



“Dispute Settlement Mechanisms: UNCLOS’ Indispensable Guardians”

*Date and time: 08.00 – 17.30 (UTC+7), 7 May 2025.
Location: Ha Noi - Viet Nam*

PROGRAM

As a general obligation under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), States Parties have the obligation to settle any dispute relating to the interpretation and application of the Convention by peaceful means in accordance with the United Nations Charter. Pursuant to Article 287 of UNCLOS, a State Member shall be free to choose one or more of the following mechanisms for the settlement of disputes: i) The International Tribunal for the Law of the Sea (ITLOS), ii) the International Court of Justice, and iii) Arbitral Tribunals. This is not to mention the procedures of conciliation provided in Article 284 of the Convention.

In 2026, the ITLOS will mark the 30-year anniversary of inauguration as the Tribunal began its first activities in October 1996. At the approach of this important milestone, the Diplomatic Academy of Viet Nam (DAV), the Konrad Adenauer Stiftung in Viet Nam (KAS) and the Australian Embassy in Viet Nam would like to dedicate the 14th Ocean Dialogue to highlight the very important role of UNCLOS disputes settlement mechanisms. Concretely, the Dialogue will take stock of the most important achievements as well as challenges that these mechanisms have to face until today. Based on these evaluations of the past, we can then provide suggestions for them to become more efficient in the future both in terms of ensuring the peaceful settlement of maritime- related disputes and of ensuring the rule of law in the world oceans. This is also an opportunity to acknowledge the hard work of not only Judges, Arbitrators and Conciliators but also the supporting team of Registrars and Staffs, who have contributed greatly to the success of UNCLOS as the Constitution of the Oceans.

To achieve this objective, the Dialogue will have four Sessions, each of which deals with a specific aspect of UNCLOS dispute settlement mechanisms. First, it will look back at the role of dispute settlement procedures under UNCLOS, in particular its most significant milestones and achievements to date. Next, the Dialogue will focus the evaluation on the two most important contributions of UNCLOS dispute settlement mechanisms, namely the peaceful resolution of maritime disputes and the development of the law of the sea. Finally, it will discuss future prospects of dispute settlement under UNCLOS, including providing suggestions on how it can be more effective in the future.

Panelists of the 14th Ocean Dialogue will include both experts who have researched and those who have taken part in the UNCLOS dispute settlement mechanisms.

TUESDAY, 6 MAY 2025

All day **Arrival of international panelists**

18.00 - 20.00 WELCOME DINNER

18.00-18.15 **Welcome Remarks**

- Welcome Remark by Assoc. Prof. Dr. Nguyen Thi Lan Anh,
Vice President, Diplomatic Academy of Viet Nam
- Welcome Remark by Mr. Florian Constantin Feyerabend
Resident Representative, Konrad Adenauer Stiftung in Viet Nam
- Welcome Remark by Ms. Renee Deschamps
Deputy Ambassador, Australian Embassy in Viet Nam

18.15 - 18.35 **Keynote Speech by Judge Tomas Heidar**

President of the International Tribunal for the Law of the Sea

18:35 - 20.00 **Welcome Dinner**

WEDNESDAY, 7 MAY 2025

08.00 - 08.45 **Registration**

08.45 – 09.00 **Opening Remarks**

- Opening Remark by Assoc. Prof. Dr. Nguyen Thi Lan Anh,
Vice President, Diplomatic Academy of Viet Nam
- Opening Remark by H.E. Ms. Gillian Bird
Australian Ambassador to Viet Nam
- Opening Remark by Ms. Olivia Schlouch
*Program Manager, Konrad Adenauer Stiftung (KAS) Rule of Law
Program Asia*

09.00 – 09.15 **KEYNOTE SESSION**

Deputy Minister of Foreign Affairs of Viet Nam (TBC)

09.15 – 09.20 **PHOTO SESSION**

SESSION 1:

