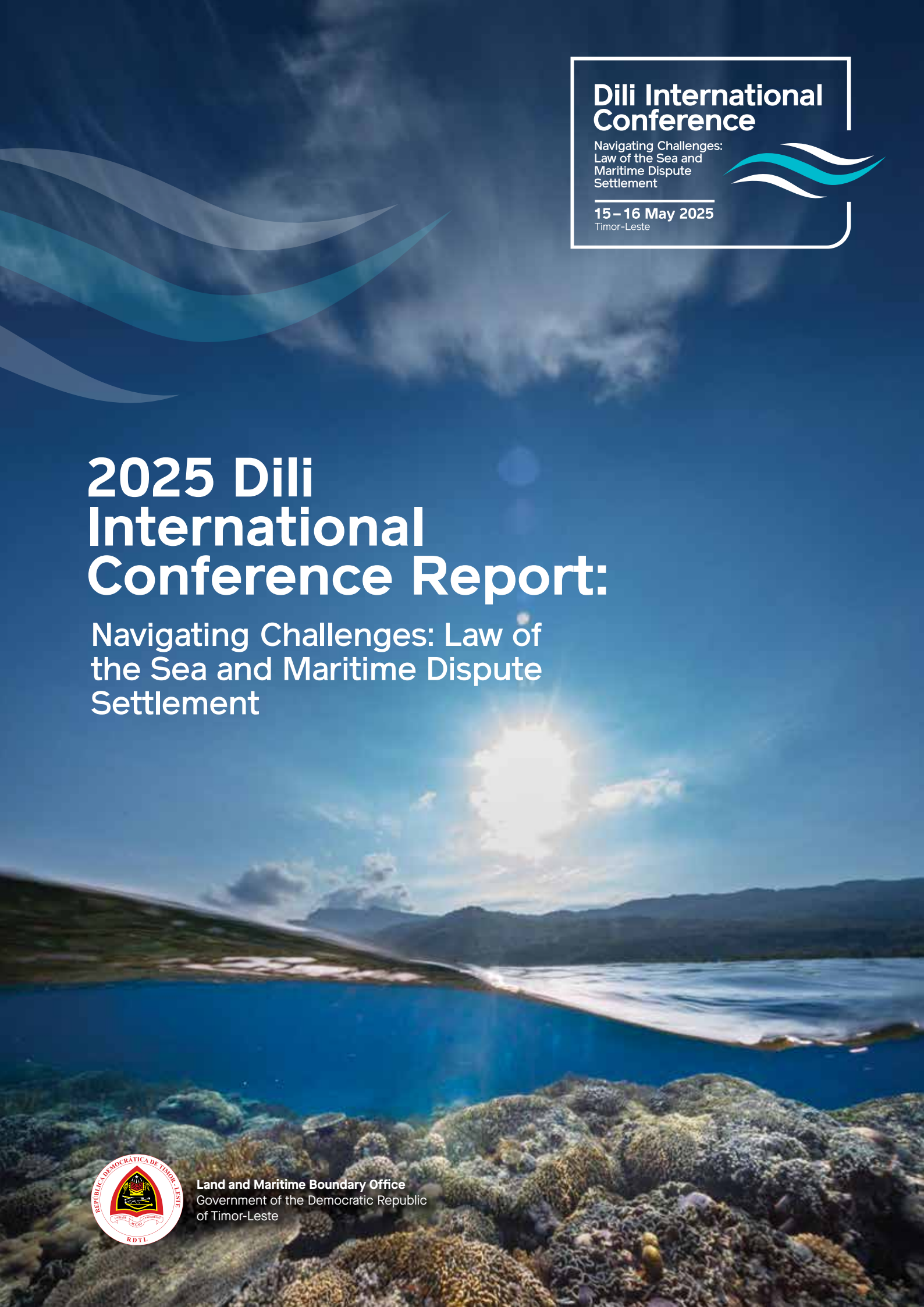


2025 Dili International Conference Report:

Navigating Challenges: Law of the Sea and Maritime Dispute Settlement

Land and Maritime Boundary Office
Government of the Democratic Republic of Timor-Leste

Cover photo: Andy Mann

Contents

Acronyms

APEI	Areas of Particular Environmental Interest
ASEAN	Association of Southeast Asian Nations
BBNJ Agreement	Agreement on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction
CBD	Convention on Biological Diversity
CBTMT	Capacity Building and the Transfer of Marine Technology
CLCS	Commission on the Limits of the Continental Shelf
CMATS	Treaty between the Government of Australia and the Government of the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea, signed 12 January 2006 (not in force - terminated)
COSIS	Commission of Small Island States on Climate Change and International Law
CPLP	Community of Portuguese Speaking Countries
EEZ	Exclusive Economic Zone
ICJ	International Court of Justice
IPCC	Intergovernmental Panel on Climate Change
ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
JDA	Joint Development Agreements
JMA	Joint Management Arrangements
MoU	Memorandum of Understanding
MPA	Marine Protected Area
PCA	Permanent Court of Arbitration
PIF	Pacific Islands Forum
PRZ	Preservation Reference Zone
SPEI	Sites of Particular Environmental Interest
UNCLOS	United Nations Convention on the Law of the Sea
UNCLOS III	Third United Nations Conference on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly

Conference summary

The Dili International Conference Navigating Challenges: Law of the Sea and Maritime Dispute Settlement was held from 16 to 17 May 2025 in Dili, Timor-Leste. Hosted by the Government of the Democratic Republic of Timor-Leste, the conference brought together legal experts, policymakers and international representatives, including the President of the International Tribunal for the Law of the Sea (ITLOS), who delivered the keynote address to discuss current challenges in maritime boundary delimitation, dispute resolution, climate change, and ocean governance. The Conference highlighted the importance of leadership in international ocean law and focused on peaceful solutions to maritime boundary disputes grounded in dialogue and international legal frameworks. Over two days, panels explored legal and regional practices, emerging environmental threats and pathways to a more just and cooperative maritime order.

This report captures key discussion points in each session of the Conference, based on summaries provided by some participants and minutes taken by the Conference rapporteurs.

Over 300 guests attended the opening ceremony of the conference, comprised of national and international delegates, the diplomatic corps and intergovernmental organisations and agencies in Timor-Leste.

Photo by Andy Mann

There were over 100 registered Conference delegates including invited guests, speakers and moderators. Notably, 13 representatives from the Pacific Islands Forum (PIF) attended, representing Kiribati, Fiji, Solomon Islands, Federated States of Micronesia, Tonga, Tuvalu, and Niue. Delegates from Vanuatu were unable to attend. The g7+ group was represented by six delegates from Togo, Equatorial Guinea, Burundi, Afghanistan and Haiti. Three registered delegates from Liberia, Congo and Sierra Leone were unable to participate. The Community of Portuguese Speaking Countries (CPLP) was represented by delegates from São Tomé and Príncipe and Mozambique, while seven others from Togo, Cape Verde, Angola and Equatorial Guinea were unable to participate. The Association of Southeast Asian Nations (ASEAN) was well represented, with 17 attendees from Cambodia, Singapore, Thailand, Vietnam, the Philippines, Lao PDR, Brunei, Indonesia and Malaysia. In addition, there were delegates from Australia, New Zealand, China, Japan, France and Singapore highlighting the widespread international participation in the conference.

SIDE EVENTS, 14 -15 MAY

1. Special lecture by the President of ITLOS

In the lead up to the Conference, H.E. the President of ITLOS, Judge Tomas Heidar, delivered a special mini-lecture on 14 May to Timorese diplomats and young professionals on *"The Contribution of ITLOS to the Development of International Law: the ITLOS Advisory Opinion on Climate Change and the Ocean."*

2. Mini-workshop on international investment and commercial arbitration by PCA

Similarly, the Co-Deputy Secretaries-General of the Permanent Court of Arbitration, Mr Martin Doe and Mr Garth Schofield, conducted a half-day workshop organised by the Vice-Prime Minister, Coordinating Minister for Economic Affairs and Minister of Tourism and Environment,, H.E. Francisco Kalbuadi Lay, on international investment and commercial arbitration for government officials, national law firms and judicial institutions..

3. Trivia night dinner

As part of the wider program, on 14 May, ahead of the formal opening, participants joined an informal trivia night on the law of the sea, designed to allow participants to mingle, break the ice and build a collegial atmosphere before the substantive sessions.

4. Official welcome dinner

On 15 May, the Prime Minister of Timor-Leste hosted a welcome dinner for conference participants at the magnificent Palacio Nobre de Lahane, the former Portuguese Governor's residence, providing an opportunity for exchange and hospitality.








DAY 1

15 MAY

H.E. President of the Republic's opening remarks

The Conference opened with a short, visually engaging video presentation that introduced the objectives and underlying motivations for convening the event.

This was followed by opening remarks from H.E. President of the Republic, Dr. José Ramos-Horta, welcomed distinguished delegates from the Pacific, ASEAN, g7+ and the CPLP. He explained that international law is not a theoretical construct for Timor-Leste – it is a lived reality and the foundation of the nation's independence. He recounted how international law empowered Timor-Leste's right to self-determination, guided the United Nations' role in the country's liberation and enabled peaceful resolution of disputes with more powerful states.

The President highlighted the centrality of the United Nations and international legal institutions in shaping Timor-Leste's path to sovereignty, particularly referencing the landmark 1999 vote for independence and the decades-long resistance that preceded it. International law, he said, guarantees equality among states, allowing small nations like Timor-Leste to assert their sovereignty and participate in global affairs on equal terms.

He talked about Timor-Leste's historic use of *compulsory conciliation* under the United Nations Convention on the Law of the Sea (UNCLOS) to resolve the long-running maritime boundary dispute with Australia. This unprecedented process demonstrated that even complex international disagreements can be resolved peacefully, respectfully and successfully through international legal mechanisms. It was a triumph not just for Timor-Leste and its sovereign rights, but also for international law as a means of dispute resolution.

President Ramos-Horta linked Timor-Leste's experience to the broader evolution of the Law of the Sea, tracing its origins to a 1967 UN speech by Malta's ambassador Arvid Pardo, who called for an oceanic legal framework akin to a "Constitution for the Oceans". That appeal laid the groundwork for the 1982 UNCLOS, which today governs maritime conduct almost globally.

He affirmed that for small nations, maritime sovereignty encompasses more than territorial claims – it is about dignity, livelihood, environmental stewardship and generational legacy. International law ensures that small states are not mere observers in global affairs, but active and equal participants.

The President praised institutions like the International Tribunal for the Law of the Sea for upholding peaceful dispute resolution and called for their strengthening amid growing threats to international law. He warned against unilateral actions and disregard for legal rulings, stressing that erosion of law in one region undermines global order.

President Ramos-Horta described the Law of the Sea as one of humanity's most vital legal achievements. He urged all participants to defend it collectively, recognising that the future of the oceans – and global peace – depends on upholding the principles of justice, cooperation and equality under international law.

Keynote address and opening ceremony

H.E. President of the International Tribunal for the Law of the Sea (ITLOS), Judge Tomas Heidar

In his keynote address, Judge Tomas Heidar highlighted the Tribunal's vital role in interpreting and applying UNCLOS. Established as the only permanent judicial body created by the Convention, ITLOS is tasked with resolving maritime disputes and providing authoritative guidance through advisory opinions. Since its operationalisation in 1996, ITLOS has handled 33 proceedings and issued three advisory opinions, reinforcing its central role in developing the law of the sea.

Judge Heidar focused on two recent cases: the *Mauritius/Maldives* maritime boundary dispute and the advisory opinion requested by the Commission of Small Island States on Climate Change and International Law.

In the *Mauritius/Maldives* case, a Special Chamber of ITLOS addressed the complex issue of maritime delimitation between two archipelagic States. The judgment clarified several aspects of UNCLOS, particularly the treatment of low-tide elevations and maritime boundaries beyond 200 nautical miles. A significant feature of the case was the handling of Blenheim Reef – a low-tide elevation. The Special Chamber ruled that while such features typically do not serve as base points in delimitation, they may still be relevant to achieving an equitable outcome. As such, Blenheim Reef was not used to construct the equidistance line but was given half effect in the final delimitation.

The case also dealt with claims to the continental shelf beyond 200 nautical miles. Mauritius's arguments, based on three proposed routes of natural prolongation, were deemed uncertain by the Special Chamber. Applying the "significant uncertainty" standard previously developed in the *Bangladesh/Myanmar* case, the Chamber found that it could not delimit a boundary based on Mauritius' claimed entitlement to an extended continental shelf. The judgment underscored the need for caution in such cases to avoid contradicting future recommendations by the Commission on the Limits of the Continental Shelf (CLCS) and to protect the common heritage of humankind.

Turning to the request of the Commission of Small Island States on Climate Change and International Law (COSIS) advisory opinion, Judge Heidar described it as a milestone in the Tribunal's jurisprudence and its engagement with contemporary global challenges. COSIS asked ITLOS to clarify the specific obligations of States Parties under UNCLOS regarding climate change-related harm to the marine environment, including ocean warming, sea level rise – and acidification.

ITLOS determined that anthropogenic greenhouse gas emissions meet UNCLOS' definition of "pollution of the marine environment". The Tribunal found that anthropogenic greenhouse gas are human-introduced substances that result in deleterious effects on the marine environment, such as warming and acidification, and thus fall within the scope of Article 1(1)(4) of the Convention. This marked a significant step in aligning environmental science and international law, as ITLOS explicitly relied on Intergovernmental Panel on Climate Change (IPCC) reports as the best available scientific evidence.

The Tribunal also affirmed that obligations under UNCLOS, particularly Article 194 (1), are independent of other climate agreements like the Paris Agreement. While the two frameworks are complementary, compliance with the Paris Agreement does not negate the legal duty under UNCLOS to take necessary measures to prevent marine pollution from anthropogenic greenhouse gases. The Tribunal emphasised the importance of harmonising UNCLOS with other international rules, noting that external rules – including treaties and customary law – can inform the interpretation of UNCLOS provisions.

Judge Heidar concluded by reaffirming ITLOS's central role in the peaceful resolution of ocean disputes and the clarification of States' legal obligations. The Tribunal's expanding body of jurisprudence, particularly in areas such as maritime delimitation and environmental protection in the face of climate change, demonstrates its ongoing relevance and readiness to address evolving legal challenges under UNCLOS. As the global ocean agenda grows more complex, ITLOS remains committed to upholding the rule of law at sea.

Opening ceremony

The Conference was officially opened with a traditional Timorese "beating of the drums" ceremony. Their Excellencies the President of the Democratic Republic, Dr. José Ramos-Horta, President of the National Parliament, Maria Fernanda Lay, Prime Minister Xanana Gusmão, President of the Court of Appeal, Dr Afonso Carmona and President of the International Tribunal for the Law of the Sea Judge – Tomas Heidar gathered around the traditional instrument called "*Tihak*" and together 'banged the drum'.

Panel 1:
Recent Developments in Maritime Boundary Settlement

Moderator: Professor Joanna Mossop, Victoria University, Wellington, New Zealand

Key discussion points

The rules for delimiting the Exclusive Economic Zone (EEZ) and continental shelf boundaries between states with adjacent or opposite coasts are in Articles 74 and 83(1) of UNCLOS. A last-minute compromise at UNCLOS III, resulted in these provisions containing little specificity. They state the goal to be achieved – "an equitable solution" – but remain silent about the methods to achieve it.

International tribunals and courts have therefore contributed significantly to the evolution and development of the concept of the natural prolongation, special circumstances and the three-stage approach. More recently, they have clarified regimes for the delimitation of the continental shelf beyond 200 nautical miles.

When it comes to advancing maritime boundary delimitation, legal issues are not the only things to be considered. Policy considerations are also central. For example, should countries prioritise concluding maritime boundaries or leave them unresolved to avoid potential conflict?

Once a policy decision has been made, the next question is the procedure to achieve maritime boundary resolution – through bi-lateral negotiations or a third-party dispute settlement mechanism such as the International Court of Justice (ICJ), ITLOS or an arbitration via the services of the Permanent Court of Arbitration (PCA).

