examines the complex regime interaction shaping the decarbonisation of international shipping. While the sector's regulatory authority lies primarily with the International Maritime Organization (IMO) through the MARPOL Convention, the challenge of achieving Net-Zero requires constructive linkages with two major concurrent legal frameworks: the UN climate treaty regime and the foundational principles of the United Nations Convention on the Law of the Sea (UNCLOS). It particularly focuses on the implementation of the IMO Net-Zero Framework, reconciling the application of a core international environmental principle under the UN climate treaty regime, namely 'common but differentiated responsibilities' and the IMO-specific concept of 'no more favourable treatment'. The regime interaction suggests that the IMO Net-Zero Framework should be implemented to be environmentally effective while supporting developing states through differentiated financial and technical measures.
Jacqueline Espenilla, 'Benefit-Sharing in the BBNJ Agreement: A Pathway to Blue Economic Prosperity and Ocean Equity'	The Agreement on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ Agreement) presents exciting new opportunities in the field of marine biotechnology. By establishing an international governance framework for marine genetic resources (MGRs) from areas beyond national jurisdiction (ABNJ), this new global treaty potentially opens up multiple pathways for developing countries to meaningfully participate in deep sea marine scientific research and eventually benefit from the utilization of MGRs. This paper examines

Discussant: Matthew Carvalho	one of those pathways: the MGR-linked benefit-sharing mechanism (BSM). Part II of the BBNJ Agreement positions the BSM as a multi-purpose tool to achieve ocean equity and distributive justice on one hand, and to develop ocean industries and deepen knowledge of the oceans on the other. This paper evaluates this positioning by analysing three specific issue areas of the BSM. The first issue area concerns the applicability of the “common heritage of humankind” principle to MGRs and how its application might bear on the rights and obligations of blue economy stakeholders. This discussion controversially touches on the regulatory inclusion of digital sequence information, which is a topic that is also co-evolving in the context of other legal regimes. The second issue area relates to the nature of benefits to be shared as well as the manner and means by which such sharing will occur. Here, the paper compares the BBNJ Agreement BSM with the BSMs in the Convention on Biological Diversity, the Nagoya Protocol, and other instruments, to evaluate whether it sufficiently addresses equity challenges while at the same time building capacities, developing knowledge and promoting innovation. This part also discusses the BBNJ Agreement’s inevitable interaction with the international intellectual property rights regime. The final issue area contemplates the place of “traditional knowledge” associated with MGRs in the BSM in light of recent global developments on this topic.
Matthew Carvalho, ‘Lessons Learned from Global Health Law for the Blue Economy’ Discussant: Angelique Pouponneau	In May of 2024, the World Health Organization (WHO) launched its first ever Investment Round, designed to sustainably finance the work of WHO to transform its architecture and function in the wake of growing threats. Citing the expanding horizon of health threats, from climate change to mass migration to evolving geopolitics, the Investment Round included a year-long series of events and engagements where WHO Member States were invited to make high-level political commitments towards WHO’s Strategy for 2025 through 2028. In parallel, WHO has seen two other intergovernmental negotiations where finance has remained a critical sticking point: the amendments to the International Health Regulations, adopted by the World Health Assembly (WHA) with the launch of the Investment Round; and the WHO Pandemic Agreement, adopted at WHA in 2025 and initiating the negotiation of the Pathogen Access and Benefit-Sharing System Annex. These simultaneous actions to sustainably finance WHO have led scholars to question the efficacy of initiating multiple calls for funding at once, with concern that the organization will not receive the funding it needs to carry out the work it hopes to achieve. These negotiations also concern other intergovernmental fora, such as the recently adopted Cali Fund under the Convention on Biological Diversity, and ways to avoid duplicating payments across legal regimes. A critical opportunity to integrate lessons from these regimes exists within the Biodiversity Beyond National Jurisdiction Agreement, and how the mechanism established under Article 52 could propel interoperability within the ocean legal regime and the larger intergovernmental system. This paper aims to highlight lessons from WHO, the larger global health law architecture, and interactions between

	the global health law regime and other arenas of international law to provide critical recommendations for the advancement of the blue economy in the wake of BBNJ's entry into force.
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1-2:00pm *Lunch (and optional video recording of participant's views on the Blue Economy by MLS Engagement & Impact Officer, Greta Robenstone)*

2:00-3:30 Panel 7: The Commons and Differentiation: Use, Protecting and Benefit-Sharing

Continuing the themes of the previous panel, this panel investigates notions of sustainable use, protection and benefit-sharing in the blue economy. Areas within and beyond national jurisdiction are included, and the growing role of rights is considered. The powerful concept of 'common heritage of humankind' will also be considered. Time permitting, we will also consider two virtual presentations.