Dispute Settlement under UNCLOS: A Look Back

Part XV of UNCLOS on settlement of disputes is crucial for maintaining stability and legal certainty in the legal order at sea. It establishes mechanisms to peacefully resolve disputes over the application and interpretation of the Convention's provisions. Part XV mandates peaceful dispute resolution through negotiation, mediation, or conciliation. If these fail, parties can resort to judicial bodies such as ITLOS, ICJ or arbitrations. This framework ensures compliance with UNCLOS, particularly concerning maritime boundaries delimitation and the rights to maritime resources. It fosters cooperation, reduces conflict risks, and strengthens maritime security.

Session 1 will review the importance of Part XV of UNCLOS and how it has been used by States so far. It will provide a look back at the history of dispute settlement under UNCLOS in particular the most important milestones to date. The insights received will set up the basis for more advanced discussions in the following sessions.

Themes of presentation not limited but including: History of dispute settlement between States in the seas and ocean; Evaluation of UNCLOS provisions relating to dispute settlement (general provisions, compulsory procedures, exceptions); Most important development milestones of dispute settlement under UNCLOS; Comparison between dispute settlement under UNCLOS and under other frameworks.

09.20 – 10.05 **Moderator: Dr. Nguyen Dang Thang**

*Director General, Department of International Law and Treaties,
Ministry of Foreign Affairs of Viet Nam*

- **Speaker 1: Dr. Young Kil Park**

*Director, International Marine Affairs and Territory Research Center,
Korea Maritime Institute*

- **Speaker 2: Dr. Ding Duo**

*Head of Center for Area Studies of National Institute for South China
Sea Studies, China*

- **Speaker 3: Dr. Tara Davenport**

*Co-head, Ocean Law and Policy Programme, Centre for
International Law, National University of Singapore*

- **Speaker 4: Prof. Gusman Siswandi**

*Vice Dean for Academic Affairs, Faculty of Law, Universitas
Padjadjaran, Indonesia (online)*

10.05 – 10.35 **Q&A**

10.35 – 10.45 **Coffee break**

SESSION 2:

Contribution of UNCLOS Dispute Settlement Mechanisms to Peace and Stability at Sea

The first and foremost function of any dispute settlement mechanism under UNCLOS is to serve the peaceful resolution of disputes relating to the law of the sea. This is stated clearly in the 279 of UNCLOS which requires States Parties to settle disputes relating to the interpretation and application of the Convention by peaceful means. It is no doubt that international judges, arbitrators and conciliators nominated under UNCLOS has been dedicating its utmost efforts to perform this important mission, so that the ocean could be a place for peace and stability for all States.

Session 2 will evaluate the contribution of UNCLOS dispute settlement mechanisms to the peaceful resolution of disputes relating to the law of the sea between States. In particular, it reviews how the dispute between States in different maritime issues, including prompt release, maritime entitlements, boundary delimitation, fishing rights, and protection of the marine environment, have been dealt with under UNCLOS.

Themes of presentation not limited but including: Maritime Delimitation; Prompt release or provisional measures under UNCLOS; Conciliation or arbitration cases.

10.45 – 11.30 **Moderator: Ms. Olivia Schlouch**

Program Manager, Konrad Adenauer Stiftung (KAS) Rule of Law Program Asia

- **Speaker 1: Mr. Francisco Vital Ornai**

Director for Legal Affairs, Ministry of Foreign Affairs and Cooperation, Timor Leste

- **Speaker 2: Mr. Neil Nucup**

Legal Counsel, PCA Representative in Viet Nam

- **Speaker 3: Prof. Clive Schofield**

Australian National Centre for Ocean Resources and Security (ANCORS) (TBC)

- **Speaker 4: Ms. Pham Ngoc Minh Trang**

Max Planck Foundation for International Peace and the Rule of Law, Germany

11.30 – 12.00 **Q&A**

12.00 – 13.30 **Lunch**

SESSION 3:

Contribution of Dispute Settlement Mechanisms to the Development of the Law of the Sea

By its interpretation and application of the provisions of UNCLOS, international judges, arbitrators, and conciliators also helps advance the international law of the sea in instances where the law is not clearly stated or difficultly applicable. They have done so through their reasoning and opinions in different orders, judgements, awards, provisional measures and advisory opinions issued under the framework of UNCLOS. This is particularly important to help adapt UNCLOS to contemporary and emerging issues such as climate change.