Another central issue in maritime boundary delimitation is the role of technical experts and technical knowledge in delimiting boundaries. The PCA has extensively used experts to assist arbitration proceedings on defining boundaries, clarifying the status of maritime features and their importance and implications for navigation.

It is a common practice in arbitration delimitations to include within the award a technical appendix prepared directly by the tribunal's hydrographer setting the calculations and technical details needed for future cartographers or surveyors to properly chart the agreed delimited boundary.

Judge Jin-Hyun Paik, former President and Judge of ITLOS

Judge Paik discussed the rules for the delimitation of the EEZ/continental shelf between States with adjacent or opposite coasts are found in Articles 74/83, paragraph 1, of UNCLOS. He noted that these provisions, as a product of the last-minute compromise at the UNCLOS III, contain little specificity: they state the goal to be achieved, "equitable solution", but are silent about the methods to achieve it.

The delimitation methods to be applied under these rules have been developed over time by international courts and tribunals and arbitral tribunals. Since the 1969 *North Sea Continental Shelves* case, there have been more than 20 such cases. It is now well established that the "equidistance/relevant circumstances" method applies, unless recourse to it is not feasible or appropriate. While its application is not mandatory, this method not only leads to an equitable solution in most cases but also brings transparency and predictability to the process of delimitation. In applying the equidistance/relevant circumstances method to delimitation, international courts and tribunals have developed the three-stage approach, which consists of the first stage of constructing the provisional equidistance line, the second stage of determining the existence of relevant circumstances which may require the adjustment of the provisional equidistance line, and the third and final stage of checking for disproportionality.

Judge Paik concluded noting that today, the delimitation of the continental shelf beyond 200 nautical miles is an emerging issue, with many claims to the outer continental shelf around the world. The first step in any such delimitation is to determine whether there are entitlements to the outer continental shelf and whether there are overlaps. Unless international courts or tribunals are certain that the States have entitlements to a continental shelf beyond 200 nautical miles in the area concerned and such entitlements overlap, they may not proceed to delimitation.

Rodman Bundy, Squire Patton Boggs (Singapore) LLP

Rodman Bundy focused on the evolution of principles and rules of international law relating to maritime delimitation over the past 60 years.

What was initially termed the "equitable principles/relevant circumstances" rule for delimitation articulated by the ICJ in its early case law (e.g., the *North Sea Continental Shelf*, *Tunisia/Libya* and *Libya/Malta* cases) transformed into the "three-step approach" which is now employed for the delimitation of the continental shelf and EEZ.

The presentation addressed how concepts such as natural prolongation and proportionality evolved over the years, and the relevance of the conduct of the parties for purposes of delimitation.

The last part of the presentation discussed three legal issues of first impression that have been decided by the ICJ in recent years. These are (i) the criteria for the establishment of a system of straight baselines under customary international law and Article 7 of UNCLOS (*Alleged Violations* case), which the Court stated it would apply strictly; (ii) whether one State's contiguous zone can overlap with another State's EEZ (*Alleged Violations* case), which the Court ruled was possible because of the difference in the jurisdiction and/or sovereign rights that States may exercise in these zones; and (iii) whether one State may claim an extended continental shelf beyond 200 nautical miles that overlaps with another State's EEZ (*Question of Delimitation of the Continental Shelf beyond 200 Nautical Miles* case), which the Court ruled was not permissible.

Sir Michael Wood KC, Barrister at Twenty Essex, London

Sir Michael Wood KCMG KC delivered a wide-ranging presentation on pragmatic aspects of evolving practices and legal procedures in maritime boundary settlement. Drawing from long personal experience, he emphasised that resolving maritime boundaries is not solely a legal exercise – it is fundamentally a matter of state policy. Most boundaries, he explained, are not set by courts or tribunals but by direct negotiation between states and the law serves as a guide rather than the only path.

Sir Michael noted that there has been a "revolution" in both the substance and procedures of maritime delimitation. He reflected on his own entry into the field – attending the UK–France English Channel arbitration in the 1970s, and later involvement in high-profile cases like Ukraine v. Romania and Peru v. Chile. These experiences underscored how ad hoc and uncertain early delimitation processes were. Over time, however, practices have become more structured, though practical challenges remain.

The core of his presentation focused on the strategic and procedural choices states must consider when approaching boundary disputes. The first question a state faces is whether it wants a defined maritime boundary at all and how important or urgent that is. For some, like Timor-Leste, clear delimitation is a high priority; for others, unresolved boundaries may be tolerable. If states choose to pursue delimitation, they must decide whether to proceed through negotiation – often the preferred method – or resort to third-party mechanisms like courts adjudication, arbitration or conciliation.

He stressed that consent is the cornerstone of international adjudication: courts and tribunals only have jurisdiction when states agree. This consent may be general (through treaty ratification) or specific (case-by-case). But gaps in jurisdiction often arise when disputes involve underlying sovereignty questions – such as the status of rocks or islands.

On choosing a forum, Sir Michael argued that negotiation offers more control and flexibility than litigation, where outcomes are uncertain. Yet where negotiation fails, adjudication may be the only way. In which case, states may choose between the ICJ, ITLOS or arbitral tribunals under UNCLOS.

Key differences between these forums include:

- Cost: Arbitration is more expensive as states pay for the tribunal.
- Speed: the ICJ is now so busy that cases may be considerably delayed. It takes some time to set up an arbitral tribunal, so ITLOS is likely to be the quickest.
- Size: Arbitral tribunals (usually 5 members) may offer more interaction; ICJ and ITLOS (15–21 judges) tend to be more formal.
- Public vs. private: Arbitration can be private; ICJ/ITLOS proceedings are public.
- Third-party interventions are more common in permanent courts.

Sir Michael also discussed logistical and procedural issues, including registry support, team building and preparation. His advice: start with a small team, expand as needed and involve young professionals for capacity-building.

Garth Schofield, Deputy Secretary-General of the Permanent Court of Arbitration

Mr Garth Schofield discussed the practical issues of evidence that a court or tribunal may face in boundary delimitation disputes and the role of technical experts in determining maritime boundaries.

Technical issues to be determined include the calculation of distance, choice of basepoints, consideration and weight of maritime features including low-tide elevation, identifying the land boundary terminus, maps and satellite evidence.

The procedure set out in Article 289 of UNCLOS for a court or tribunal to appoint no fewer than two scientific or technical experts to sit with the court or tribunal, without the right to vote on the decision, has not been utilised.

Instead, arbitral tribunals usually seek technical expertise of individual experts under their general powers to conduct the proceedings. For example, the rules of procedure of the South China Sea tribunal empowered it to appoint one or more experts to report to it in a manner determined by the tribunal, either orally or in writing.

The appointment of experts in Annex 7 proceedings is done in consultation with the parties. In practice, in boundary delimitation and related matters, hydrographic experts are generally drawn from the ranks of senior hydrographers retired from government service.

The way a technical expert supports the work of a tribunal varies a great deal. In some instances, an expert may prepare a formal written report on a particular question, presented also to the parties and potentially subject to cross examination.

Technical experts play an important role as "technical interpreters" for the tribunal, helping the members of the tribunal understand the technical aspects of submissions, providing clarification, correcting factual misunderstandings, and helping the tribunal map out potential draft delimitations in the course of deliberations.

It is a common practice in Annex 7 delimitations to include within the award a technical appendix, prepared directly by the tribunal's hydrographer setting out all the calculations and technical details needed for future cartographers or surveyors to properly chart the agreed delimited boundary.

Panel 2:
Maritime Boundary Dispute Settlements in the Indo-Pacific

Moderator: Gitanjali Bajaj, DLA Piper

Key discussion points

Panel 2 focused on regional approaches to maritime boundary disputes with an emphasis on negotiation, diplomacy and hybrid mechanisms. The discussion highlighted how states in the Indo-Pacific navigate complex maritime delimitation challenges by combining legal principles with practical and culturally grounded strategies.

One perspective emphasised the preference for negotiated outcomes, particularly for geographically constrained states with limited maritime space. This approach views maritime delimitation not solely as a legal exercise, but also as a matter deeply entwined with political, economic and diplomatic considerations. Examples were shared of successful bilateral agreements with neighbouring countries and the potential benefits of hybrid models—such as arbitration followed by mediation or vice versa—offering flexible pathways for resolution.

A regional viewpoint from the Pacific underscored the importance of culturally rooted diplomacy, where consensus, kinship and tradition guide dispute resolution. This "Pacific Way" was presented as an effective model, with a significant number of maritime boundaries already formalised through treaties. Recent agreements were noted as examples of diplomacy shaped by shared values and long-term regional vision, illustrating how the ocean serves as a source of unity rather than division.

Another contribution outlined a constitutional and strategic commitment to peaceful maritime delimitation, advocating a blend of legal reasoning with political pragmatism and informal diplomacy. This multi-track approach was credited with producing several successful boundary agreements, underscoring the importance of innovation, flexibility and sustained political will in resolving disputes.

The panel also reviewed instances of compulsory dispute settlement in the region. While such mechanisms serve as important legal tools, it was noted that they can be costly and adversarial, often pursued only after diplomatic avenues have been exhausted. The overall message stressed that negotiated solutions tend to foster greater trust, stability and enduring cooperation among neighbouring states.

His Excellency Lionel Yee, Deputy Attorney-General of Singapore

Deputy Attorney-General Lee discussed how resolving disputes over boundaries does not necessarily have to result in binary outcomes. There is scope to negotiate win-win solutions for both sides. However, delimitation is often a politically sensitive exercise and the level of trust between the parties will be key to successful negotiations.

Where maritime boundary negotiations fail, UNCLOS provides for compulsory dispute settlement through adjudication or arbitration. While they provide finality, they may not result in win-win outcomes or lower tensions and reduce trust deficits. We may therefore want to seek inspiration from the recent emergence of hybrid dispute settlement procedures such as "Arbitration-Mediation-Arbitration" in private dispute resolution, where different modes of dispute settlement are deployed for different issues or at different stages of the process.

ITLOS, in the *Land Reclamation* case between Malaysia and Singapore had, in effect, ordered what looked like an "Arbitration-Mediation-Arbitration" process where a combination of fact-finding and conciliation by a group of independent experts took place while the Annex VII arbitration was suspended. It was successful in resolving the dispute.

Combining adjudication with mediation, conciliation or neutral fact-finding to settle maritime boundary disputes requires the consent of the parties. It is doubtful if ITLOS or the ICJ has the legal powers to proactively and unilaterally order parties to undertake them. However, this does not mean that arbitrators or judges cannot ask the parties to consider mediation, conciliation or neutral fact-finding. The parties are likely to give serious consideration to such a suggestion.

The Deputy Attorney-General concluded by emphasising the need to encourage adjudicators to see their role as solvers of the dispute in a manner which is not only efficient but supportive of the relationship between the parties who are, in the case of all maritime boundary disputes, neighbours of each other.

Jens Kruger, Deputy Director, Pacific Community (SPC)

Mr Jens Kruger brought the perspectives of a regional organisation, and the lived experiences and aspirations of 12 million people across 22 countries and territories, whose shared heritage in the Pacific spans 28 million square kilometres – and 20% of the world's Exclusive Economic Zones.

He described maritime boundary resolution as a topic of deep resonance for the Blue Pacific Continent. As Pacific peoples, the ocean is not a barrier but a bridge – a source of identity, connection – and resilience.

Mr Kruger quoted Professor Epeli Hau'ofa who said: "We should not be defined by the smallness of our islands but in the greatness of our oceans." It is from this greatness that the Pacific model of cooperation and diplomacy evolved – an approach called *Pacific Regionalism*, guided by shared values and embodied in the *Pacific Way*.

Coined by Ratu Sir Kamisese Mara, the *Pacific Way* emphasises respect, consensus and kinship over confrontation. Mr Kruger described Pacific regionalism as a traditional ocean-going canoe: strong, purpose-built for a collective voyage, guided by the *Pacific Way* to determine how to adjust the sails and navigate together.

This approach has produced tangible results. Of 48 shared maritime boundaries in the Pacific, 36 have already been concluded in treaties. Six more treaties await entry into force. Although 12 boundaries remain to be finalised, there is steady progress. But more than just numbers, what matters is *how* the treaties are negotiated.

Mr Kruger shared two powerful examples highlighting the *Pacific Way* approach. The 2016 Mota Lava Treaty between Solomon Islands and Vanuatu was the result of 33 years of patient and respectful dialogue. It was signed not in a boardroom but at the Torba–Temotu Cultural Festival, with traditional leaders, kava and betel nut – a ceremony steeped in meaning. As one Vanuatu negotiator said: "The line was not to divide but to bridge our nations."

In 2024, this spirit deepened with the Tirvau Agreement – extending the Mota Lava Treaty into practical cooperation on fisheries, security and cross-border movement. It reaffirmed that diplomacy rooted in culture can produce enduring outcomes.

Mr Kruger stressed the importance of solidarity, building internal capacity and using trusted regional institutions. Resolution of disputes, not through power but patience. Culture is embedded at the heart of diplomacy – not as an afterthought but as the foundation. Significantly, thinking is long-term, not driven by election cycles but by generations – treating boundaries as legacy decisions for our ancestors and descendants alike.

H.E. Ambassador Prof. Dr. Eddy Pratomo, University of Pancasila and University of Diponegoro

Ambassador Pratomo gave an insightful overview of Indonesia's approach to border diplomacy. He described how it is fundamentally anchored in the mandate of Indonesia's 1945 Constitution, which charges the state with the duty to protect the entire territory and people of Indonesia. This constitutional imperative informs both domestic law and conduct under international law, particularly in the field of maritime delimitation.

Indonesia is a quintessential archipelagic state. The 1957 Djuanda Declaration laid the legal and conceptual foundation for Indonesia's claim that the waters between islands form part of a single national unity. In 1982, the archipelagic concept was codified in Parts II and IV of UNCLOS. Ambassador Pratomo said that recognition was crucial to framing Indonesia's maritime claims.

Indonesia faces the practical challenge of delimiting boundaries with ten neighbouring states, each with their own legal interpretations, geographical features and historical claims.

The Ambassador discussed how delimitation is not a purely legal exercise. It requires integration of legal principles – such as equidistance, relevant circumstances and proportionality – with strategic, economic and political considerations. In this regard, Indonesia has adopted a multi-track model. It maintains parallel legal-technical negotiations alongside high-level political consultations.

The Indonesian framework, or "Pratomo Formula", consists of five core principles:

- A comprehensive, consistent – and enduring national legal policy
- A readiness to innovate within the bounds of international law
- A pragmatic openness to equitable compromise
- Political commitment to peaceful resolution
- Utilisation of informal diplomacy to supplement formal negotiations.

The Ambassador highlighted the Special Envoy Mechanism employed in Indonesia's engagements with Malaysia. The mechanism allows for diplomatic dialogue at the ambassadorial or ministerial level to overcome legal impasses, while respecting the integrity of the technical process.

As a result, Indonesia has reached bilateral agreements with Singapore (2009, 2014), the Philippines (2014), Vietnam (2022), and Malaysia (2023×2). These agreements are the result of deliberate adherence to the UNCLOS principles, custom, jurisprudence and good faith negotiation.

The Ambassador quoted geographer Vivian Forbes, who said, "the potential for dispute is minimised when political will exists" and argued it is further reduced when legal clarity, institutional coordination and principled diplomacy are present.

In conclusion, Indonesia's border diplomacy reflects Indonesia's commitment to the rule of law at sea. While maritime boundaries may be invisible lines, their legal precision and peaceful settlement are foundational to sovereignty, security and regional cooperation.

Lawrence Martin, Foley Hoag

Mr Lawrence Martin's presentation critically examined the use of compulsory dispute settlement mechanisms under international law in the Indo-Pacific region. Emphasising his view that negotiated agreements are preferable, he argued that compulsory procedures should be a last resort. He noted that agreed maritime boundaries tend to produce more stable and cooperative bilateral relationships, reduce risks of non-compliance and allow for joint resource development – without the expense of legal proceedings.

