

2026 Edition of the Public International Maritime Law Conference

LAWSEA 2026

Concept Note

(as on 13 August 2026)

MARITIME DISPUTES IN AN ERA OF CONTESTATION: SHIFTING BETWEEN “LAW IN ABSTRACTION” AND “LAW IN OPERATION”

For centuries, the seas have been spaces of both connection and contestation. From the earliest seagoing endeavours of humankind to our contemporary time, kingdoms, republics, empires, nation-states, and collectives, have all been engaged in a continual struggle to reconcile freedom with order, access with authority, and power with restraint. Despite this extensive passage of time, the attainment of an enduring commonality of understanding and acceptance of legally binding norms of behaviour within the maritime domain continues to evade us. As the ongoing conflicts in Ukraine and in the Persian Gulf remind us, maritime disputes remain distressingly commonplace. Even elsewhere, in less conflict-ridden spaces, there is, on the one hand, a general reluctance to resolve these disputes through the use of military force while on the other, there is distressingly little agreement to be found on pacific means of resolution.

Maritime disputes today rarely present themselves as isolated legal disagreements over lines on a chart. Instead, they unfold as prolonged processes shaped by competing interpretations of law, technological disruption, environmental change, strategic behaviour, and the growing use of law itself as an instrument of statecraft. While adjudication and arbitration remain vital tools, many disputes evolve below the threshold of formal litigation, manifesting through operational frictions, regulatory assertions, narrative contestation, and selective compliance with legal norms.

In contemporary times, the Indo-Pacific — that vast, predominantly maritime space extending eastwards from the coastlines of Africa and West Asia to the shores of the Americas, and southwards from the southern shores of the Eurasian landmass to the northern coast of Antarctica — is where these dynamics converge, combining unparalleled economic significance with intense legal and strategic contestation. Disputes over maritime boundaries, the status of the contiguous zone, EEZ entitlements, the legal regimes permissible within straits used for international navigation, an episodic flurry of military activities, ambiguities in marine scientific research, contestation over the seabed and its resources, the growing criticality of submarine cables, and the growing pressure upon fisheries, have all become structural features of the increasing fragility of the regional maritime order.

It is within this dynamic — even fluid — operational and strategic context that the **“LAWSEA-2026 Conference”** situates itself. Convened by the National Maritime Foundation in close collaboration with the India Office of Konrad Adenauer Stiftung (KAS), Gujarat National Law University (GNLU), Gandhinagar, and Gujarat Maritime University (GMU), Gandhinagar, “LAWSEA-2026” is the second edition of what is being envisaged as an annual series of conferences focussed upon public international maritime law (PIML). While it seeks to build

upon the foundations laid by the inaugural edition (LAWSEA-2025) it will deliberately endeavour to shift the focus from *law in abstraction* to *law in operation*.

“LAWSEA-2026” seeks to explore the practical dynamics through which maritime disputes emerge and are managed, the ways in which maritime law is interpreted and contested by States, and the conditions under which legal disagreement risks spilling over into strategic instability.

Rather than treating dispute-settlement as an endpoint, “LAWSEA 2026” approaches maritime disputes as **ongoing governance challenges**, where law, diplomacy, operational conduct, and power, all interact over time.

There is no gainsaying the fact that the factors driving maritime disputes have become numerous and more complex with time. Amongst them are varying interpretations of coastlines and baselines, some of which challenge long-standing legal assumptions. Sea-level rise has led States such as Tuvalu and the Marshall Islands to assert the permanence of maritime baselines despite physical changes to their coastlines, raising questions of customary international law and State practice that have a degree of consensus that might not be found in more complex cases such as those prevalent in South Asia, and now, in West Asia as well. Adding to these complexities is a whole slew of **technological advances** — including autonomous systems, persistent satellite surveillance, data-driven maritime situational awareness (MSA) that aspires towards the kind of maritime domain awareness (MDA) espoused by the International Maritime Organisation (IMO), and cyber vulnerabilities — all of which have compressed decision-making cycles, thereby increasing the risk of escalation through miscalculation or competing legal interpretations. Thirdly, while the **1982 UNCLOS** is often considered to be, in and of itself, the central legal framework governing the oceans, an internalisation of other pieces of international legislation evades far too many representatives of nation States. Moreover, the authority of 1982 UNCLOS is itself increasingly being tested by divergent interpretations, fragmented institutional regimes, and uneven compliance. Advisory opinions, and arbitral awards have sought to clarify important aspects of the law, yet significant gaps persist between legal norms and operational realities.

