



**ASCOMARE Yearbook, Volume I:
‘Law of the Sea and Definitions’**

Call for papers

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Background

The “[Associazione di Consulenza in Diritto del Mare](#)” (ASCOMARE) is pleased to inaugurate its Yearbook on the Law of the Sea (YLoS). The First Volume will focus on “Law of the Sea and Definitions.”

ASCOMARE is an international platform established in 2018 to provide *pro bono* legal consultancy and technical assistance to Governments, public and private entities as well as NGOs. The main goal of ASCOMARE is to facilitate the widespread and uniform implementation of the law of the sea. This includes first and foremost its framework treaty: The UN Convention on the Law of the Sea (UNCLOS) aimed at establishing a legal order for the seas and oceans.

Scope

"The uniform interpretation and application of the provisions of the Convention is indispensable to establishing a stable legal order for the seas and oceans. If each State is allowed to interpret and apply the provisions of the Convention as it sees appropriate, uniformity would be impossible and obligations under the Convention would mean different things to different States. This would upset the delicate balance achieved in the Convention through painstaking negotiation and render the multilateral ocean regime created by the Convention ineffective [...]"

“M/V Virginia G” case, Sep.Op. Paik (para 28)

Thirty-eight years have passed since participants at the Third UN Conference on the Law of the Sea adopted the UNCLOS. The adoption of this convention celebrates almost a century of discussions and negotiations on legal concepts and terms of the modern international law of the sea. As Ambassador Tommy B. Koh, the second President of the Third Conference, noted the Convention is an extraordinary example of global governance: “[A] comprehensive constitution for the oceans which will stand the test of time.” With its three hundred and twenty Articles and nine Annexes, UNCLOS provides definitions in Articles 1, 18, 29, 38, 46, 53, 70, 101, 109, 121, 122, 124, 133, 221, Annex III (Article 5), Annex III (Article 13), Annex IV (Article 11), and Annex IX (Article 1). Notwithstanding that, numerous terms and phrasal lexemes encapsulated

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within the text of the Convention largely remain undefined, sparking disagreement on the way they should be interpreted and applied in practice. This tension is also reflected in the Declarations and Statements made by States upon UNCLOS signature and ratification, and in the domestic legislation of States Parties and non-Parties to the Convention.

In light of the foregoing, ASCOMARE devotes Volume I of its Yearbook series to the theme “Law of the Sea and Definitions.” It welcomes contributions that examine the content and legal scope of undefined terms of the Convention and other related instruments – including its two implementing agreements and the International Seabed Authority (ISA) regulations. The call also appreciates papers assessing the historical and evolutionary meaning of such terms against the backdrop of State practices and international case-law. Further, a critical comparative analysis of terms included both in the UNCLOS and in other international legal instruments – e.g., MARPOL, SOLAS, COLREGs, and CITES – is well-received.

In order to promote a uniform interpretation and application of the provisions of the Convention, Volume I of the YLoS aims to provide an influential legal viewpoint on the meaning of undefined terms and phrasal lexemes of the vast universe of the law of the sea.

The YLoS strives to serve as a tool to support the work of international law experts, judicial bodies, policy makers and legal practitioners in the field of the law of the sea. In addition, the YLoS seeks to provide students, NGOs and the private sector with an additional instrument to comprehend the meaning and legal scope of law of the sea terms and concepts.

ASCOMARE is interested in submissions examining the theme with reference to one or more of the terms included in the following non-exhaustive list:

Alien/new species	Artificial islands	Assistance
Coastal State	Collision	Cooperation

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Continuous/Expeditious	Conservation	Control
Detention	Distress	Due diligence
Due regard	Exclusive	Exploration
Exploitation	Fishing	Flag State jurisdiction
Force Majeure	Fringing reef	Genuine link
Habitat	High-tide	Historic bay
Historic title	Historical/archaeological objects	Hydrographic surveys
Ice-covered areas	Immediate vicinity	Imprisonment
Incident of navigation	Irreversible disturbance	Lawful uses of the sea
Low-tide	Major damage	Management
Marine environment	Marine living resources	Marine non-living resources
Marine scientific research	Maritime security	Master
Maximum sustainable yield	Military activities	Military device
Naval auxiliary	Navigation	Nationals
Normal circumstances	Normal mode	Object and purpose (UNCLOS)
Other rights	Port State	Precautionary approach
Prevent	Prompt	Prospecting

Rare or fragile ecosystem	Reasonable bond	Responsibility and liability
Rock	Safety of navigation	Serious harm
Ship	Ship without nationality	Sovereign rights
Sovereignty	Sponsorship	Total allowable catch
Transfer [of damage or hazard]	Use of force	Within the limits of

Several of the terms and lexemes which are listed above have already been addressed and discussed by international courts and tribunals. Nevertheless, papers examining the meaning, scope and legal status of such terms and lexemes are of relevance, as they facilitate access to and rationalise the content of the relevant legal sources at stake.

[SUBMIT YOUR APPLICATION](#)

Submission Guidelines and application process

Authors are invited to submit their abstracts using this [Form](#), by 30th of January 2021. Submissions must be original and should not have been published previously.

Abstracts

The abstract will be used to evaluate and place your work in the appropriate session of the Yearbook.

- The abstract should be no less than 150 words but no more than 300 words (excluding title, name and affiliation).

- Only one abstract per author(s) will be considered.
- Submissions in both **English** and **Italian** are welcome.

In the application form please include name, affiliation and email address of the author(s).

All submissions will be reviewed by the Editorial Board, formed by members of the ASCOMARE's legal team and external experts.

For more information on the Editorial Board, and the application process please contact Mr Marco La Rocca (Head of Operations) at mlarocca@ascomare.com

Successful applicants will be informed by 15 March 2021.

Papers overview submission

If your proposal is accepted, you will be requested to submit the full article by July 15th 2021, earlier submissions are encouraged.

Articles should be no less than 4,000 words and no longer than 8,000 words, including footnotes. Manuscripts must be prepared according to the "Instructions for Authors" to be found [here](#).

ASCOMARE YLoS employs the OSCOLA (4th Edition) system of citation and footnotes. More details are available [here](#).

The Editorial Board reserves the right to return manuscripts that are not in accordance with the manuscript format and structure' instructions.

In line with the goal of ASCOMARE to promote and facilitate a widespread and uniform understanding of the law of the sea in all the regions of the world, the YLoS will be released in a digital open-access version. Open Access allows readers, North and South, to get access to academic knowledge that is normally available behind large paywalls. Authors submitting their

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applications agree with this publication/open-access policy. Next to the online open-access version, a paper version of the YLoS will also be available for sale.

Awards and prizes

The Editorial Board may recommend one of the selected articles for the “Aldo Leucci and Ortensio Degli Atti” award. The award will be conferred to the author of the most insightful contribution based on two leading criteria: use of international case-law, and legal reasoning.

The winner will be announced in October 2021.

Prizes: the winner of the award will receive a written certificate, a paper version of the ASCOMARE YLoS and Volume I of the “United Nations Convention on the Law of the Sea 1982: A Commentary” (*Virginia Commentary*).

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