Under UNCLOS, Part XV, Article 287, the default dispute resolution forum is an Annex VII arbitration, although ITLOS and the ICJ can be used if parties mutually agree. Conciliation may also be used in cases where states have issued a declaration under Article 298 (1) (a) (i), which excludes certain disputes from binding settlement.

Mr Martin reviewed five key Indo-Pacific cases where compulsory proceedings were used: *Bangladesh/Myanmar* (2012, ITLOS), *Bangladesh v. India* (2014, Annex VII arbitration), *Philippines v. China* (2016, Annex VII arbitration), *Timor-Leste v. Australia* (2018, Conciliation) and *Mauritius/Maldives* (2024, ITLOS Special Chamber).

Each case demonstrated that the initiating state resorted to legal mechanisms only after exhaustive diplomatic exchanges. For example, Bangladesh pursued arbitration after over 35 years of fruitless talks with India and Myanmar. The awards from both ITLOS and the arbitral tribunal significantly expanded Bangladesh's maritime entitlements, particularly in the continental shelf beyond 200 nautical miles.

The *Philippines v. China* case was not a boundary delimitation dispute *per se*, but did have major implications for delimitation. The Philippines challenged China's "nine-dash line" claim and the legal status of certain maritime features in the Spratly Islands. Despite China's rejection of the proceedings, the arbitral tribunal ruled in favour of the Philippines, narrowing China's potential maritime claims, thus designating large areas of the South China

Sea as uncontested Philippine maritime zones under international law. This case had an important impact in the interpretation of maritime features under UNCLOS.

The *Timor-Leste v. Australia* case, resolved through compulsory conciliation, resulted in the 2018 Comprehensive Package Agreement, marking a successful example of non-adversarial dispute settlement. The *Mauritius/Maldives* case was part of Mauritius's broader campaign to assert its sovereignty over the Chagos Archipelago, rather than solely about maritime boundaries.

Mr Martin concluded by reiterating that although compulsory proceedings can be effective in achieving strategic goals – such as asserting entitlements or unlocking stalled negotiations – they are best approached cautiously. Each case in the region illustrates that states only initiated such proceedings after years of unsuccessful diplomacy, with clear and critical national objectives in mind.

Panel 3:
Lessons Learned from the Timor Sea Conciliation

Moderator: Dr Vasco Becker-Weinberg, University of Lisbon

Key discussion points

This session opened with a panel discussion on lessons from the Timor Sea Conciliation which was followed by "reflections from the Conciliators". The panel explored how a pioneering compulsory conciliation under UNCLOS transformed a protracted maritime dispute into a durable agreement between Timor-Leste and Australia. The conciliation arose after decades of unsuccessful negotiations, contested treaties and strained relations with Timor-Leste seeking a permanent maritime boundary as a core element of sovereignty and sovereign rights. Initiated in 2016, the process was unprecedented, blending legal rigour with a facilitative approach that resembled mediation more than litigation.

A key focus was trust-building. Years of mistrust, espionage allegations and inequitable agreements had hardened positions. The Commission, with the support of the PCA which served as Registrar, used confidential, *ex parte* consultations to foster candour and reduce confrontation. Early confidence-building measures, such as terminating contentious treaties and suspending related legal proceedings, laid the groundwork for constructive engagement.

The breakthrough occurred on 30 August 2017, coinciding with the anniversary of Timor-Leste's independence referendum, when a comprehensive package was agreed. This culminated in the 2018 treaty that reflected an equitable solution with most of the maritime boundary based on the median-line and the establishment of a special regime for joint development of the Greater Sunrise gas field. The treaty allocated the majority of petroleum revenues to Timor-Leste and allowed for adjustments of the boundary, dependent on the location of the maritime boundary agreed with Indonesia in the future.

Panellists from Australia and Timor-Leste highlighted key success factors: national unity, strong leadership – and the Commission's empathetic yet flexible approach. By focusing on both legal principles and political realities, the conciliation bridged deep divides.

The panel concluded that the experience offered an important precedent in international law, illustrating the potential of conciliation as a creative and peaceful means of resolving complex boundary disputes.

His Excellency Agio Pereira, Minister for the Presidency of the Council of Ministers, Agent for Timor-Leste in the Timor Sea Conciliation

H.E. Agio Pereira delivered a compelling account of Timor-Leste's landmark experience with the first-ever compulsory conciliation under UNCLOS that resulted in the establishment of a permanent maritime boundary with Australia. Framed as a matter of sovereignty rather than economic gain, he emphasised that the delimitation of maritime boundaries was a national imperative for Timor-Leste, after decades of colonial occupation, violent conflict and contested boundaries.

Timor-Leste's struggle began in a climate of political and legal adversity. Australia had withdrawn from binding dispute settlement under UNCLOS just two months before Timor-Leste restored its independence in 2002, leaving the fledgling state without recourse to international adjudication. Bilateral negotiations on maritime boundaries repeatedly failed, and Australia instead focused on upholding provisional resource-sharing treaties such as the Timor Sea Treaty (2002), the Greater Sunrise Unitisation Agreement (2003) and the Treaty between the Government of Australia and the Government of the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea 2006 (CMATS). These treaties allowed Australia to benefit from upstream and downstream oil and gas revenues.

With conventional legal avenues blocked and diplomatic relations at a low point, Timor-Leste took the bold step in 2016 of initiating the first compulsory conciliation process under UNCLOS. Australia initially challenged the Commission's jurisdiction but this objection was rejected.

Throughout the proceedings, the Commission facilitated trust-building measures, including the termination of espionage-related legal proceedings by Timor-Leste and securing Australian agreement to negotiate a permanent maritime boundary. Timor-Leste and Australia rarely met face-to-face, with the Commission acting as intermediary for most discussions.

A breakthrough occurred on 30 August 2017 – coinciding with the anniversary of Timor-Leste's independence referendum – when the parties reached an agreement in principle. The final package, initialled in The Hague and signed at the United Nations in New York in March 2018, established a permanent maritime boundary and created a special regime for the joint development of the Greater Sunrise gas field. It also transferred significant petroleum entitlements to Timor-Leste.

Minister Pereira identified national unity, clear purpose, strong leadership, and the creation of institutional capacity through the Maritime Boundary Office as key factors behind Timor-Leste's success. The Commission's empathy and proactive engagement were critical, particularly as its members grew to understand Timor-Leste's history and perspective.

Minister Pereira reflected on the conciliation as a positive precedent in international law and diplomacy. It transformed a fractured bilateral relationship and established a basis for cooperative relations going forward. He offered Timor-Leste's experience as a lesson for other small states facing similar geopolitical and legal challenges.

Katrina Cooper, Deputy-Secretary, Department of Foreign Affairs and Trade, Co-agent for Australia in the Timor Sea Conciliation

Reflecting on Australia's involvement in the Conciliation, Ms Cooper described the process as a landmark example of international law and diplomacy working in tandem to resolve complex disputes.

Early confidence-building measures adopted by the Commission and the parties helped create a constructive negotiating environment and ensured the negotiations were forward looking. The Commission's flexible approach enabled both parties to engage candidly and explore creative solutions.

A turning point in the Conciliation came on 30 August 2017 – a symbolically significant date as the anniversary of Timor-Leste's independence referendum – when the parties reached a Comprehensive Package Agreement on the central elements of a maritime boundary delimitation.

Ms Cooper said this agreement paved the way for the 2018 Treaty Between Australia and the Democratic Republic of Timor-Leste Establishing Their Maritime Boundaries in the Timor Sea, which permanently delimited maritime boundaries between Australia and Timor-Leste and established a Special Regime for the Greater Sunrise field.

She outlined the important features of the Maritime Boundary Treaty, noting that it provides for the parties to jointly exercise seabed rights under UNCLOS in the Greater Sunrise area, allocates the majority of revenue from Greater Sunrise to Timor-Leste, and enables segments of the boundary to be adjusted in the event of a future maritime boundary delimitation between Timor-Leste and Indonesia.

The Maritime Boundary Treaty delivered certainty for both countries and laid the foundation for a new chapter in the Australia/Timor-Leste bilateral relationship.

Australia and Timor-Leste's participation in the Conciliation Commission, and the Maritime Boundary Treaty, remain a testament to the enduring value of international law in promoting stability and cooperation between nations, and in contributing to a peaceful region.

His Excellency Peter Taksøe-Jensen, Ambassador of Denmark to Italy, Chair of the Conciliation Commission

Ambassador Peter Taksøe-Jensen delivered a candid and insightful presentation on the complex conciliation process between Timor-Leste and Australia. He reflected on the challenges, strategies and breakthroughs that ultimately led to the landmark 2018 maritime boundary treaty.

The Ambassador opened by acknowledging the fraught state of Australia–Timor-Leste relations at the outset of the conciliation. Accusations of espionage and entrenched conflicting positions over the validity of the CMATS and Timor Sea treaties had created a deep atmosphere of distrust. Establishing trust among the parties – and between each party and the Commission – became an early core goal of the process.

The Commission, composed of five distinguished legal and diplomatic figures, adopted structured working methods under the rules of procedure established in accordance with UNCLOS Article 298 and Annex V. With only two years to reach an outcome, the Commission held six week-long negotiation rounds. Most interactions were *ex parte* – between the Commission and one party at a time – with limited direct contact between Timor-Leste and Australia. This approach was essential to break down barriers and reduce posturing.

The Commission focused early efforts on confidence-building measures. Key steps included the termination of the CMATS treaty, suspension of the espionage-related arbitration and ICJ case, and Australia's agreement to negotiate a maritime boundary in good faith. Confidentiality was respected throughout, with carefully worded media releases following each session to avoid politicisation.

Legal positions were clarified early in the process. To avoid prolonged legal argument hardening positions, the Commission shifted focus in March 2017 by introducing a non-paper that outlined a conceptual compromise. Though initially unacceptable to either party, the proposal was designed to redirect discussion from rigid legal claims to a solution-oriented dialogue.

A core issue was how to manage the Greater Sunrise gas field – an area of high economic interest for both states. One side prioritised legal entitlements; the other was more focused on resource access. The Commission proposed a provisional and permanent boundary framework that would adjust depending on future developments, including eventual delimitation with Indonesia and the decommissioning of existing resource infrastructure.

The breakthrough came on 30 August 2017 – a date of national significance for Timor-Leste – when both parties reached agreement on a comprehensive package. This included a permanent boundary and a special regime for the joint development of Greater Sunrise. Over the next two months, the treaty was finalised and initialled in The Hague. On 6 March 2018, it was signed at the United Nations in New York in the presence of the Secretary-General. H.E. António Guterres.

Ambassador Taksøe-Jensen concluded by highlighting the importance of diplomacy, trust and flexibility. The process not only delivered a legally sound maritime boundary but also helped rebuild bilateral trust. He expressed hope that the development of Greater Sunrise would soon proceed and offered the Timor Sea conciliation as a model for peaceful resolution of complex international disputes through law and dialogue.

Martin Doe, Deputy Secretary-General and Legal Counsel of the Permanent Court of Arbitration

Martin Doe noted that the 2016 Timor Sea Conciliation between Timor-Leste and Australia, marked the world's first use of compulsory inter-State conciliation under UNCLOS. The unprecedented legal innovation, deployed after decades of unresolved disputes, provided a path to permanent maritime boundaries and the equitable sharing of natural resources in the Timor Sea.

Timor-Leste initiated the process having already brought two arbitration proceedings under the Timor Sea Treaty, one arguing CMATS was negotiated in bad faith and another regarding tax jurisdiction over resource exploitation in the Timor Sea. Timor-Leste had also commenced a third case against Australia before the ICJ when, on the eve of the procedural meeting in the first of the Timor Sea Treaty arbitrations, the Australian Security and Intelligence Organisation raided the offices of one of Timor-Leste's legal advisers in Canberra. These cases, while important, dealt with secondary concerns and did not advance Timor-Leste's sovereign claim over the Timor Sea and the natural resources within it.

The conciliation allowed for a more holistic resolution. In accordance with the dispute resolution framework under UNCLOS, conciliation also remained compulsory for the parties, and if it failed, Australia would have been required to negotiate based on the commission's findings or proceed to binding adjudication. The process thus pushed Australia to reconsider its long-standing reluctance to negotiate maritime boundaries with Timor-Leste, and whether this position was consistent with UNCLOS. To its credit, although Australia initially challenged the competence of the Conciliation Commission, it ultimately accepted the Commission's September 2016 decision dismissing those objections and thereafter participated in earnest in the conciliation process.

Remarkably, the conciliation was concluded swiftly. Within two years, all pending legal actions were terminated and a comprehensive settlement was achieved. The resulting Comprehensive Package Agreement, finalised in August 2017, included a new maritime boundary, transitional arrangements, and a joint development regime for the Greater Sunrise field. The agreement was codified in a

treaty signed on 6 March 2018 at the United Nations in New York.

The boundary agreed upon was unique – not merely a legal compromise, but one tailored to practical, geopolitical and forward-looking considerations. It included provisional arrangements anticipating Timor-Leste's future boundary delimitation with Indonesia and institutional governance elements beyond the competence of most judicial bodies.

This success reflected the distinctive nature of inter-State conciliation – neither mere mediation nor adjudication. The hybrid legal-facilitative nature of the process, involving respected international jurists acting not as judges but as conciliators, allowed for both legal evaluation and diplomatic flexibility. The ability to shift between interpreting legal norms and identifying mutual interests helped overcome entrenched positions.

Importantly, Mr Doe said the conciliation provided a neutral forum in which each State's long-held legal claims could be respectfully heard and weighed. This recognition, in turn, allowed political leaders to pivot toward compromise without loss of face. The commission's stamp of approval on the ultimate settlement – an agreement rooted in international law – ensured legitimacy, equity and durability.

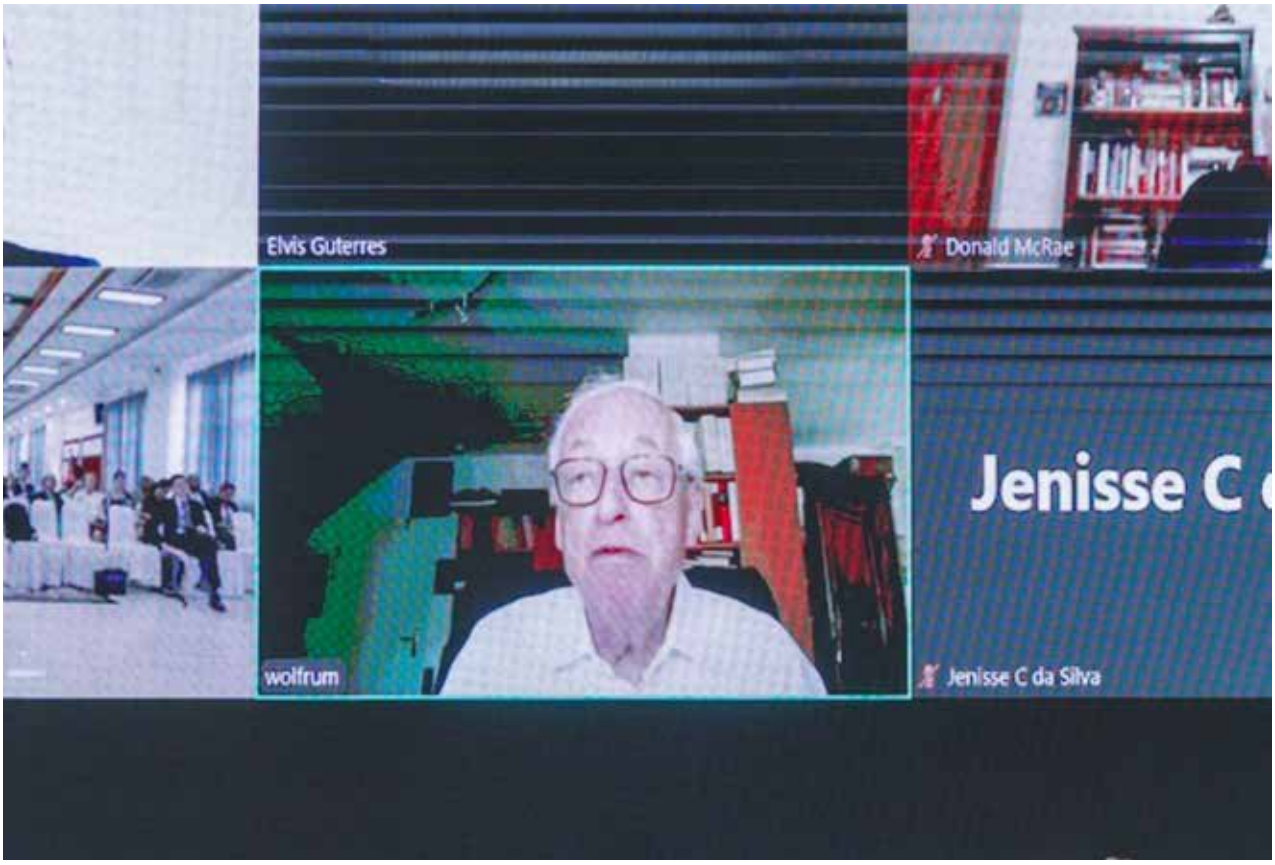
The presentation underscored that conciliation offers a compelling model for future maritime and territorial disputes. Its unique blend of legal credibility and facilitative negotiation helps reconcile legal rights with political realities, offering a path forward when formal adjudication or diplomacy alone may falter. The Timor Sea experience is now a landmark in international dispute resolution, demonstrating the quiet power of principled innovation in achieving lasting peace.