This Session 3 on the contribution of UNCLOS dispute settlement mechanisms to the progressive development of the law of the sea. It will look, in particular, at how they have helped clarify and detail UNCLOS provisions its different aspects such as rights and duties of States with regards to maritime activities, status of maritime features, and relationship between UNCLOS and other instruments and sources of international law.

Themes of presentation not limited but including: Contribution of UNCLOS dispute settlement mechanisms to marine environmental protection; Contribution of UNCLOS dispute settlement mechanisms to sustainable fisheries; Contribution of UNCLOS dispute settlement mechanisms to governance of areas beyond national jurisdiction; Contribution of UNCLOS dispute settlement mechanisms to safety of navigation.

13.30 – 14.15 Moderator: H.E. Ms. Nguyen Thi Thanh Ha

Ambassador, Department of International Law and Treaties, Ministry of Foreign Affairs of Viet Nam

- **Speaker 1: Prof. Kentaro Nishimoto**

Associate Professor, Tohoku University School of Law, Japan

- **Speaker 2: Prof. Jacqueline Espanilla**

Director, Institute for Maritime Affairs and Law of the Sea of the University of the Philippines

- **Speaker 3: Dr. Lan Nguyen**

Assistant Professor, Utrecht University School of Law, Netherlands (online)

- **Speaker 4: Dr. Ting Hui Lin**

Deputy Secretary-General, Taiwanese Society of International Law

14.15 – 14.45 Q&A

14.45 – 14.50 Coffee break

SESSION 4:

Exploring Future Prospects of Disputes Settlement Mechanisms under and beyond UNCLOS

It is certain that in an era where the ocean will become more and more important for nations both in terms of food security and economic development, the role of UNCLOS will become more and more critical to safeguard the order at sea. As such, the Convention's dispute settlement mechanisms will become even more important in ensuring its seamless compliance. This session serves as a moment to reflect on whether there is any room for UNCLOS dispute settlement mechanisms to be more effective in the future.

From this perspective, panelists will provide suggestions on how the dispute settlement regulations and rules under UNCLOS could become more effective. These could include speeding up trial procedures but also dealing with emerging issues (such as deep seabed mining, BBNJ, sea-level rising), promoting gender regional cooperation, and providing capacity building to developing States.

Themes of presentation not limited but including: UNCLOS dispute settlement mechanisms and emerging maritime issues; Increasing the use of UNCLOS dispute settlement by developing countries; Improving coordination between UNCLOS dispute settlement mechanisms and other bodies; Regionalisation of settlement of disputes relating to UNCLOS.

14.50 – 15.35 Moderator: Assoc. Prof. Dr. Nguyen Thi Lan Anh,

Vice President, Diplomatic Academy of Viet Nam

- **Speaker 1: Prof. Dr. Tony George**

O.P. Jindal Global Law School, India

- **Speaker 2: Dr. Naporn Popattanachai**

Lecturer in Environmental and Marine Law at the School of Law, University of Galway (online)

- **Speaker 3: Prof. Douglas Guilfoyle**

UNSW Canberra, Australia (online)

- **Speaker 4: Prof. Mary Georges**

Faculty of Law, University of Malaya, Malaysia

15.35 – 16.05 Q&A

16.05 – 16.20 Closing Remark by Assoc. Prof. Dr. Nguyen Thi Lan Anh,

Vice President, Diplomatic Academy of Viet Nam

End of Program