



**NHSCS**



**Forty-second Annual Conference of the Center for Oceans  
Law & Policy**

# **COOPERATION AND ENGAGEMENT IN THE ASIA PACIFIC REGION**

**Beijing, China  
May 24-25, 2018**

Co-organized and coordinated by  
Center for Oceans Law and Policy, University of Virginia School of Law  
National Institute for South China Sea Studies, China  
Chinese Society of International Law  
Korea Maritime Institute



**NHSCS**



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# General Information

We warmly welcome you to the 42nd Annual Conference of the Center for Oceans Law and Policy: “Cooperation and Engagement in the Asia Pacific Region”.

## Accommodation & Conference Venue

### **Crowne Plaza Beijing Chaoyang U-Town**

Address: No. 3 Sanfeng North Area, Chaoyang District, Beijing, China; Tel: 86-10-59096688

## Attire

Conference: Business

Ice-breaker Reception & Gala Dinner: Smart casual (untie)

## Meals

For information about hosted meals, please refer to the conference program in this brochure.

Invited participants, panelist and speakers will be provided with the buffet coupon for the dinner on 24 May 2018. Venue: Café, 6th Floor, Crowne Plaza Beijing Chaoyang U-Town; Time: 17:30-21:00.

## Queries

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# Program

**Conference Venue: 6th Floor, Crowne Plaza Beijing Chaoyang U-Town**

**All Panels will take place in the Chapel.**

## **Wednesday, 23 May**

17:00-18:00      **Ice-breaker Conference Reception, introduction of local host and other sponsors**  
[by private invitation only]  
*Venue: Chapel, 6th Floor, Crowne Plaza Beijing Chaoyang U-Town*

## **Thursday, 24 May**

08:00-08:30      **Conference Registration, materials pick-up**

08:30-08:50      **Conference Opening**  
Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, United Nations (video message)  
Myron Nordquist, Associate Director, Center for Oceans Law and Policy  
Wu Shicun, President and Senior Research Fellow, National Institute for South China Sea Studies

08:50-09:05      **Keynote Speech**  
Wang Hong, Administrator, State Oceanic Administration, China

09:05-09:15      **Group Photo**  
VIPs, panelists, speakers and moderators

09:15-10:45      **Panel 1: Spotlight on Regional Cooperation**  
*(moderator: Wu Shicun, President and Senior Research Fellow, National Institute for South China Sea Studies)*

1. "Military Cooperation in the Asia Pacific" Rear Admiral John Hannink, Deputy Judge Advocate General, U.S. Navy
2. "Peace through Joint Marine and Cruise Tourism in the South China Sea: A Potential Spotlight in Regional Cooperation?" Song Yann-huei, Research Fellow, Institute of European and American Studies, Academia Sinica, Taipei
3. "Security Cooperation in the South China Sea—the South China Sea Cooperation Council" Gao Zhiguo, Judge, International Tribunal for the Law of the Sea
4. "Coast Guard Cooperation in the Pacific: Fisheries and More" Rear Admiral Steven J. Andersen, Judge Advocate General and Chief Counsel, U.S. Coast Guard

10:45-11:00

Break

11:00-12:30

**Panel 2: Protection and Preservation of the Marine Environment**

*(moderator: Roy S. Lee, Representative of Asian-African Legal Consultative Organization)*

1. "Candy and Poisons: Protecting Marine Environments While Meeting Societal Needs" Daniel Rittschof, Professor, Duke University Marine Lab
2. "The Interpretation of Article 194(5) of UNCLOS on Protection and Preservation of Rare or Fragile Ecosystems" Yee Sienho, Professor, Wuhan University
3. "The Duty to Cooperate in the Protection and Preservation of the Marine Environment" Kojima Chie, Professor, Musashino University, Tokyo
4. "EIA in Protection and Preservation of the Marine Environment" Qin Tianbao, Professor & Assistant Dean, School of Law, Wuhan University