Judge Rüdiger Wolfrum, Timor Sea Conciliator, former President and Judge of ITLOS

Judge Rüdiger Wolfrum provided an overview of the legal and procedural dimensions of the Timor Sea Conciliation under UNCLOS. He emphasised that conciliation, as outlined in Article 298 (1)(a) of UNCLOS, offers an alternative to judicial settlement for maritime boundary disputes, particularly for states wishing to avoid perceived infringements on territorial sovereignty. The Conciliation Commission must operate under relevant UNCLOS provisions – Articles 15, 74, 83, and Annex V – ensuring legal rigour.

The process unfolded in three key phases following the competence phase. The first phase involved a comparative analysis of Timor-Leste's and Australia's claims, which initially appeared irreconcilable due to differing conceptions of the continental shelf – one based on geomorphology, the other on distance from baselines. Mutual understanding grew when Timor-Leste's economic reliance on developing Greater Sunrise and Australia's legal stance became clearer.

Judge Wolfrum stressed the importance of a technically and diplomatically diverse commission, noting that the Conciliation's success owed much to restored bilateral trust. However, he viewed the final phase – involving industry stakeholders – as less fruitful, suggesting that independent technical experts might have helped. He concluded that future conciliation efforts must prioritise legal expertise, diplomatic sensitivity and internal delegation unity to foster trust and cooperation between disputing parties.



Professor Donald McRae, Timor Sea Conciliator, Emeritus

Professor Donald McRae reflected on the unique challenges and lessons from serving as a Commissioner in the Timor Sea Conciliation between Timor-Leste and Australia. He emphasised that while all commissioners had legal expertise, particularly in international law, none had prior experience in formal conciliation. The process initially followed a traditional legal framework, including a jurisdictional challenge, but required a shift from strict legal adjudication to a more flexible, problem-solving mode – what McRae termed "reconciliation mode".

Unlike courts, which focus on legal delimitation methods (like equidistance lines), the commission addressed deeper, unresolved political and economic issues: the development of Greater Sunrise, sovereign rights and Australia's interest in its maritime boundary with Indonesia. Traditional legal approaches offered limited tools, as courts tend to narrowly interpret "relevant circumstances" and disregard key political and economic concerns.

Professor McRae described the conciliation as a "facilitated negotiation," where commissioners met separately with the parties, proposed solutions and shaped dialogue in ways the parties could not do alone. This indirect engagement enabled progress. Ultimately, he noted, the turning point came when both parties – informally but clearly – committed to reaching a solution. The success lay not in drawing a boundary line but in reconciling fundamental interests, making the conciliation both effective and exceptional.

Dr Rosalie Balkin, Timor Sea Conciliator, Secretary-General of Comité Maritime International

Dr Rosalie Balkin outlined the central challenges the Commission faced – foremost among them, the deep mistrust between Timor-Leste and Australia, and initial scepticism about the effectiveness of conciliation. This mistrust was rooted in years of failed negotiations, legal disputes, and a widespread perception in Timor-Leste that prior agreements had disproportionately favoured Australia. Both parties also doubted whether the Commission could achieve a workable boundary settlement.

To rebuild trust, the Commission focused on confidential, separate consultations that encouraged candour. Parties were invited to express their legal interpretations, objectives and concerns without fear that these would be relayed without consent. While their initial positions differed significantly, the Commission's discreet shuttle diplomacy helped foster a willingness to engage. Dr Balkin highlighted that only a few sessions involved joint participation and the isolated engagements proved critical for progress.

She also placed the Timor Sea Conciliation within the broader framework of global ocean governance, arguing that conciliation offers flexibility and mutual ownership of outcomes – unlike adjudication. Despite its demonstrated success, she expressed surprise that no other states have used compulsory conciliation under UNCLOS for maritime disputes. For her, the experience was a significant and fulfilling contribution to international dispute resolution.

Judge Abdul Koroma, Timor Sea Conciliator, former judge of ICJ

Judge Abdul Koroma reflected on his five decades of experience in international law and his formative role in developing Articles 74 and 83 of UNCLOS, which provide a framework – not a fixed regime – for maritime boundary delimitation. He emphasised that compulsory conciliation, as set out in Annex V of UNCLOS Article 298 (1), was particularly suited to the Timor-Leste–Australia dispute as it met all jurisdictional prerequisites: post-1994 entry into force, failed negotiations and no sovereignty dispute over land territory.

Judge Koroma praised Timor-Leste's achievement as an exercise in both political and economic self-determination. He stressed the importance of understanding the technical and legal aspects of boundary delimitation – including geomorphology, geology and geography – grounded in national interest and law. He emphasised that while the Commission's work was law-based, it was also flexible which enabled the parties to move beyond entrenched positions.

The conciliation resulted in a boundary agreement awarding approximately 90% of the maritime area to Timor-Leste and 10% to Australia – an outcome based on equity, not equality. He concluded that the conciliation's success owed much to the rare alignment of cooperative parties and favourable conditions – a constellation of stars unlikely to be easily repeated.

DAY 2 16 MAY

H.E. Prime Minister of Timor-Leste, Kay Rala Xanana Gusmão's opening remarks

In his keynote speech on Day 2, Timor-Leste Prime Minister Xanana Gusmão emphasised the vital role of the ocean in human wellbeing, economic development and international peace. He highlighted the ocean's centrality to Timor-Leste's cultural identity, food security and economic aspirations, especially as a Small Island Developing State. He warned that ocean governance is increasingly fraught with geopolitical, environmental, and legal challenges – from maritime boundary disputes and climate change to biodiversity loss and overexploitation.

The Prime Minister reflected on Timor-Leste's experience in using international law to secure its independence and maritime sovereignty. He described the country's landmark use of the Compulsory Conciliation mechanism under UNCLOS to resolve its maritime boundary with Australia, affirming the power of diplomacy and structured negotiation over force. International law, he argued, offers even small and vulnerable nations a peaceful means of asserting their rights.

He called for renewed global solidarity to defend the international legal order at a time when it faces erosion and distrust. Stressing the importance of collective action, Prime Minister Gusmão urged nations to confront pressing environmental challenges, including those addressed by the 2023 High Seas Treaty. He announced Timor-Leste's ratification of the Treaty and local conservation initiatives including a marine park around Ataúro Island.

Ultimately, the Prime Minister urged participants to use the conference as a platform for advancing peaceful dispute settlement, marine conservation, and climate justice. He expressed hope that future generations of Timorese children would still witness the beauty of their marine environment – a vision that depends on shared commitment to the law of the sea and the sustainable stewardship of the ocean.

Panel 4:
Management of Disputed Maritime Areas and Fostering Ocean Governance

Moderator: H.E. Dr Dionisio Babo Soares, Permanent Representative of Timor-Leste to the United Nations

Key discussion points

The panel explored the legal and practical dimensions of managing disputed maritime areas and advancing ocean governance through cooperative mechanisms. The discussion focused on how states with overlapping maritime claims can utilise UNCLOS provisions, specifically Articles 74(3) and 83(3), to establish provisional arrangements that facilitate joint development and avoid conflict while a final delimitation is pending.

The panel outlined how joint development agreements (JDAs) and joint management arrangements (JMAs) serve as pragmatic, interest-based solutions during transitional periods. These mechanisms do not resolve sovereignty but enable shared management of resources, promote trust, and uphold legal obligations such as negotiation in good faith, mutual restraint and due regard for the rights of others. Case studies from Southeast Asia, Africa and East Asia illustrated varying outcomes: from long-standing cooperation in the Vietnam–Malaysia Memorandum of Understanding to the mixed experiences of African JMAs and the cautious optimism found in East Asian fisheries and energy arrangements.

Challenges highlighted included governance gaps, unequal benefits and the legal limits of unilateral action in disputed zones. Regional tensions, often exacerbated by historic boundaries, environmental pressures and political ambition, require nuanced application of international law. Yet, provisional arrangements can also act as confidence-building tools that sustain cooperation across sectors such as energy, fisheries and marine science.

The panel concluded that while not a substitute for final delimitation, provisional arrangements offer a flexible and legally grounded path forward. Their success depends on transparency, political will, institutional capacity, and a shared commitment to peaceful dispute management and sustainable ocean governance.

Professor Vasco Becker-Weinberg, University of Lisbon and President of the Portuguese Institute of the Law of the Sea (IPDM)

Professor Vasco Becker-Weinberg explored the legal rationale and practical implications of JDAs under UNCLOS.

Disputed maritime areas typically arise where overlapping claims are made by states with legitimate entitlements, in accordance with international law. Within 200 nautical miles, entitlement is primarily based on adjacency to land, grounded in the principle the "land dominates the sea". Beyond 200 nautical miles, entitlement under Article 76 of UNCLOS depends on natural prolongation of a state's continental shelf, incorporating geological and geomorphological considerations.

A dispute exists not simply when one is declared, but when one state's claim is objectively opposed by the claim of another state. The ICJ and ITLOS have emphasised that the existence of a dispute must be objectively demonstrated and that it cannot be negated by mere denial. In such contexts, international law imposes clear obligations on states, including a duty to cooperate, to negotiate in good faith, to refrain from the use or threat of force, and to show due regard for the rights of others.

Importantly, Articles 74(3) and 83(3) of UNCLOS call on states to enter provisional arrangements "of a practical nature" where there are overlapping claims. These arrangements – such as JDAs – must not jeopardise or hamper the reaching of a final agreement and are without prejudice to the delimitation of maritime boundaries.

Joint development is not a substitute for maritime delimitation, but rather a pragmatic, interest-driven response during transitional periods. Its success often depends on the specific nature of bilateral relations, the regional context and the role of private actors. As reiterated in the most relevant jurisprudence, unilateral actions must not prejudice future agreements – yet some limited activities, such as seismic surveys, may be permissible.

However, challenges remain. These include managing overlapping yet lawful claims, addressing partially effective JDAs, adapting to new regimes like the Agreement on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction when JDAs exist in the continental shelf beyond 200 nautical miles, and determining the limits of unilateralism in disputed areas. Moving forward, confidence-building measures and a shared commitment to international legal norms are essential to managing these sensitive zones cooperatively and sustainably.

Professor Nguyen Lan Anh, Diplomatic Academy of Vietnam

Professor Nguyen Lan Anh shared her reflections on the 1992 Memorandum of Understanding (MoU) between Vietnam and Malaysia – an enduring and pragmatic model of maritime cooperation that has now operated successfully for over three decades.

The genesis of the 1992 MoU lies in overlapping claims to a 2,500 km^2 area in the southern South China Sea. Vietnam's claim derives from the 1971 continental shelf declaration of South Vietnam, while Malaysia based its position on its 1979 map. The precedent of the Malaysia–Thailand joint development zone, as well as regional energy needs and Vietnam's aspirations to join ASEAN, provided the impetus for negotiations.

The MoU adopted the principle of joint development without prejudice to final maritime delimitation – embodying the spirit of understanding, good neighbourliness and mutual economic benefit. Just days after the MoU, an assignment agreement was signed, modifying Malaysia's 1989 production sharing contract to include Petrovietnam. The arrangement was governed by Malaysian law and subject to arbitration in Kuala Lumpur, demonstrating Vietnam's flexibility and commitment to cooperation.

At the core of the arrangement was equality. The coordination committee established under the MoU operated based on equal voting rights and alternating chairs, with decisions taken unanimously. Four operational agreements were concluded: a commercial arrangement, oil and gas sharing agreements, and a tax and fee framework. This ensured transparency, coordination and the protection of both parties' interests.

The results have been tangible and lasting. Petroleum was first extracted from the Bunga Kekwa field in July 1997 – just four years after the commercial arrangement. Since then, the arrangement has generated substantial economic benefits for both nations, strengthened political trust, and served as a model for peaceful joint development in contested maritime areas.

While there are a lot of tensions in the South China Sea, Vietnam has negotiated a cooperative fisheries arrangement with China. Negotiations began in 1995 as part of a maritime delimitation process and resulted in the Sino-Vietnamese Fishery Agreement and a delimitation agreement signed in December 2000.

More broadly, the MoU has fostered further cooperation, including joint submissions on the extended continental shelf. It stands as proof that interim arrangements grounded in international law and goodwill can effectively manage maritime disputes, delivering both stability and mutual gain.

Dr Ifesinachi Okafor-Yarwood, University of St Andrews

Dr Okafor-Yarwood's presentation focused on the growing imperative for states to adopt collaborative maritime boundary dispute resolution approaches. She acknowledged Africa's volume of unresolved maritime boundaries compared to other parts of the world and argued that protracted disputes impede resource development and undermine regional security and environmental sustainability.

Drawing on lessons from Africa, Dr Okafor-Yarwood underscored the potential of JDAs, which are provisional arrangements recognised under UNCLOS Articles 74(3) and 83(3), as effective mechanisms for enabling cooperation between states with overlapping maritime claims. These agreements allow for the joint management of disputed areas without prejudicing sovereignty claims. They can serve as a platform for broader collaboration on maritime security, environmental protection and economic development.

She cautioned against the continued reliance on *uti possidetis juris*, which upholds colonial boundaries in legal adjudication, noting that such outcomes often marginalise historical communities and exacerbate tensions, as observed in several African cases.

Dr Okafor-Yarwood called on disputing parties to consider JDAs as a pathway in dispute resolution strategies, emphasising that doing so reflects the spirit of good neighbourliness and is essential for achieving inclusive, sustainable and just ocean governance and maritime security.

Professor Makoto Seta, Waseda University

Professor Makoto Seta shared insights on how Articles 74(3) and 83(3) of UNCLOS are being interpreted and applied in the complex maritime circumstances in East Asia.

These two provisions impose dual obligations on States: first, to make every effort to enter provisional arrangements of a practical nature; and second, not to jeopardise or hamper the reaching of a final delimitation agreement. While their language is familiar, their practical application remains highly nuanced.

Cases such as *Guyana v. Suriname* and *Ghana v. Côte d'Ivoire* have affirmed that these obligations are not merely aspirational – they require States to exercise restraint, particularly in the conduct of unilateral activities in disputed zones. The ICJ's 2021 decision in *Somalia v. Kenya* further indicated that efforts to negotiate provisional arrangements may shield States from accusations of jeopardising future agreements. The type, nature and manner of actions taken – such as timing, location and intent – are all factored into judicial assessments of compliance.