Recent State practice underscores the fact that maritime disputes are rarely resolved by law alone. The peaceful adjudication of maritime boundaries in the Bay of Bengal contrasts with the political resistance and delayed compliance following the 2021 judgment in the case of *Somalia versus Kenya*. Continued non-compliance with the 2016 arbitral award in *Philippines v. China*, renewed tensions in the East China Sea, and the persistence of legal infirmities in the Persian Gulf, all serve to illustrate that legal clarity does not automatically translate into durable maritime governance. At the same time, hybrid and sequenced approaches — such as the UNCLOS Annex V conciliation between Timor-Leste and Australia — point to evolving but largely area-specific preferences in dispute management. Additionally, advisory opinions, domestic legislation, cartography, and institutional engagement are increasingly used as instruments of **lawfare**, shaping behaviour and narratives without recourse to open conflict.

For India, these developments carry direct and far-reaching implications. As a major maritime State with extensive coastlines, island territories, vital sea lines of communication, and expanding blue-economy interests, India has a profound stake in the stability and predictability of the maritime order. India’s approach to maritime disputes has traditionally emphasised restraint, respect for international law, and preference for negotiated solutions. At the same time, regional dynamics compel a more nuanced engagement with unresolved questions relating to dispute-

management, maritime governance, legal signalling, and strategic communication—particularly in situations where formal adjudication may neither be feasible nor desirable.

“LAWSEA-2026” aims to provide a forum for examining these challenges in a manner that is analytically rigorous, operationally grounded, and strategically informed, while reinforcing India’s role as a credible and responsible convenor of maritime dialogue. It will bring together legal scholars, policymakers, naval and maritime practitioners, diplomats, and technical experts in a “**Track One-point-Five**” format that bridges doctrine and practice. Alongside expert panels, the Conference will examine the desirability of scenario-based discussions and moot-style deliberations to stress-test legal arguments, policy choices, and response strategies in realistic contexts.

Rather than offering prescriptive solutions, “LAWSEA 2026” aspires to generate informed guidance — clarifying legal ambiguities, identifying policy options, and strengthening India’s capacity to navigate maritime disputes in a complex and contested Indo-Pacific. In doing so, the conference aims to reinforce the central proposition that maritime law, despite the pressure it is being subjected to, remains an indispensable compass for stability at sea, provided it is continuously interpreted, defended, and adapted to emerging realities. Structured around a set of interlinked thematic conversations, LAWSEA 2026 hopes to reflect the following set of contemporary realities of maritime disputes and their management-

- **The resilience and limits of UNCLOS** in the face of divergent interpretation, selective compliance, and evolving State practice;
- **Maritime boundaries, baselines, and sovereignty claims**, including the legal and strategic implications of feature classification, delimitation methodologies, and climate-induced change;
- **Operational frictions in Maritime Zones**, particularly at the intersection of military activities vis-à-vis straits used for international navigation, marine scientific research, surveillance, and legally compliant blockades;
- **Technology as a dispute multiplier**, examining how autonomy, persistent surveillance, cyber and data vulnerabilities, and evidentiary challenges intensify maritime contestation;
- **Lawfare and maritime disputes**, focusing on the strategic use of domestic law, legal narratives, cartography, and institutional processes to consolidate maritime positions; and
- **Dispute management beyond courts**, exploring practical pathways—such as provisional arrangements, confidence-building measures, joint development, and crisis-prevention mechanisms—through which States seek to contain disputes without escalation.

Together, these themes are intended to move the discussion beyond static notions of dispute settlement, and towards a more nuanced understanding of how maritime disputes are generated, sustained, and managed in a contested Indo-Pacific maritime order.