



Max Planck Institute
LUXEMBOURG
for Procedural Law



**UNIVERSITÉ
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The Dynamics of Disputes over Illegal, Unreported, and Unregulated Fishing: Regime Convergence and *Lex Ferenda*

In cooperation with the University of Geneva

The multidimensional consequences of Illegal, Unreported, and Unregulated (IUU) Fishing reflect a diverse range of legal regimes and jurisdictional challenges. The Conference will bring together internationally renowned experts to evaluate the progress made thus far in addressing IUU Fishing from these different perspectives, and to discuss the potential for future developments. By focusing on the prevention and resolution of disputes relating to IUU Fishing, the Conference aims to raise holistic considerations that may serve as the basis for constructive approaches to this phenomenon. The Conference begins with an assessment of the legal scope of IUU Fishing disputes, and concludes with proposals for improving the management of these disputes in light of the dispute settlement frameworks discussed over the course of two days: institutions for global and regional cooperation, international courts and tribunals, and domestic jurisdictions. The panels will address the most controversial and salient aspects of these frameworks for addressing IUU Fishing disputes. Participants in the Conference will include academics, practitioners, jurists, representatives of international organizations, and government officials from Luxembourg, Europe, and around the world.



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Thursday, 28 November 2019

13:30 – 14:00 Registration & Coffee

14:00 – 14:15 **Welcome Address**

Prof. H el ene Ruiz Fabri (*MPI Luxembourg for Procedural Law*)

Prof. Makane Mo ise Mbengue (*University of Geneva*)

14:15 – 16:00 **Panel 1: The Multidimensional Implications of IUU Fishing Disputes**

Speakers: Prof. Bernard H. Oxman (*University of Miami*)

'Procedural implications of urgency in IUU disputes'

Prof. Malgosia Fitzmaurice (*Queen Mary University of London*) & Dr Mercedes Rosello (*House of Ocean*)

'Vulnerability and fishing: a case study of the 2018 Agreement to Prevent Unregulated High Sea Fisheries in the Central Arctic Ocean. Arctic fisheries and indigenous communities'

Prof. Yoshifumi Tanaka (*University of Copenhagen*)

'Implications of environmental norms for fishing: the inter-linkage between the regulation of fishing and the protection of marine biological diversity'

Prof. Christina Voigt (*University of Oslo*)

'Climate change and a rule of law for the oceans'

Moderator: Prof. Alan Boyle (*University of Edinburgh*)

16:00 – 16:15 Coffee Break



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16:15 – 18:00

Panel 2: Negotiation and Dispute Prevention in Global Cooperative Institutions

Speakers:

Ms Lucía Solano Ramírez (*Ministry of Foreign Affairs, Colombia*)

'The decision-making process of States in addressing IUU fishing concerns and preventing or handling disputes'

Dr Barbara Hutniczak (*International Pacific Halibut Commission*) & Dr Claire Delpeuch (*Organisation for Economic Co-operation and Development*)

'Transparency and international co-operation as key tools to prevent IUU fishing and disputes over it'

Ms Jessica Battle (*World Wide Fund for Nature*)

'Dispute settlement under a new UNCLOS implementing agreement - perspectives from a NGO'

Prof. Cymie Payne (*Rutgers University*)

'The recognition of community interests in fisheries management'

Moderator:

Prof. Hélène Ruiz Fabri (*MPI Luxembourg for Procedural Law*)

18:00

Reception



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9:00 – 10:45 **Panel 3: Localization *versus* Fragmentation in Regional Dispute Settlement Frameworks**

Speakers: Prof. Ruth Mackenzie (*University of Westminster*)
'Dispute settlement in regional fisheries management: coverage, convergence, and fragmentation'

Amb. Namira Negm (*African Union Commission*)
'AU AIM Strategy and the fragmentation of IUU fishing regulations in Africa: the case of West Africa'

Mr Milton Haughton (*Caribbean Regional Fisheries Mechanism*)
'Regional cooperation in combating IUU fishing in Caribbean Small Island Developing States'

Mr Frank Meere (*Commission for the Conservation of Southern Bluefin Tuna*)
'Regional versus global approaches to IUU dispute settlement - flag State performance both within and outside RFMOs'

Moderator: Prof. Alfred Soons (*Utrecht University*)

10:45 – 11:00 **Coffee Break**

11:00 – 12:45 **Panel 4: Contentious and Advisory Roles of International Courts and Tribunals**

Speakers: Judge Julia Sebutinde (*International Court of Justice*)
'The Duty to cooperate: perspectives from the Whaling case (Australia v. Japan)'



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Judge Tomas Heidar (*International Tribunal for the Law of the Sea*)
'The ITLOS Advisory Opinion as a guide for coastal States to take legal action against non-compliant flag States for IUU fishing'

Mr Marco Benatar (*International Tribunal for the Law of the Sea*)
'The participation of associated States and dependent territories in IUU fishing dispute settlement'

Ms Clarisse Morgan (*World Trade Organization*)
'WTO negotiations to eliminate subsidies to IUU fishing'

Moderator: Prof. Makane Moïse Mbengue (*University of Geneva*)

12:45 – 14:00 Lunch

14:00 – 15:45 **Panel 5: Challenges for the Jurisdiction and Effectiveness of Domestic Judiciaries**

Speakers: Mr Kelve Nobre de Carvalho (*Attorney General of São Tomé and Príncipe*)
'The prosecution of IUU fishing cases: challenges for coastal States in the Gulf of Guinea'

Ms Eve de Coning (*Ministry of Trade, Industry & Fisheries, Norway*)
'Chasing red herrings: flags of convenience, secrecy, and the impact on fisheries crime law enforcement'

Prof. Alina Miron (*University of Angers*)
'The grey areas of enforcement jurisdiction over IUU fishing'

Mr Marcus Asner (*Arnold & Porter Kaye Scholer LLP*)
'Lacey Act-style statutes, comity, and the power of national law enforcement'

Moderator: Prof. Ronán Long (*WMU-Sasakawa Global Ocean Institute of the World Maritime University*)

15:45 – 16:00 Coffee Break



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16:00 – 17:45

Panel 6: Future Currents in the Management of IUU Fishing Disputes

Speakers:

Dr Florian Grisel (*King's College London*)

'Small-scale fisheries and their laws: an appraisal'

Prof. Erik Molenaar (*Utrecht University & UiT The Arctic University of Norway*)

'Disputes relating to participation in RFMOs'

Dr Solène Guggisberg (*Utrecht University*)

'Independent, compulsory, and multilateral verification of States' obligations: can the IMO scheme for shipping law be used as an example to follow for fisheries?'

Dr Brian McGarry (*Leiden University*)

'Market-based fisheries management: dispute settlement aspects and opportunities'

Moderator:

Prof. Ellen Hey (*Erasmus University Rotterdam*)

17:45 – 18:00

Concluding Remarks

Dr Nilüfer Oral (*Istanbul Bilgi University; International Law Commission*)

'Reflections on the past, present and future of IUU fishing under international law'