This legal framework has significant implications for East Asia, where maritime delimitation remains largely unresolved. There are only a few partial agreements in place, such as those between Japan and South Korea (1974) or Russia and North Korea (1986). However, provisional arrangements such as the 2001 China–South Korea Fisheries Agreement and the 2008 Japan–China Joint Development Arrangement show that cooperation is possible even amid legal ambiguity.

Ultimately, greater clarity and a common understanding of Articles 74(3) and 83(3) can act as stabilising tools. These provisions are not limited to oil and gas – they extend to marine science, fisheries and aquaculture. Regional trust-building, transparency and adherence to these obligations are essential if we are to prevent escalation and foster meaningful cooperation.

Panel 5:
Climate Change and Sea Level Rise in Maritime Delimitation

Moderator: Professor Margaret Young, University of Melbourne

Key discussion points

Panel 5 explored the complex and multifaceted legal implications of climate change and sea level rise for maritime delimitation. The discussion underscored that while the scientific consequences of rising seas, such as the submergence of coastal zones and islands are well established, the corresponding legal frameworks are underdeveloped and increasingly strained.

One theme was the uncertainty surrounding the impact of sea level rise on baselines and maritime zones under UNCLOS. While some legal interpretations suggest that baselines should be ambulatory and reflect changing coastlines, many states have instead invoked the principle of legal stability, using Article 16 of UNCLOS to deposit fixed baselines, thereby seeking to preserve maritime entitlements despite geographical change.

The panel also addressed the profound challenge posed by the potential disappearance of physical territory due to inundation. This raises unresolved legal questions about the continuity of statehood and sovereignty in the absence of land. Various approaches, such as digitisation of national identity, interstate solidarity or confederation, were discussed as possible avenues for maintaining legal continuity.

The panel contrasted regional responses. Pacific Island states have led calls for the immutability of baselines, citing the existential threat to their nations. In contrast, Southeast Asian states have responded more cautiously and individually, due to longstanding disputes and overlapping maritime claims. While there is growing convergence on preserving baselines, regional cooperation remains limited.

Ultimately, the panel concluded that addressing sea level rise in maritime law will require creative legal thinking, cross-regime coherence, and strong political will to ensure fairness, stability and survival in a rapidly changing seascape.

Judge Rüdiger Wolfrum, former President and Judge of ITLOS

Judge Rüdiger Wolfrum explored the complex legal implications arising from the physical transformations caused by rising sea levels, particularly for coastal and island states. While acknowledging the scientifically established facts of climate change and the associated threat of sea level rise, such as flooding of low-lying coastal zones and the potential submergence of entire Pacific islands, Judge Wolfrum focused on the legal rather than the scientific consequences.

One issue is the impact of sea level rise on maritime baselines, which serve as the legal starting points for measuring the breadth of maritime zones under UNCLOS. It has been argued in the literature that baselines are ambulatory and change with the sea level rise or may have to be changed. On the other hand, states have invoked Article 16 of UNCLOS to deposit charts and consolidate baselines, thereby preserving the extent of their maritime claims despite geographical changes.

Judge Wolfrum then turned to the more profound challenge posed by the possible disappearance of state territory due to inundation. This raises critical questions: Can a state continue to exist without territory? And what becomes of its maritime zones? International law traditionally defines a state by its population, territory and governance. However, no clear legal framework currently addresses the survival of a state absent of physical territory.

He discouraged reliance on state responsibility doctrines to resolve this issue and noted that ITLOS has not addressed responsibility in its advisory opinions.

Looking to the future, he considered the concept of *interstate solidarity* as a normative pathway to support vulnerable states, though this idea remains underdeveloped. One unconventional solution he proposed was the formation of a confederation with another state, allowing continuity of legal personality and governance.

In conclusion, Judge Wolfrum emphasised that sea level rise presents novel challenges not adequately addressed by existing international law. Meeting these challenges will require innovative legal thinking, flexible interpretation of sovereignty, and potentially the development of new legal norms based on global cooperation and solidarity.

Her Excellency Laingane Italeli Talia, Attorney General of Tuvalu

Her Excellency Laingane Italeli Talia gave a powerful address about how Tuvalu's very existence is imperilled by climate change and sea level rise. As a small island state, with a land area of only 26 square kilometres and no point higher than 4.5 metres above sea level, Tuvalu stands at the frontline of a crisis that threatens the nation's territory, culture, identity and sovereignty.

For Tuvalu climate change is not a theoretical concern – it is a lived reality. Every high tide creeps further inland. Saltwater intrudes into crops. Communities are displaced. The nation is faced with the unimaginable: the potential disappearance of the island beneath the ocean.

This is why Tuvalu, alongside other Pacific Island nations has taken decisive national, regional and international action. Tuvalu is implementing adaptation strategies and advocating for climate justice abroad. Tuvalu joined with Pacific neighbours to call for legal recognition of the *immutability of baselines* under UNCLOS. Simply put, Tuvalu asserts that the maritime boundaries declared based on current baselines must remain fixed, even as the seas rise.

This is a matter not only of legal clarity but of fairness and survival. Our maritime zones represent vital resources, economic lifelines and geopolitical rights. They cannot be allowed to vanish with the tide.

Tuvalu supports the work of the International Law Commission and welcomes the recent advisory opinion of ITLOS, which affirms that states have legal obligations under UNCLOS to address climate-related harms, including those impacting maritime zones.

Tuvalu is also exploring innovative legal approaches, such as the digitisation of the nation's cultural and legal identity, and the potential for continued statehood even in the event of territorial loss.

But none of this is enough without collective will. Her Excellency told delegates that Tuvalu calls on all nations, particularly those with historical responsibility for emissions to take urgent, ambitious climate action. She urged the international legal community to recognise and codify principles that ensure the continuity of maritime entitlements despite sea level rise.

Dr Kilaparti Ramakrishna, Director, Marine Policy Center, Woods Hole Oceanographic Institution

Dr Kilaparti Ramakrishna stressed that managing the impacts of climate change on our oceans requires a cross-sector response involving the law of the sea, climate and human rights laws. It involves science, law and policy.

Sea level rise, ocean acidification, coral degradation and changes in marine biodiversity are already impacting coastal communities, maritime boundaries, food security and economic stability. These impacts cannot be managed in isolation. They require integrated legal and policy responses that draw from the law of the sea, international climate law, human rights frameworks and science-based environmental governance.

Recent high-level discussions at the United Nations General Assembly (UNGA) and the International Law Commission underscore the growing recognition of these challenges. In 2024, UNGA hosted its first plenary focused exclusively on sea level rise, following the momentum of the Tonga Summit convened by Pacific leaders. These gatherings reaffirmed the existential threats facing Small Island Developing States and low-lying nations – threats to sovereignty, legal continuity and cultural identity.

The International Law Commission's Study Group on Sea-Level Rise, active since 2019, has advanced important work on statehood, human rights and legal continuity under climate stress. Its forthcoming report will be essential for guiding legal doctrine in a time of transformation.

We must move toward a cohesive legal response that bridges current gaps across legal regimes. Maritime law must align with international environmental and human rights norms to ensure equity and continuity. We must reinforce the principle that maritime zones, once declared, should remain fixed despite physical changes. We must ensure the continued recognition of vulnerable states, even if their territory is diminished.

Science plays a vital role in informing policy but the law must respond with equal clarity and resilience. The Woods Hole Oceanographic Institution conducts wide ranging research from the polar environment to coral health, sea-level rise and food security – underscoring the need for cross-sector solutions grounded in empirical evidence and legal innovation.

This is not just about the ocean. It is about how our legal systems adapt to protect lives, livelihoods and the legitimacy of nations. The future of the ocean will test the strength of our global solidarity – and the agility of our legal imagination.

Dr Tara Davenport, Centre for International Law, National University of Singapore

Dr Davenport's presentation on "Developments in International Law on Sea-Level Rise: Implications for Southeast Asia" explored the potential implications of developments in the law of the sea related to sea-level rise for maritime jurisdictional clarity in Southeast Asia. The presentation was divided into four parts.

First, the presentation provided an overview of the impact of sea-level rise on maritime claims and maritime boundaries and how the international community was responding to address the implications of climate-changed induced sea-level rise on jurisdictional clarity established in UNCLOS. It gave an overview of how Pacific Island states have adopted a uniform and collective approach of legally fixing baselines, maritime zone entitlements and boundaries on a permanent basis through individual and regional declarations, the adoption of national legislation and the conclusion of permanent maritime boundaries. It then outlined the findings of the International Law Commission Study Group on Sea-Level Rise, which concluded that there is no provision in UNCLOS that prevents States from preserving existing and lawfully established baselines and maritime zones once established with the UN Secretary-General, and that the principle of immutability of boundaries applies to lawfully established maritime boundaries.

Second, the presentation examined Southeast Asia's maritime landscape and argued that while Southeast Asian states have made significant progress in establishing maritime jurisdictional clarity for Southeast Asian waters, there is still some uncertainty in the extent of maritime jurisdiction. This was due to the existence of baseline claims that had been objected to on the basis that such claims were not consistent with UNCLOS, overlapping claims to maritime entitlement and undelimited maritime areas. The presentation explained how sea-level rise had the potential to add another level of jurisdictional complexity to maritime boundary making in Southeast Asia.

Third, the presentation analysed Southeast Asian approaches to sea-level rise reflected in statements that Southeast Asian States have made on sea-level rise in various forums. The presentation suggested that while Southeast Asian States had not acted collectively as Pacific Island States had done in declaring and publicising their baselines, limits and boundaries or stating that such baselines, limits and boundaries should not be changed due to climate change-induced sea-level rise, there was increasing convergence in the position of Southeast Asian States that baselines, maritime zones and maritime boundaries should be preserved notwithstanding changes to the coastline. That said, there were still nuances in the positions of Southeast Asian states reflecting their different national interests on this issue.

Fourth, the presentation concluded with some questions that remain on the impact of sea-level rise on baselines, maritime zones and maritime boundaries under international law that had specific implications for Southeast Asian States. This included questions on what it means for baselines and maritime zones to be lawfully adopted in accordance with UNCLOS; what are the implications of objections/protests to such baselines/claims; and who makes the assessment of whether baselines and outer limits are made in accordance with UNCLOS. It concluded that Southeast Asian States should continue to focus on concluding maritime boundaries in presently undelimited areas where baseline and other maritime entitlement issues can be negotiated and this was the best approach to mitigate the impact of sea-level rise.

Panel 6:
ITLOS and ICJ Advisory Opinions on Climate Change

Moderator: Stephen Webb, DLA Piper

Key discussion points

This panel discussed recent ITLOS and ICJ advisory opinions on the legal obligations of States concerning the adverse effects of climate change. The panel explored the advisory proceedings starting with Emeritus Professor McCrae who gave an overview of advisory opinions, what they are, how they differ from other proceedings and what they can achieve.

Her Excellency Dr 'Ese' Apinelu, Tuvalu's High Commissioner to Fiji then talked about the work of the Commission of Small Island States on Climate Change and International Law formed by countries in crisis due to climate change. Dr Apinelu discussed the Commission's decision to seek advisory opinions on climate change from ITLOS and the ICJ because, "when your survival is at stake you grab every avenue available". She outlined the ITLOS proceedings and the overlap with the ICJ proceedings.

The moderator screened a video interview with the Minister of Climate Change in Vanuatu, Ralph Regenvanu who instigated the ICJ Advisory Opinion. A second video featured a powerful speech in the ICJ hearing by the Zambian Solicitor-General, Marshal Muchende about the devastating effects of climate change on the Victoria Falls, which have nearly dried to a trickle due to unprecedented climate change induced drought.

The moderator then led a Q&A session with Professor McRae, Dr Apinelu, Dr Naporn Prompt Poppattanachai and Justice Paula da Conceição Machatine Honwana.

Professor Donald McRae, University of Ottawa

Professor McRae outlined how ICJ advisory opinions are used to give advice to organs of the UN or specialised agencies on institutional questions or interpretation of their constitutions. Although primarily local in nature, some cases may have broad ramifications such as the 1949 ICJ Advisory Opinion on "Reparation for Injuries Suffered in the Service of the United Nations", which established that the UN possesses international legal personality and has the capacity to bring international claims for damages suffered by its agents, even against non-member states.

There have also been ICJ advisory opinions on issues arising out of colonialism and decolonisation concerning South-West Africa, Western Sahara, Palestine, Kosovo and Chagos and opinions that have broad public or international community interest such as the Nuclear Weapons Advisory Opinion and the recent Climate Change Advisory Opinion.

Professor McRae said that notwithstanding criticism of the appropriateness of requests that put critical political issues before it, the Court has never shied away from dealing with such requests. The ICJ treats what it says in an advisory opinion as an accurate statement of the law and refers to it in other cases as the law. The pleadings of parties to the Court refer to advisory opinions as equal to statements of law in contentious cases. There is no evidence that judges act differently in advisory opinion or feel free to develop the law there any more than they do in contentious cases.

The Court as currently constituted has shown a willingness to confront difficult political issues and render clear opinions. This is indicated in its advisory opinion and its decisions on issues relating to Palestine. There is also an ITLOS advisory already in existence and the Court will not readily contradict that opinion. It is likely, then, to render clear answers on all the questions before it. The impact of what the Court will say on responsibility will be felt in a variety of other areas, including investment arbitrations where environmental issues are under consideration.

Her Excellency Dr Eselefoka Apinelu, Tuvalu High Commissioner to Fiji and Secretary General of COSIS

Dr Apinelu focused her presentation on Tuvalu's participation in the establishment of COSIS, the ITLOS advisory opinion on climate change and why the issue is of great importance to Tuvalu.

She explained that COSIS is not simply an abbreviation but rather the result of small island nations uniting in times of crisis. Conceived from the earliest conversations between Tuvalu and international lawyers through Skype and shaped by the urgency of climate science that warns that nations like Tuvalu will disappear, COSIS has become a vessel, an avenue, to chart a path through the challenges posed by climate change.

COSIS was formally established through an agreement signed by Antigua and Barbuda and Tuvalu and later joined by Vanuatu, Niue, Saint Lucia and the Bahamas. The agreement establishing COSIS was deliberately drafted to allow more states to join in the future. The Agreement is open for all AOSIS to become a state party.

The main objective of COSIS is to promote and contribute to the progressive development of international law on climate change, particularly in relation to the protection of the marine environment and the responsibilities of states for harm arising from their actions. COSIS does not intend to invent the wheel but to use the existing mechanisms to seek clarification.

One of COSIS's key initiatives has been to request an advisory opinion from ITLOS under Article 138 of its Rules, which permits the Tribunal to provide such opinions. The timing of the request to ITLOS also facilitated the deliberations of the ICJ on climate change.

Dr Apinelu emphasised that climate change and sea-level rise do not discriminate between rich and poor countries or between developed and least developed nations. These crises do not respect maritime boundaries, and as such, they demand global solutions.

Reflecting on the journey toward COSIS's establishment, she noted the challenges faced in pooling limited time and resources but also the remarkable collaboration, including the involvement of students and youth in international discussions such as at the UN General Assembly. With the support of the IPCC, and through workshops and shared preparation, member states have sought to coordinate their submissions to ITLOS and the ICJ.

Dr Naporn Prompt Poppattanachai, University of Galway

Dr Poppattanachai discussed two aspects of the Advisory Opinion on Climate Change related directly to the implementation and compliance of UNCLOS by developing countries. Firstly, in addition to further elaboration on the general obligations to protect and preserve the marine environment under Articles 192 and 194, the Advisory Opinion further clarified another ambiguous obligation under UNCLOS – Article 207. Under this provision, States are required to prevent, reduce and control land-based sources of marine pollution, considering internationally agreed rules, standards and recommended practices and procedures. The general perception of this provision is that it deals mainly with pollution discharged from land and reaching the sea through 'rivers, estuaries, pipelines and outfall structures'. However, by this Advisory Opinion, the United Nations Framework Convention on Climate Change (1992), and the Paris Agreement on Climate Change (2015) are considered to be applicable instruments to be taken into account by States in the context of land-based marine pollution. In effect, this inevitably adds other instruments to the catalogue for the implementation of this obligation. At the very least, they inform the standard to assess the due diligence obligation embedded in this provision.