Yoshinobu Takei, 'International Law and the Blue Economy: A Special Case for Small Island Developing States' Discussant: Dawoon Jung	The ocean provides many benefits to people all over the world, in particular to those from Small Island developing States (SIDS). Their life and livelihoods depend on the ocean. However, many SIDS lack capacity to fully benefit from the ocean and its resources. In view of this challenge, SIDS are given differential treatment, and their special interests are recognized under various treaty regimes related to the law of the sea. It remains to be seen whether the current legal framework is sufficient to realize the full potential of SIDS in developing sustainable ocean-based economies. The present paper explores the way in which international law underpinning the achievement of the blue economy has incorporated the rights and interests of SIDS. It does so in a cross-sectoral manner, by examining the provisions of the three implementing agreements to the United Nations Convention on the Law of the Sea (UNCLOS), as well as related practice at the global and regional levels. The paper first provides an overview of the international legal framework for ocean activities under UNCLOS and outlines the role to be played by international law in achieving the blue economy, with a particular focus on SIDS. In subsequent sections, the paper examines the provisions of the three implementing agreements and related practice, with a view to articulating the different approaches to the issue of SIDS adopted in these agreements. Finally, the paper draws conclusion on the adequacy of the current international legal framework in this regard.
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Hannah Wilcox, ‘The Interplay Between Deep Seabed Mining and the Blue Economy’ Discussant: Arinç Onat Kiliç	Whilst deep seabed mining (DSM) has the potential to contribute significantly to the growth of the Blue Economy, there remains significant unknowns as to the economic, social and environmental impacts of mining. This paper will offer a critical analysis of the interplay between DSM and the Blue Economy. The paper will discuss the potential issues that arise in relation to DSM and the Blue Economy, such as whether DSM can contribute to the growth of the Blue Economy without breaching any existing international law obligations (e.g. human rights and international environmental law) and whether contribution to the Blue Economy can justify DSM. In this context, the paper will consider analogies to the requirement for DSM in the Area to be undertaken for the exclusive benefit of humankind as a whole, as per the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which requires holistic considerations of the net benefits and risks of DSM for both present and future generations. For DSM in areas under national jurisdiction, similar considerations are relevant in light of existing international law obligations on the protection of the marine environment as well as principles, such as the precautionary approach and sustainable development.
Rohan Nanthakumar, ‘Blueing of Human Rights’ Discussant: Marcos Orellana	This chapter introduces the “Blueing” of human rights law: the growing application of human rights law to the blue spaces on which billions depend — as a structurally significant legal phenomenon unfolding in the context of the Blue Economy. As Sustainable Development's oceanic counterpart, the Blue Economy shares the same promise of equitable development alongside many similar critiques. Analogising from the "Greening" of human rights — whereby the environmental content of existing human rights law became increasingly appreciated in the context of Sustainable Development — the chapter maps 10 aspects of legal development across both trajectories to ask not merely what the Blueing inherits from the Greening, but where and why it diverges, and what that means for the Blue Economy. The chapter argues that the Blueing is not merely the Greening applied to a new domain, but builds on developments the Greening itself helped catalyse, including significantly the trilogy of climate advisory opinions delivered by ITLOS, the IACtHR and the ICJ between 2024 and 2025 each confirm that human rights law applies to conduct some states claim is governed exclusively by a specialist treaty regime — and carry legal consequence for breach — a legal foundation the Greening never secured. The Blue Economy's defining institutional weakness — deliberate vagueness and unenforceable commitments — is now confronted by a mutually reinforcing framework drawn from UNCLOS, customary international law and human rights law simultaneously, from which no single compliance pathway necessarily guarantees escape. The chapter situates these developments within a broader normative architecture: the BBNJ Agreement's ecosystem and human rights-integrated approach; the human right to science as a constraint on ocean

