



«THE PHOENICIA ROUNDTABLE»

International roundtable consultation on the law of the sea

MARITIME ORDER IN THE GLOBAL ERA

NATIONAL INTEREST VS. COMMON GOOD OF HUMANITY

The Phoenicia, Malta

25 September 2025

The recent controversy around the Panama Canal – a “permanently neutral” international transit waterway under the jurisdiction of the eponymous republic – has again demonstrated the challenges that may arise for the rule of law and peace between states when a major global player resolves to assert its national interest to the detriment of the sovereignty of another state.

Over the centuries, disputes over maritime sovereignty, not only concerning international sealanes, have been the cause of tension or armed conflict in virtually all corners of the globe. With the Truman Proclamation of 1945, a process for the assertion – and expansion – of maritime sovereignty by coastal states has been set in motion – an “appropriation” of maritime areas the magnitude of which, in the words of Arvid Pardo (1982), is “unprecedented in history.” The notion of “continental shelf,” codified in the United Nations Convention on the Law of the Sea (UNCLOS), has become the rationale for the assertion of sovereignty beyond the territorial sea, giving coastal and archipelagic states “sovereign rights” of exploitation in vast areas of the ocean. This has created new lines of conflict and geopolitical confrontation. Numerous overlapping claims of jurisdiction have resulted from the provisions of the Convention, particularly as regards the status of islands. The entitlement of islands, irrespective of the size of their territory, to a continental shelf cum EEZ that can be far larger than the EEZ of large coastal states can be a problem not only in

terms of equity, but also of jurisdiction, particularly when an island under the territorial sovereignty of a coastal state is situated on the continental shelf of another coastal state.

While, traditionally, claims of maritime sovereignty were determined by the **ability to control** (by military means), as in Cornelius van Bynkershoek's *De dominio maris dissertatio* (1742), or the **ability to exploit**, as in the Geneva Convention on the Continental Shelf (1958), UNCLOS defines sovereign maritime rights in the sense of **entitlement**, resorting, inter alia, to the fictitious notion of a "legal" continental shelf. Though overly accommodating the interests of coastal and archipelagic states – through its generous allocation of maritime zones – the Convention, transcending the paradigm of "ability," sets an absolute outer limit to the exercise of any kind of national sovereignty, and thus to the greed justified by invoking it. The "area" of the sea and its resources beyond the limits of national jurisdiction are declared "**the common heritage of mankind.**" This is, essentially, the legacy of Arvid Pardo who, as Representative of Malta to the United Nations, in his landmark speech to the UN General Assembly on 1 November 1967 had called for an "international régime" of the high seas, and of Elisabeth Mann Borgese who initiated, in 1969, the *Pacem in maribus* conference series in Malta and later was member of the expert group of the Austrian delegation in the negotiations on UNCLOS. Our meeting in Malta is dedicated to their memory.

Following up on recent roundtable consultations in Vienna (2023) and Istanbul (2024), dedicated to issues of sovereignty and state responsibility, the International Progress Organization would like to discuss the tension – in the maritime domain – between the pursuit of national interests, in the name of sovereignty, on the one hand, and commitment to the global common good, on the other. Among the topics will also be: jurisdictional disputes, whether bilateral or multilateral (e.g., in the Aegean and Levantine Sea, the South China Sea, or the Gulf between Iran and the Arabian Peninsula); threats to peace due to geostrategic ambition or competition for resources; doctrinaire questions of the island regime under UNCLOS; doctrinaire issues related to the notion of "continental shelf" (physical – fictional); the interpretation of equitable principles in the delimitation of maritime boundaries; geostrategic implications of the continued existence of non-self-governing island territories; (historical) claims to *territorial* sovereignty (over islands) in connection with *maritime* sovereignty and its "entitlements"; problems of arbitration and enforceability of awards; etc.

Our approach will be interdisciplinary. We intend to invite experts of international relations, international law, political science, geography, and history to discuss the issues at a roundtable consultation in Malta on 25 September 2025. The working language will be English.

Vienna, 25 January 2025



INTERNATIONAL PROGRESS ORGANIZATION

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