Dr Poppattanachai then talked about the reliance on the work of the IPCC in the Advisory Opinion. Over 50 references are made to the IPCC works, and it is recognised by the ITLOS as the "scientific consensus" for tackling climate change, allowing the Tribunal to draw on such scientific information to interpret and apply UNCLOS in relation to climate change issues. While UNCLOS Articles 194 (1) and 207 (4) allow some personalisation for states in implementing and complying with their environmental obligations through phrases such as "capabilities", "economic capacity of developing States", and "their need for economic development", reliance on IPCC works as a basis for interpretation has an effect of significantly reducing subjectivity in adopting the relevant measures for complying with the obligations. As such, the exercise of the State's discretionary power to determine and adopt "necessary measures" must consider IPCC's works as its scientific basis. In effect, this raises the standard of implementing such an obligation through the more established science. It is no longer anyone's science but the IPCC's that States shall take account of. It is arguable that the IPCC's work will be used to determine the standard for complying with due diligence obligations in the context of ocean and climate change.

Justice Paula da Conceição Machatine Honwana, Residual Especial Court of Sierra Leone and Representative of Mozambique to the ITLOS advisory opinion on climate change

Justice Machatine began by recalling the historical ties between Mozambique and Timor-Leste, and the role played by Mozambique in hosting Timorese citizens during the Indonesian occupation of the country. She noted that today, both countries face the pressing challenge of climate change.

She underlined the reason why so many countries took part in the advisory opinion proceedings: "if we do not act now, all will be affected". She illustrated this with the example that when your neighbour's house is on fire, if you do not help, the flames will eventually reach your own home. Mozambique has already experienced the impacts of climate change through an increasing number of storms, cyclones and other deleterious effects.

Justice Machatine stressed that when countries such as Mozambique requested advisory opinions from international courts and tribunals, it was not because they lacked the will to implement their obligations. Mozambique, in fact, is a proud State Party to UNCLOS and has already put in place measures to meet its commitments. The purpose of the advisory opinions is to clarify the scope of those obligations, considering both each country's capabilities and its contribution to environmental degradation.

She highlighted the participation of the African Union, which endorsed the positions of the African States Parties. However, participation remains low: Africa has 54 countries but only six participated in the proceedings. She emphasised that it is not enough to say Africa is among the regions most affected by climate change, nor is it enough simply to call for assistance to tackle the crisis. It is vital that more and more African countries take an active part in these proceedings.

Panel 7:
The High Sea Treaty and Its Implications for Global Governance

Moderator: Eran Sthoeger, Columbia University

Key discussion points

The panel explored the implications of the Agreement on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ Agreement) – formally adopted in 2023 – for the governance of marine biodiversity in areas beyond national jurisdiction.

The Agreement is a monumental achievement of international diplomacy, concluded after nearly two decades of negotiations. It is a major development in international ocean law structured around four key pillars: marine genetic resources, area-based management tools including marine protected areas, environmental impact assessments, and capacity building and marine technology transfer.

The panel outlined the legal and institutional innovations of the BBNJ Agreement, including mechanisms for benefit-sharing of marine genetic resources, inclusive stakeholder engagement in area-based management tools designation, and a low-threshold, science-informed environmental impact assessment process. New institutional bodies such as the Conference of the Parties and a Scientific and Technical Body are tasked with implementation and compliance.

Discussion then turned to the relationship between the BBNJ Agreement and the International Seabed Authority (ISA), which manages deep seabed mining in "the Area" under UNCLOS. While the ISA retains exclusive authority over such activities, the BBNJ Conference of the Parties may complement this role by recognising area-based management tools established by the ISA and promoting cooperation in areas like data sharing and environmental standards.

The BBNJ Agreement's interaction with other legal regimes was also examined, notably with the Convention on Biological Diversity and regional fisheries frameworks. It was noted that these instruments are not siloed but mutually reinforcing, especially in the context of achieving global biodiversity targets. Particular attention was given to the Pacific perspective, emphasising the economic centrality of fisheries and the importance of ensuring that BBNJ implementation does not undermine regional fisheries governance or traditional practices.

Professor Joanna Mossop, Victoria University of Wellington

Professor Joanna Mossop provided an overview of the BBNJ Agreement. She discussed the history of the negotiations, noting that it took almost 20 years to conclude the Agreement since informal discussions began under the auspices of the General Assembly.

She explained that the instruction that the Agreement does not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies shaped much of the negotiation and the outcome. She then touched briefly on innovations in each of the substantive parts of the Agreement. For marine genetic resources, the Agreement establishes a regime to regulate access and benefit sharing for areas beyond national jurisdiction.

Researchers will provide notification of activities in areas beyond national jurisdiction and the samples and related digital sequence information will be traced using a unique identifier. The Agreement provides for both non-monetary and monetary benefit-sharing. For area-based management tools and marine protected areas, the Agreement creates a process for their proposal and establishment along with management measures. However, if an activity is regulated by another regional and sectoral body, the Conference of the Parties can only make recommendations in relation to that activity. The process for environmental impact assessments greatly expands on the obligation in article 206 of UNCLOS. Screening is required if an activity is likely to have more than a minor or transitory impact, but a full environmental impact assessment is only required if it meets the threshold in article 206. There are enhanced obligations for monitoring and reporting on authorised activities.

There are strong (but not absolute) commitments in the Agreement to support capacity building and the transfer of marine technology (CBTMT) along with a CBTMT Committee that will monitor progress. Ultimately, countries in the Global South made large progress in achieving their goals in a number of ways, including the inclusion of the principle of the common heritage of humankind, immediate monetary assistance to support implementation of the Agreement and the inclusion of references to the traditional knowledge of Indigenous Peoples and local communities. The effectiveness of institutions established by the Agreement will be essential to its success, and rules around how those institutions will operate are currently being discussed in the Preparatory Commission at the United Nations.

Dr XU Xiangxin (Lily) Shanghai Jiao Tong University

Dr XU Xiangxin discussed the interaction between the BBNJ Agreement and the ISA regime with respect to area-based management, including marine protected areas in the seabed and subsoil beyond national jurisdiction and its effect on the implementation of the ISA's role in the Area.

According to UNCLOS and the 1994 Implementing Agreement, the ISA is responsible for managing and regulating activities and deep-sea mining in areas beyond national jurisdiction. As part of its remit, the ISA is also responsible for adopting rules and procedures for the exploration and exploitation of mining in areas beyond national jurisdiction, otherwise known as the "mining code".

Area based management tools are strategically designed for specific, geographically defined areas to facilitate the management of one or more sectors or activities, primarily to achieve designated conservation and sustainable use objectives. Under the ISA, there are two types of area-based management tools: **regional-level** Areas of Particular Environmental Interest (APEIs) and Sites of Particular Environmental Interests (SPEIs) and **contractual-level** Preservation Reference Zones (PRZs).

The BBNJ Conference of the Parties can recognise or recommend area-based management tools (e.g., APEIs, PRZs) but must defer to ISA's seabed-specific authority. The agreement encourages early ISA involvement in proposal processes and cooperation mechanisms such as joint scientific committees and shared databases. While the BBNJ Agreement does not alter ISA's jurisdiction directly, it may reshape the context in which area-based management tools are developed and implemented, requiring adaptive governance to ensure synergy rather than institutional friction.

In conclusion, the BBNJ Agreement presents both opportunities and complexities for deep sea mining governance. It underscores the need for clearer jurisdictional boundaries, robust coordination, and shared commitment to marine biodiversity conservation in areas beyond national jurisdiction.

Professor Margaret Young, University of Melbourne Law School

Professor Young opened her address with an image of the crocodile, which is revered in Timor-Leste as an ancestor. In the spirit of recognising the diverse perspectives and traditional knowledge about biological diversity throughout the world, she traced the relationship between the BBNJ Agreement and the Convention on Biological Diversity (CBD).

Article 5 of the BBNJ Agreement provides that it will not undermine other relevant regimes, but will promote coherence and coordination with relevant instruments, frameworks and bodies.

Any overlap or conflict can also be resolved through institutional activities, and it is significant that the "search for a home" for marine biodiversity has led to a new 'Conference of the Parties" within UNCLOS, and a clear role for ITLOS in dispute settlement and advisory opinions. General principles articulated in the BBNJ Agreement and common to the CBD, such as the ecosystem approach, the precautionary principle, and the promotion and respect of the rights of indigenous and local communities, now have explicit avenues for judicial interpretation.

Professor Young referred to selected Parts of the BBNJ Agreement. She noted how States parties' support for "area-based management tools" can draw on the CBD, including the notion of "ecologically and biologically significant areas". The BBNJ Agreement can thus complement the Kunming-Montreal framework and its 30x30 target and accelerate the identification and establishment of MPAs to help achieve this target.

Similar observations can be made with respect to "environmental impact assessments", the sharing of benefits of marine genetic resources and provisions for technology transfer in the BBNJ Agreement. Subsidiary bodies established under CBD processes, which formally recognise the crucial role of Indigenous Peoples and local communities with relevant traditional knowledge, can make useful contributions within the BBNJ Agreement.

Professor Young closed by reflecting that the Timorese crocodile is a reminder of the contribution of traditional knowledge to the diverse ways in which the biosphere is regarded or valued. The CBD and the BBNJ Agreement are not siloed or lex *specialis* but are mutually reinforcing in shaping the obligations of States with respect to the conservation and sustainable use of marine biodiversity.

Rose Lesley Kautoke, Senior Crown Counsel, Head of the Legal Advice and International Law Division & Treaty Section, Attorney General's Office, Kingdom of Tonga

Ms Kautoke's presentation offered a Pacific perspective on the relationship between the BBNJ Agreement and the 1995 United Nations Fish Stocks Agreement (UNFSA).

She began by providing a general overview of the UNFSA, focusing on its scope and the regime established thereunder, the regional fisheries management organisations. In the Pacific she focused on the role of the Western and Central Pacific Fisheries Commission. She highlighted the importance of fisheries to the Pacific as a source of livelihood. The immense economic benefits received from access fees from tuna fisheries contributes to 80% of government revenues, and a 2022 survey found that 70% of the workforce is engaged in onshore processing and ancillary services management, with the remaining third working on fishing vessels. This priority was recognised as one shared with other countries worldwide.

Ms Kautoke then focused on the BBNJ Agreement and the potential overlap of the Agreement and the UNFSA. The BBNJ Agreement applied to all living resources in the High Seas and the area beyond national jurisdiction, whereas the UNFSA applied to straddling and highly migratory fish stocks. In approaching the negotiations, the Pacific and many other countries were mindful of this and wanted to safeguard the existing legal work on fisheries. This resulted in Article 5 which clearly describes the relationship of the BBNJ Agreement and UNFSA as one that does not undermine existing legal frameworks. In addition to this, Article 10 of the BBNJ expressly states that fisheries regulated under other relevant legal frameworks would be excluded from the scope of marine genetic resources.

While there are legal safeguards to ensure complementarity of these frameworks, the most important step is the operationalisation of the BBNJ Agreement and how these provisions would be achieved. Key questions going forward include: what do we mean by "operationalise" and how will this be achieved; what do we mean by "not undermine" and what will cooperation under the BBNJ agreement look like?

Ms Kautoke drew the attention of participants to the position of the Pacific nations as set out in the Honiara Summit Declaration of 2005 where a general paragraph highlighted that the BBNJ Agreement is to be interpreted and applied in a manner that does not undermine Pacific fisheries and practices. She cited this as an example of the practices and considerations to be made.

She concluded her presentation by reminding participants of the need to be realistic, practical and guided by law and the need for national, regional and international implementation to ensure coherence between the two important frameworks.

Closing reflection

Elizabeth Exposto, Chief of Staff to the Prime Minister of Timor-Leste, CEO of the Land and Maritime Boundary Office, Deputy Agent for Timor-Leste in the Timor Sea Conciliation

The Dili International Conference *Navigating Challenges: Law of the Sea and Maritime Dispute Settlement* was a fascinating three-day immersion in the law of the sea.

Legal experts, policymakers and international representatives discussed and debated current challenges in maritime boundary delimitation, dispute resolution, climate change and ocean governance. The conference highlighted the importance of leadership in international ocean law and a shared commitment to peaceful solutions grounded in dialogue and international legal frameworks. Seven expert panels explored legal and regional practices, emerging environmental threats, and pathways to a more just and cooperative maritime order.

Panellists illuminated the evolving balance between legal principles, political realities and technical expertise in managing maritime boundaries and broader ocean governance.

Regional perspectives featured prominently. Discussions highlighted that while formal adjudication remains an option, negotiated or hybrid approaches often produce more durable and cooperative outcomes. In the Indo-Pacific and particularly the Pacific Islands, diplomacy grounded in consensus, kinship and shared values – termed the "Pacific Way" – was shown to underpin successful agreements. These insights reinforced that maritime boundaries are not merely cartographic exercises but also involve questions of sovereignty, security, development and identity.

Timor-Leste's own experience was central to the conference's reflections. The compulsory conciliation with Australia over the Timor Sea was examined in depth, demonstrating how trust-building, creative legal facilitation and political courage can transform an entrenched dispute into an equitable treaty. The 2018 Australia Timor-Leste Treaty, combining an equidistance-based delimitation with innovative joint development arrangements, was celebrated as a landmark precedent with lessons for the wider international community.

Participants also considered the use of provisional arrangements such as joint development zones, to manage contested spaces pending final settlement. These arrangements, while not substitutes for delimitation, were recognised as practical tools for cooperation, provided they are underpinned by transparency, mutual benefit and political will.

Emerging global challenges were addressed with equal urgency. Panels on climate change highlighted the destabilising effects of sea level rise on baselines, statehood and sovereignty. Pacific Island states' call for the permanence of maritime entitlements was contrasted with more cautious regional responses, underscoring the need for legal innovation and solidarity.

Complementing this, the examination of recent advisory proceedings before ITLOS and the ICJ on climate change obligations revealed how vulnerable states are leveraging international adjudication to advance survival-driven claims.

Finally, the adoption of the 2023 BBNJ Agreement was hailed as a milestone for the governance of marine biodiversity beyond national jurisdiction. Its novel mechanisms for benefit-sharing, environmental assessment and institutional oversight were seen as critical steps toward a more coherent, equitable and sustainable ocean order.

This year also marked the tenth anniversary of the Land and Maritime Boundary Office, and hosting this important conference was a fitting way to commemorate the milestone by sharing knowledge, exchanging experience, and promoting best practices in the peaceful settlement of disputes and ocean governance.


Dili International
Conference


Dili International
Conference


Dili International
Conference

Speaker & Moderator Profiles

H.E. Dr José Ramos-Horta, President of Timor-Leste

President Dr José Ramos-Horta, born in Dili in 1949, led Timor-Leste's international diplomatic campaign for independence. He addressed the United Nations on multiple occasions and was awarded the Nobel Peace Prize in 1996. He became the country's first Foreign Minister after independence from 2002 to 2006. He later served as Prime Minister and Minister of Defence. He was elected President in 2007. The following year, he was shot during an assassination attempt in 2008 and miraculously survived. On return from hospital in Australia, he was welcomed back to Dili by tens of thousands of people lining the road from the airport. At the conclusion of his presidential term in 2012, he was appointed the United Nations Special Representative and Head of the United Nations Integrated Peacebuilding Office in Guinea-Bissau. He was re-elected President of the Republic in 2022.