	knowledge governance; ocean-specific obligations articulated by the UN Special Rapporteur; and the SSF Guidelines and UNDROP as the human rights foundation for the 490 million people in small-scale fisheries whose cultural, food, participatory and environmental rights are simultaneously engaged. Constitutional and statutory developments extending rights protection to blue spaces are also examined. The chapter concludes that the Blueing may thus bring real and far-reaching legal consequence in the Blue Economy.
*Morgane Querel, ‘The Role of the International Maritime Organisation (IMO) in the Reduction of the Environmental Impact of the Maritime Transport Sector’ *Morgane is not able to attend; her paper and video presentation are available on the Teams channel. Discussant: Hannah Wilcox (time permitting; Paper presented via video)	To ensure that international law has a real impact on environment protection, the regulations must be effective. The International Maritime Organisation (IMO), which is the competent organization to regulate the shipping at international level to ensure both navigation safety and reduction of shipping impact on the environment, does not derogate from this rule. Several mechanisms allow IMO to produce an effective. Firstly, the integration of the Non-Governmental-Organisation (NGO) and industry into the decision process, as well as the States, on equal terms, help to ensure that the law addresses all the challenges of this sector. These challenges are economic, technical, operational and social. They are highlight by all the stakeholders or States involved or impacted by maritime transport and considered to elaborate regulations. This makes it possible to produce realistic regulations, which consider the real need to protect environment, but also the real capacity of industry stakeholders and States to act and to respect their legal obligations. All these elements permit to produce an international law with expected effects. Secondly, the decision-making process ensures the enforcement by Member States of regulations adopted at international level. IMO has no power to apply law without States. Consequently, it is essential to have the support of a majority of Member States. Concretely, to adopt or amend a regulation, IMO can use a vote or a consensus. Usual, IMO use the consensus, which permit to bring this essential majority, even if it can spoil the ambition of the law. The issue is: is the use of voting relevant for some topic with specific political and economic challenges? In all case, if IMO fails to adopt an efficient international law, complementary law can be adopted be States and regions.
*Sam Johnston, ‘The Commons Revisited: BBNJ, Sectoral Bodies and the Prospects for Coherent Ocean Governance’	The emerging architecture of the Blue Economy is increasingly shaped by attempts to govern shared marine spaces in ways that reconcile commercial activity with ecological integrity. Nowhere is this more evident than in the evolving relationship between the UNCLOS, long-standing sectoral governance bodies, and the new Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement). As pressures on the global ocean intensify—from climate change, overexploitation and pollution to the rapid expansion of offshore industries—the BBNJ Agreement marks a significant normative intervention in the governance of the global commons.

*Sam is not able to attend; his paper is available on the Teams channel. Discussant: Pallavi Arora (time permitting)	This paper examines how the BBNJ Agreement reconfigures legal expectations across a Blue Economy characterised by overlapping jurisdictions, sector-specific mandates and competing claims to resources and authority. Drawing on recent analysis undertaken by the author for FAO that underscores the Agreement's cooperative—rather than displacing—relationship with existing international instruments and sectoral bodies, the paper explores three dimensions of regime interaction: (1) the compatibility of BBNJ obligations with established regimes governing living marine resources; (2) the integration of ABMTs/MPAs, EIAs and benefit-sharing frameworks into fragmented institutional landscapes; and (3) the implications for states' due diligence duties, including the customary obligation to prevent significant transboundary harm. Through doctrinal and critical analysis, the paper argues that the future legitimacy of the Blue Economy depends on whether international law can mediate institutional pluralism while enabling effective stewardship of the commons. Although the BBNJ Agreement strengthens multilateral governance, its success will turn on new approaches to coordination, transparency, equity and marine justice. Situating these dynamics within broader debates on regenerative Blue Economy models and ocean-commons governance, the paper offers a framework for assessing how international law might sustain ocean health while enabling equitable and ecologically grounded economic transformation.
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3:30-4:00 *Coffee (and optional recordings of participant's views on the Blue Economy by MLS Engagement & Impact Officer, Greta Robenstone)*

4:00-5:15 **Panel 8: Synthesis; Closing Reflections; Next Steps**

The final panel will include some attempt at synthesis, recalling our ambitions to consider international law's role in the 'blue economy', and how the concept of 'blue economy' has evolved through our work.

Marcos Orellana, Irini Papanicolopulu, Erika Techera, Michelle Voyer, 'Reflections'	Four distinguished contributors will reflect on the main themes and learnings from the workshop, providing new understandings about the 'blue economy' and international law.
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Margaret Young 'Norms and Responsibility in the Blue Economy'	The final presentation will invite final thoughts and impressions, focussing on norms and responsibility in the blue economy across treaty-regimes, custom and emerging principles. The Convenor will also share some practical information about the next steps to ensure our work has a broad impact and audience through the maintenance of this network and through the joint publication of our findings. *Separate details will be provided to those participants who are attending tomorrow's cultural excursion to Budj Bim.
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5:30pm

End of workshop