H.E. Kay Rala Xanana Gusmão, Prime Minister of Timor-Leste

Prime Minister Kay Rala Xanana Gusmão, born in 1946 in Manatuto Municipality, led Timor-Leste's Resistance and became the country's first elected President after independence in 2002, later serving also as Prime Minister. A former guerrilla and political prisoner, he played a central role in building peace, democratic governance, and national development. He spearheaded the Strategic Development Plan 2011–2030 and led historic maritime boundary negotiations with Australia. Xanana Gusmão also leads Timor-Leste in the land and maritime boundary negotiations with Indonesia and champions the Blue Economy as a national priority. Re-elected in 2023, he currently serves as the Prime Minister of the IX Constitutional Government.

H.E. Judge Tomas Heidar President of ITLOS

Judge Tomas Heidar (Iceland) is President of the International Tribunal for the Law of the Sea (ITLOS). He has been Judge of the Tribunal since 2014 and was President of the ITLOS Chamber for Fisheries Disputes 2017-2020 and Vice-President of the Tribunal 2020-2023. He was a Member of the ITLOS Special Chamber in the *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean*. From 1996-2014, Judge Heidar served as Legal Adviser of the Ministry for Foreign Affairs of Iceland, attaining the rank of Ambassador. Judge Heidar is also Director of the Law of the Sea Institute of Iceland and Co-director and lecturer of the Rhodes Academy of Oceans Law and Policy. He has lectured at the University of Iceland and many other universities and institutions around the world. Judge Heidar has published numerous books and articles on ocean affairs and the law of the sea.

Judge Jin-hyun Paik, Former President of ITLOS

Jin-Hyun Paik has been Judge of International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany (2009-2023) and served as its President (2017-2020). He also served as President of the Special Chamber in *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean*. He was Professor of international law at Seoul National University in Korea and Dean of its Graduate School of International Studies (GSIS). He is now Professor Emeritus and also Senior Adviser to the Center for International Law at the Korea National Diplomatic Academy. Judge Paik was Arbitrator in *"Enrica Lexie Incident" case (Italy v. India)*. He currently serves as President of the Arbitral Tribunal in *Dispute concerning Coastal State's Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation)*. Judge Paik is Member of the Institut de Droit International. He also served as President of the Asian Society of International Law (2015-2017).

Garth Schofield, Deputy Secretary-General of the Permanent Court of Arbitration

Garth Schofield is a Senior Legal Counsel at the Permanent Court of Arbitration (PCA). In the majority of cases, he acts as registrar or secretary to the tribunal. In recent matters, Mr Schofield has assisted arbitral tribunals constituted in the Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India); Indus Waters Kishenganga Arbitration (Pakistan v. India); Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom); Arbitration under the Timor Sea Treaty (Timor-Leste v. Australia); South China Sea Arbitration (Philippines v. China); Duzgit Integrity Arbitration (Malta v. São Tomé and Príncipe), and the Timor Sea Conciliation (Timor-Leste v. Australia), as well as dozens of investment and commercial disputes. In addition to his work with tribunals in PCA-administered arbitrations, Mr Schofield assists the PCA Secretary-General in the designation of appointing authorities and the appointment of arbitrators under the UNCITRAL Arbitration Rules. Mr Schofield is a graduate of Yale Law School and The Fletcher School of Law and Diplomacy. He is admitted to practice in the state of New York.

Sir Michael Wood KCMG KC, Legal Counsel

Sir Michael Wood, KC is a barrister at Twenty Essex Chambers, London, where he practises in the field of public international law, including before international courts and tribunals. He was the Legal Adviser to the UK's Foreign and Commonwealth Office between 1999 and 2006, having joined as an Assistant Legal Adviser in 1970. He was a member of the UN International Law Commission from 2008 to 2022 and is an Honorary Fellow of the Lauterpacht Centre for International Law at the University of Cambridge. Sir Michael has worked for Timor-Leste for many years, including in the *Certain Documents and Data* case (Timor-Leste v. Australia) at the International Court of Justice and in the *Timor Leste/ Australia Timor Sea Conciliation* at the Permanent Court of Arbitration.

Rodman Bundy, Legal Counsel Squire Patton Boggs

Rodman Bundy is a senior partner at Squire Patton Boggs (Singapore) LLP, who previously practiced in New York, London and Paris. He specializes in public international law, commercial and investment arbitration, and the upstream oil and gas industry both in contentious proceedings and in an advisory capacity. Mr. Bundy has over 40 years' experience representing States and multinationals in international dispute resolution, including acting as counsel and advocate in numerous cases before the International Court of Justice, the International Tribunal for the Law of the Sea, the Iran-United States Claims Tribunal and Annex VII (UNCLOS), ICSID, ICC, SIAC and ad hoc arbitral tribunals.

Professor Joanna Mossop, Victoria University of Wellington

Professor Joanna Mossop (Victoria University of Wellington) is an expert in the international law of the sea. Her publications cover a range of issues including maritime security, biodiversity beyond national jurisdiction, dispute settlement, ocean governance and the continental shelf. Professor Mossop has provided advice and training in law of the sea matters to the New Zealand government and the UN Development Agency. In 2019 the New Zealand government nominated her to the list of Arbitrators and Conciliators under Annexes V and VII of the UN Convention on the Law of the Sea. She was an independent legal adviser on the New Zealand delegation to the Intergovernmental Conference that negotiated the Agreement on the Conservation and Sustainable Use of Marine Biodiversity of Areas beyond National Jurisdiction. With Professor David Freestone she is currently co-editing a Commentary on the Agreement that will be published by Oxford University Press in 2025.

H.E. Lionel Yee, Deputy Attorney-General, Singapore

Mr Lionel Yee is a Deputy Attorney-General in the Attorney-General's Chambers of Singapore. He has previously held the appointments of Director-General of the International Affairs Division of the Chambers, Solicitor-General and Judicial Commissioner of the Supreme Court of Singapore. He assumed office as Deputy Attorney-General in 2017. He was appointed Senior Counsel in 2013. Mr Yee was head of the Singapore delegation to the Intergovernmental Conference on an International Legally Binding Instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction. He delivered the oral statement of Singapore in the Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law before the International Tribunal for the Law of the Sea.

H.E. Ambassador Prof. Dr. Eddy Pratomo, University of Pancasila and University of Diponegoro

H.E. Ambassador Prof. Dr. Eddy Pratomo, S.H., M.A., is a distinguished Indonesian diplomat and legal scholar with over 30 years of service. He has held key positions such as Director General of Law and International Treaties at the Ministry of Foreign Affairs, Ambassador to Germany, and Special Envoy to the President for maritime boundary delimitation with Malaysia. In academia, Prof. Pratomo serves as the Dean of the Faculty of Law at Pancasila University and has lectured at several prominent institutions. He has published more than fifty scientific papers and books. His educational background includes a law degree from the Universitas 17 Agustus 1945 Jakarta, a Master of Arts from St. John's University, a Doctor of Law from Universitas Padjajaran and a Professor of the Law of the Sea from Universitas Diponegoro, Indonesia.

Lawrence Martin, Foley Hoag

Larry Martin is Senior Counsel at Foley Hoag's International Litigation & Arbitration department. His work focuses on representing sovereign States before the world's leading international dispute resolution fora, including the International Court of Justice and the International Tribunal for the Law of the Sea. He also frequently defends States and State-owned entities before United States courts. Larry concentrates his practice in international disputes involving sovereign States and State-owned entities. He represents sovereigns in proceedings before the world's leading dispute resolution fora, including the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), the Permanent Court of Arbitration (PCA) and the International Centre for the Settlement of Investment Disputes (ICSID). He has particular experience in disputes relating to the Law of the Sea and international environmental cases, although he has handled cases across the spectrum of international law issues, from war reparations to international civil aviation to racial discrimination.

Jens Kruger, Deputy-Director GEM Division, Oceans and Maritime Program

Jens is the Deputy Director for the Ocean and Maritime Programme of the Pacific Community (SPC). Jens is a graduate of the University of the South Pacific, Fiji and completed an MSC at the University of Waikato, New Zealand. He has over 20 years of experience leading multi-disciplinary applied research projects and has a particular interest in the use of marine science and technology in managing the development challenges of Pacific Small Island Developing States. Jens has shaped the regional approach to maritime boundaries for many years and is passionate about collaborative approaches to ocean governance. Jens has worked in over 20 countries including several years as a seafarer on marine survey vessels. This work in the industry and with intergovernmental organisations has resulted in more than 80 publications including technical reports, maps, scientific papers and book chapters.

Gitanjali Bajaj, Partner, Co-Head for International Arbitration Asia-Pacific, DLA Piper

Gitanjali is a leading international dispute resolution partner, specialising in maritime and land boundary delimitation, law of the sea, natural resources, infrastructure and defence. Since 2013, she has been a key legal advisor to Timor-Leste. Gitanjali represented Timor-Leste in the first-ever UNCLOS compulsory conciliation. She has advised Timor-Leste on oil and gas disputes, including negotiations with Australia and an ICC arbitration. Recently, Gitanjali represented Timor-Leste before the ICJ and ITLOS in the climate change advisory proceedings. Gitanjali is currently representing Timor-Leste in its maritime and land boundary negotiations with Indonesia.

H.E. Agio Pereira, Minister of the Presidency of the Council of Ministers, Agent for Timor-Leste in the Timor Sea Conciliation

His Excellency Agio Pereira is the Minister for the Presidency of the Council of Ministers for the 9th Constitutional Government of Timor-Leste. He has also acted as the Interlocutor on Greater Sunrise Discussions and the Agent for Timor-Leste in the Timor Sea Conciliation. Prior to his current Ministerial position Minister Pereira held numerous important roles, including as Secretary of State for the Council of Ministers, Deputy Minister for Maritime Boundaries, Deputy Speaker of the National Legislative Council, Chief of Staff for the first elected President of Timor-Leste, His Excellency Xanana Gusmão and Chief of Staff to former President, Dr. José Ramos-Horta. In the days after the 1999 vote for independence, Minister Agio was appointed as the Coordinator of the National Emergency Commission. Minister Agio holds Masters Degrees in Criminology and Criminal Justice, Policing, Intelligence and Counterterrorism, and in International Relations.

Katrina Cooper, Australian Senior Diplomat, Co-agent for Australia in the Timor Sea Conciliation

Katrina Cooper is a Deputy Secretary at the Department of Foreign Affairs and Trade.

She has represented Australia internationally in a wide range of roles, including as G20 Sherpa to Prime Minister Albanese and G7 Sherpa for the G7 meeting hosted by Japan in 2023. She was co-agent for Australia in the Timor Sea Conciliation.

From 2008-2012 she was Australia's Ambassador to Mexico, from 2013 to 2017 she was the Department's Senior Legal Advisor and from 2017-2021 she was Deputy Head of Mission at the Australian Embassy in Washington.

H.E. Ambassador Peter Taksøe-Jensen, Chairman of Conciliation Commission

Peter Taksøe-Jensen is the ambassador of Denmark to Italy, Malta and San Marino since 2024. Before his current post, he was the ambassador of Denmark to Japan from 2019 to 2024, the ambassador of Denmark to India, Bhutan, Maldives and Sri Lanka from 2015 to 2019, and the ambassador of Denmark to the United States from 2010 to 2015. He was previously the Assistant Secretary-General for Legal Affairs and Head of Legal Service at the Ministry of Foreign Affairs of Denmark. He has also lectured numerous courses on EU law, EU policies and negotiations, and on EU procedures. From 2016 to 2018, Peter Taksøe-Jensen was Chairman of the five-member Conciliation Commission in the Maritime Boundary Case between Timor-Leste and Australia under the auspices of the Permanent Court of Arbitration in Hague. In his endeavours as Chairman, he contributed to the successful outcome of a significant and historic milestone for the peaceful settlement of disputes between States. The two parties signed the Treaty on Maritime Boundaries between Timor-Leste and Australia at the United Nations Headquarters in the presence of the Secretary-General of the United Nations, H.E. António Guterres.

Martin Doe, Deputy Secretary-General of the Permanent Court of Arbitration

Martin Doe serves as Deputy Secretary General and Principal Legal Counsel at the Permanent Court of Arbitration (the Hague) at the Permanent Court of Arbitration (PCA) in The Hague, an intergovernmental organization that administers dispute proceedings involving resolution various combinations of States, State entities, intergovernmental organizations, and private parties. He has worked closely with arbitral tribunals in some of the largest and most complex inter-State, investor-State, and commercial cases administered by the PCA spanning the full breadth of public and private international law as well as the full range of commercial industry sectors. In addition, he assists the Secretary-General PCA Secretary-General in discharging his roles under the Arbitration Rules of the United Nations Commission for International Trade Law (UNCITRAL), and is also frequently called upon to assist in the diplomatic work of the PCA with its member States and other international organizations. Among other areas, he heads the Latin American practice of the organization, as well as its work in the fields of climate change, business and human rights, and complex financial disputes. A member of the Barreau du Québec and New York State Bar, as well as a Fellow of the Chartered Institute of Arbitrators, he regularly speaks and publishes on international dispute resolution, and has lectured at various universities worldwide.

Dr Vasco Becker-Weinberg, University of Lisbon

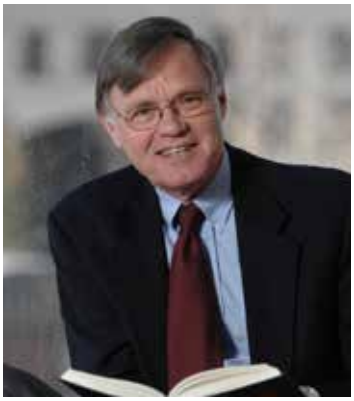
Vasco Becker-Weinberg is a professor at the Faculty of Law of the University of Lisbon and a researcher at the Lisbon Public Law Research Centre. He is the founder and president of IPDM–Portuguese Institute of the Law of the Sea and the Editor-in-Chief of the Portuguese Yearbook of the Law of the Sea. Professor Becker-Weinberg has been involved in the drafting of several public policies and legislation, and has great experience in regional and multilateral settings. He has also been on several delegations to international fora and often advises on public international law and the law of the sea matters. Professor Becker-Weinberg is presently the Deputy-Head and Legal Coordinator of Portugal's Task Group for the Extension of the Continental Shelf. He was previously a Member of the European Parliament, Law Clerk at the Portuguese Constitutional Court, Legal Advisor to the Portuguese Secretary of the Sea, and a full-time scholar at the International Max Planck Research School for Maritime Affairs at the University of Hamburg.

H.E. Judge Rudiger Wolfrum, Conciliators in the Timor Sea Conciliation

His Excellency Judge Rüdiger Wolfrum is a distinguished international jurist and academic. He served as a Judge of the International Tribunal for the Law of the Sea (ITLOS) from 1996 to 2017, and was President from 2005 to 2008. He is an ad hoc Judge on the International Court of Justice (ICJ) and served on the Guyana v. Venezuela and and Equatorial Guinea v. Gabon cases. He was Director of the Max Planck Institute for Comparative Public Law and International Law (1993–2012), and later Managing Director of the Max Planck Foundation for International Peace and the Rule of Law (2013–2020). A professor of public and international law at the Universities of Mainz, Kiel, and Heidelberg, Judge Wolfrum has also held leading roles in major international arbitrations and conciliations, including the South China Sea case and the Timor-Leste/Australia Conciliation. He is a member of the Institut de Droit International and recipient of the Manley O. Hudson Medal of the American Society of International Law (2020).

Judge Abdul Koroma, Conciliators in the Timor Sea Conciliation

Abdul Koroma is a former Judge of the International Court of Justice (ICJ) (1994-2012). He is a very senior and leading international lawyer and arbitrator. He has served as the Chairman of the UN General Assembly 6th Committee (Legal); a member of the International Law Commission, which he has chaired; the Ambassador of Sierra Leone to the United Nations and to several countries; as well as on a broad range of other prominent international bodies and organisations. He is an honorary bencher of Lincoln's Inn.



Professor Donald McRae, University of Ottawa, Conciliators in the Timor Sea Conciliation

Donald McRae is Professor Emeritus in the Faculty of Law, at the University of Ottawa, Canada. He is a member of the Institut de Droit International, a member of the Royal Society of Canada, a Companion of the Order of Canada, and an Officer of the New Zealand Order of Merit. He was a member of the United Nations International Law Commission from 2007 to 2016. He has been counsel in international disputes over the law of the sea and international trade and an arbitrator in international investment and other international legal disputes. He is currently judge ad hoc in three cases before the ICJ. Professor McRae was a member of the Conciliation Commission in the Timor Sea Conciliation which assisted Timor-Leste and Australia in agreeing on a maritime boundary, the Greater Sunrise Special Regime and related resource management issues in the Timor Sea.

Dr Rosalie Balkin, Conciliators in the Timor Sea Conciliation

Dr Rosalie Balkin is former Director of Legal Affairs and External Relations at the International Maritime Organization (IMO) (London). While she held this position she also served as Secretary of IMO's Legal Committee and for a time also as IMO's Assistant Secretary-General. She was previously Assistant Secretary in the Office of International Law at the Federal Attorney-General's Department in Canberra, Australia. She has held academic posts, including at the University of the Witwatersrand in Johannesburg, South Africa; at the University of Melbourne and University of New South Wales in Australia; and at the University of Cambridge, UK.

Professor Makoto Seta, Waseda University

Dr SETA Makoto is an Associate Professor of International Law at the Graduate School of Asia-Pacific Studies, Waseda University, Japan. He holds a Ph.D. in Law, Waseda University (Japan), LL.M. London School of Economics and Political Science (UK), LL.B. Waseda University (Japan). He worked as a Research Associate at the Institute of Comparative Law at Waseda University from April 2013 to March 2015 and as an Associate Professor at Yokohama City University from April 2015 to March 2023. In 2013, his article "Regulation for Private Maritime Security Companies and Its Challenges" received an award from the Yamagata Maritime Institute. His main interest is the law of the sea, especially in ocean governance and universal jurisdiction over maritime crimes.

Assoc. Prof. Dr. Nguyen Thi Lan Anh

Assoc. Prof. Dr. Nguyen Thi Lan Anh is the Vice President of the Diplomatic Academy of Vietnam (DAV). She is also the Vice President of the Asian Society of International Law. Previously, she held the position of Minister Counsellor at the Embassy of Vietnam in London (2018–2021). Prof. Nguyen is a distinguished expert in the Law of the Sea and International Law, with over 20 years of extensive experience in research, teaching, and advisory roles. She provides legal analysis and advisory opinions on political, diplomatic, and security matters. She has published numerous influential works and actively participates in international forums, fostering global cooperation on critical legal and maritime issues. Her outstanding contributions have been recognized with several prestigious honors, including the Award of Merit from the Minister of Foreign Affairs (2016, 2020, 2021) and the Prime Minister of Vietnam (2021). Prof. Nguyen is also Vietnam's candidate for the position of judge at the International Tribunal for the Law of the Sea (ITLOS).

Dr Ifesinachi Okafor-Yarwood, University of St Andrews

Dr Ifesinachi Okafor-Yarwood is a distinguished scholar and practitioner specialising in maritime security, ocean governance, and sustainable development. As a Lecturer in Sustainable Futures at the University of St Andrews, she researches the intersection of environmental stewardship, maritime security, and socio-economic justice in Africa. Her maritime boundary dispute resolution research aims to advance peaceful resolutions and cooperative resource management. Since 2023, she has served as the Women, Peace, and (Maritime) Security Advisor (West Africa) for the UNODC Global Maritime Crime Programme. Furthermore, she led the drafting of the Code of Practice in the Gulf of Guinea for the Kofi Annan International Peacekeeping Training Centre (KAIPTC. Dr. Okafor-Yarwood's research informs global policy, with publications in leading academic journals and for various UN agencies. A PEW Marine Fellow (2023–2026), she focuses on equitable resource governance and marine social ecology. She also hosts the African Geopardy Podcast, addressing Africa's geopolitical, development and maritime security issues.

Dr Dionisio da Costa Babo Soares, Permanent Representative of Timor-Leste to the United Nations

His Excellency Dionisio da Costa Babo Soares is The Permanent Representative of Timor-Leste to the United Nations in New York. Previously he was a Senior Adviser on International Relations to the President of the Republic and co-chair of the Indonesia—Timor-Leste Commission of Truth and Friendship. He was previously a Professor at the National University of Timor-Leste. He holds a PhD in Anthropology from the Australian National University. His career in government began in 2012, as Minister of Justice from 2012 to 2015. He was the Minister of State Coordinator for Administrative Affairs and Justice and Minister of State Administration from 2015 to 2017. He served as Minister of Foreign Affairs and Cooperation from 2018 to 2020. He is the President of the Directive Council of the National Congress for Timorese Reconstruction and a highly respected lecturer and writer.

Professor Margaret A Young, University of Melbourne

Professor Dr Margaret A Young FAAL, Melbourne Law School, is an Australian Research Council (ARC) Future Fellow researching 'International Law and the Blue Economy'. Elected in 2021 as a Fellow of the Australian Academy of Law, Margaret is academic consultant to the World Bank's Blue Economy Program and supported the International Union for Conservation of Nature (IUCN) in the ICJ climate advisory proceedings. She has completed ARC projects on Climate Change Law (which led to the award-winning *The Impact of Climate Change Mitigation on Indigenous and Forest Communities* (CUP, 2017)) and International Adjudication (with now-Judge Hilary Charlesworth). She was Director of Studies at the Hague Academy in 2016, was the Lauterpacht Centre's junior research fellow after graduating with a PhD from the University of Cambridge, and is a recipient of the IUCN Academy of Environmental Law Junior Scholar Prize. She specialises in public international law, the law of the sea, international trade law, and environmental law.

H.E. Laingane Italeli Talia, Attorney General of Tuvalu

Current Attorney General appointed in 2023 when her predecessor assumed Office as Tuvalu's High Commissioner to Fiji - Dr. Eselealofa Apinelu. Her career path as a lawyer began in 2010 in the Attorney General's Office to date, serving as then Crown Counsel, Senior Crown Counsel and now Attorney General. Mrs. Talia has served and is still serving in this Office for 15 years, with 2 years serving as legal adviser and later as Interim Deputy Permanent Representative to Tuvalu's Permanent Mission to the UN during Tuvalu's tenure as Chair of the Pacific Islands Forum. In this role, she represented Tuvalu at the UN Human Rights Council, and third and sixth Committee of the UN General Assembly. She has played a vital role in shaping the country's legal framework, including on climate change resilience, and on the Tuvalu Constitutional Review Project, culminating in the enactment of the 2023 Constitution of Tuvalu. Most recently, she played a crucial role in presenting Tuvalu's case alongside High Commissioner Dr. Eselealofa Apinelu at the International Court of Justice on the existential threat posed by climate change-related sea-level rise.

Dr Kilaparti Ramakrishna, Woods Hole Oceanographic Institution

Dr Kilaparti (Rama) Ramakrishna is the Director of the Marine Policy Center and Senior Advisor to the President on Ocean and Climate Policy at the Woods Hole Oceanographic Institution. He was previously Head of Strategic Planning at the United Nations' Green Climate Fund and head of the UNESCAP East and North-East Asia Office.
Dr Ramakrishna was a lead author of the fifth assessment by the IPCC, coordinating lead author of the Millennium Ecosystem Assessment, and lead author of the Interlinkages Assessment. He has lectured at The Fletcher School of Law and Diplomacy, Harvard Law School, Boston University and Boston College Law Schools, Brandeis and Yale Universities. He is an elected life member of the United States Council on Foreign Relations. He is also the Chair of Strategic Advisory Group of the Nippon Foundation-GEBCO Seabed 2030 Project, a Member of the Advisory Board of Back to Blue – a global initiative of Economist Impact, a Director of the Woodwell Climate Research Center Consensus Building Institute, One Ocean Foundation and ClientEarth. He holds B.Sc and B.L degrees in sciences and law, masters and PhD degrees in international law.

Dr Tara Davenport, National University of Singapore, Centre of International Law

Dr. Tara Davenport is currently an Assistant Professor at the Faculty of Law, National University of Singapore (NUS) where she teaches Principles of Property Law, Law of the Sea and International Regulation of Shipping. She is also co-head of the Oceans Law and Policy Team at the Centre for International Law (CIL) at NUS, Deputy Director of the Asia-Pacific Centre for Environmental Law (APCEL), member of the Executive Council of the Asian Society of International Law, member of the Editorial Board of the Asian Journal of International Law and Ocean Development and International Law Journal. Her research interests are in law of the sea, including maritime security, submarine cables, deep seabed mining, interactions between climate change and law of the sea and the marine environment.

Stephen Webb, Partner, Head of Energy (Asia-Pacific) & Timor-Leste client relationship partner – DLA Piper

Stephen is an international lawyer who acts for States in maritime boundary delimitation disputes, often ones involving natural resources, and also advises on special economic zone and renewable energy projects. Since 2008, he has supported Timor-Leste on a range of projects, including leading a multi-jurisdictional legal team advising on their UNCLOS compulsory conciliation with Australia. Stephen currently advises Timor-Leste in concluding its land and maritime boundaries with Indonesia. DLA Piper has proudly supported the government over almost 20 years with many in country pro bono secondees and, most recently, represented Timor-Leste and other countries on a pro bono basis before the ICJ and ITLOS in the climate change advisory proceedings.

H.E. Dr Eselealofa 'Ese' Apinelu, former Attorney General of Tuvalu

Dr Eselealofa Apinelu currently serves as Tuvalu's High Commissioner to Fiji. As High Commissioner, she works toward Tuvalu and Fiji's common interest in a peaceful and resilient region. She is an inspirational leader, combining legal expertise, environmental advocacy and a commitment to Indigenous rights. Prior to her appointment as High Commissioner to Fiji in September 2022, she was Attorney General of Tuvalu for over ten years. She is, remarkably, the country's first female lawyer, and the first female appointed as the Attorney General of Tuvalu. In 2012, she became the first female Executive Member of the South Pacific Lawyers' Association (SPLA) and the Chair of the SPLA Women in the Law Committee. Dr Apinelu is a dedicated advocate of climate justice, having inspired generations of island women and young people. Dr Apinelu is passionate about indigenous and human rights in the South Pacific. She is convinced that the knowledge and understanding of indigenous peoples can contribute to global efforts to combat the effects of climate change and sea-level rise in small island states. She is committed to securing a more just and sustainable future for all, and to ensuring that Tuvalu and other island nations are not forgotten in this struggle.

Naporn Prompt Poppattanachai, University of Galway

Naporn Popattanachai currently holds a position of Lecturer in Environmental and Marine Law at the School of Law, University of Galway, Ireland. His research interests and expertise lie in the fields of Public International Law, International Environmental Law, International Law of the Sea, especially the protection of global commons. Prior to his appointment at University of Galway, He was an Assistant Professor at Faculty of Law, Thammasat University and was an ITLOS/Nippon Fellow at the International Tribunal for the Law of the Sea, Hamburg, Germany. Naporn gives advice to both public and private institutions. He, for example, recently co-advised the Royal Thai Government for delivering its oral statement in an advisory proceeding before the International Court of Justice (ICJ) concerning obligations of States in respect of Climate Change. In the past, he also advised the Royal Thai government's Ministry of Natural Resources and the Environment on environmental legal matters especially those concerning protection of the marine environment and transboundary pollution. He worked with international institutions including the International Union for Conservation of Nature (IUCN) and World Wildlife Fund (WWF) on various issues including protection of the marine environmental from plastic pollution and international illegal trafficking of wildlife in Southeast Asia respectively.

Justice Paula da Conceição Machatine Honwana, Judge of the Residual Special Court for Sierra Leone

Justice Paula da Conceição Machatine Honwana was appointed a Judge of the Residual Special Court for Sierra Leone by the Secretary-General of the United Nations in 2024. She is Judge of the Superior Court of Appeals in Mozambique since 2011, and has served as a Judge in Mozambique, in various capacities, in Civil and Labour Divisions of the First Instance Court since 1998. From 2001-2014, she was Secretary-General of the Superior Council of the Judiciary, the management and disciplinary board of the Mozambican Judiciary, and from 2014-2019 she served as Legal Adviser to the President of the Supreme Court of Mozambique. She has taught Law at Universities in Mozambique and at the Centre of Judicial Training in Maputo. From 2023-2024, she served as Legal Adviser to the Permanent Mission of the Republic of Mozambique to the United Nations in New York. In 2023 she acted as agent for Mozambique at the International Tribunal for the Law of the Sea case *Request for an Advisory Opinion by the Commission of Small Island States on Climate Change and International Law*.

Rose Kautoke, Senior Crown Counsel and Head of the Legal Advice and International Law Division, Attorney General's Office, Kingdom of Tonga

Rose Lesley Kautoke is a Law Practitioner in the Kingdom of Tonga and is currently employed as the Head of the Legal Advice and International Law Division of the Attorney General's Office of the Kingdom of Tonga. She specialises in public international law, and is particularly passionate in the fields of environmental law, human rights and law of the sea. Ms. Kautoke has represented her country as lead legal counsel in meetings and multilateral negotiations in fields which range from aid and development, climate change, environment, oceans and law of the sea, sustainable development, and other priority areas for the Government of the Kingdom of Tonga. She represented Tonga in the Preparatory Committee sessions and the BBNJ Intergovernmental Conference. In the 5th Session of the Intergovernmental Conference, Rose represented Tonga as lead negotiator and was selected as the Pacific SIDS Coordinator on SIDS priority areas. In the Resumed Fifth Session of the Conference, she was also the Pacific SIDS Co-Coordinator on Marine Genetic Resources. Ms. Kautoke is also passionate in capacity development of young Pacific law students and lawyers.

Eran Sthoeger, Columbia University

Eran is a New York-based litigator and advisor in public international law. He has extensive experience in land and maritime boundaries, the law of the sea, environmental law, treaty law, investment law, the law of international organizations, human rights law, the use of force and humanitarian law. Eran has appeared before several international courts and tribunals. He represented Timor-Leste in the *Documents Seizure* case before the ICJ and the UNCLOS compulsory conciliation with Australia. More recently, he represented Timor-Leste in the climate change advisory proceedings before ITLOS and the ICJ.

Dr Xiangxin Xu, Shanghai Jiao Tong University

Dr Xu Xiangxin (Lily) is an Associate Professor at the KoGuan School of Law, Shanghai Jiao Tong University. She earned her PhD from the University of Kiel, Germany. Dr. Xu specializes in legal issues related to deep seabed mining and has authored numerous publications in this field. Her recent monograph, Responsibility to *Ensure: Sponsoring States' Environmental Legislation for Deep Seabed Mining and China's Practice*, examines key aspects of sponsoring States' environmental legislation in the context of deep seabed mining. Dr. Xu actively tracks legislative developments related to the International Seabed Authority's Draft Exploitation Regulations and participates in the Authority's Council meetings as an observer representative in consultations on the Regulations.

Elizabeth Exposto, Chief of Staff to the Prime Minister and CEO of the Land and Maritime Boundary Office

Elizabeth Exposto is the Chief of Staff to the Prime Minister and CEO of the Land and Maritime Boundary Office (LMBO) of the Government of Timor-Leste. Ms Exposto was born in Timor-Leste but grew up in exile in Australia. Returning after the 1999 independence referendum, she became a member of His Excellency Kay Rala Xanana Gusmão's staff after he was elected as Timor-Leste's first President. She continued with Gusmão when he became Prime Minister from 2007 to 2015 serving in several senior roles. In 2015, she was appointed by the then Prime Minster as the CEO of the Maritime Boundary Office (later changed to the LMBO) and served as Timor-Leste's Deputy Agent in the Timor Sea Conciliation. Ms Exposto represented Timor-Leste in the climate change proceedings before ITLOS and the ICJ. She also represented Timor-Leste and delivered the Instrument of Accession to the 1907 Hague Convention for the Pacific Settlement of International Disputes.

Photo: Sam Kretchmar 2022

Land and Maritime Boundary Office
Government of the Democratic Republic
of Timor-Leste