12:30-14:00

**Luncheon with Keynote Address:**

*Michael Lodge, Secretary-General, International Seabed Authority*

*“Draft Exploitation Regulations under the ISA”*

*Venue: Grand Ballroom 1, 6th Floor, Crowne Plaza Beijing*

*Chaoyang U-Town*

14:00-15:30

**Panel 3: Freedom of Navigation**

*(moderator: Sam Bateman, Professorial Research Fellow, Australian National Centre for Ocean Resources and Security, University of Wollongong)*

1. “Freedom of Navigation: Where to Go When Political Agenda Shadows Legal Substance” Hong Nong, Executive Director & Senior Fellow, Institute for China-America Studies
2. "Freedom of Navigation in the American Experience" James Kraska, Chairman and Howard S. Levie Professor in the Stockton Center for the Study of International Law, U.S. Naval War College
3. “Military Activities in the Exclusive Economic Zone: Identification and the Application of Law” Ma Xinmin, Deputy Director-General, Department of Treaty and Law, Ministry of Foreign Affairs, China
4. “Freedom of Navigation: Vietnam's Practices” Nguyen Lan-Anh T., Center for Legal Studies, Institute for East Sea (South China Sea) Studies, Diplomatic Academy of Vietnam, Ministry of Foreign Affairs

15:30-16:00

Break

16:00-17:30

**Panel 4: Straits Governance, including Malacca/Singapore**

*(moderator: Vladimir Golitsyn, former President, International Tribunal for the Law of the Sea)*

1. "Contemporary Issues on Passage through Archipelagic Straits and Sea Lanes" Jay Batongbacal, Professor, University of the Philippines
2. "Governance of Straits: Regime Uncertainties and the 'Other' Straits in the Asia-Pacific Region" Ted McDorman, Professor, Faculty of Law, University of Victoria
3. "The Legal Regime Governing Passage on Routes Used for International Navigation through Indonesian Waters" Robert Beckman, Centre for International Law, Singapore National University
4. "Passage Across the First Island Chain and International Law" Zhang Xinjun, Associate Professor, School of Law, Tsinghua University

17:30

### **Adjourn, Day 1**

**Friday, 25 May**

9:00-10:45

### **Panel 5: Shipping**

*(moderator: Paik Jin-Hyun, President, International Tribunal for the Law of the Sea)*

1. "Securing the Safety of Navigation along the Maritime Silk Road" Zou Keyuan, Director, Institute for International & Comparative Law, University of Central Lancashire, UK
2. "Maritime Labour Standards and the Principle of 'no more favourable treatment'" Alexandros Ntovas, Lecturer, Queen Mary University of London
3. "Maritime Autonomous Surface Ships in International Law: New Challenges for the Regulation of International Navigation and Shipping" Aldo Chircop, Professor, Schulich School of Law, Dalhousie University
4. "Climate Change and Shipping: What Can be Done to Reduce Carbon Emissions in This Sector?" Shim Sangmin, Professor of International Law, Korea National Diplomatic Academy

10:45-11:15

Break

11:15-12:45

**Panel 6: Search and Rescue**

*(moderator: Gao Jianjun, Professor, School of International Law, China University of Political Science and Law)*

1. "Towards the Establishment of a Search and Rescue Cooperation Mechanism in the South China Sea: Regulatory Framework, Challenges and Prospects" Shi Yubing, Associate Professor, Xiamen University
2. "International Search and Rescue" Richard Button, Chief, Coordination Division, Office of Search and Rescue, U.S. Coast Guard Headquarters
3. "Cross-Straits Search and Rescue at Sea: Past Experiences and Prospects" Gau Sheng-ti, Director, Research Institute of International Justice and Arbitration, Hainan University
4. "Whole-of-Government Collaboration: Building a Networked Response to Maritime Challenges" Brian Wilson (JAGC, USN Ret.), Deputy Director, Global Maritime Operational Threat Response Coordination Center

12:45-14:00

**Luncheon with Keynote Address:**

*David Balton, U.S. Department of State (Ret.)*

*"Reflections on the Past 25 Years of Ocean Law and Policy"*

*Venue: Rhine, 6th Floor, Crowne Plaza Beijing Chaoyang U-Town*

14:00-15:30

**Panel 7: Sustainable Fisheries**

*(moderator: Nishimoto Kentaro, Professor, Tohoku University)*

1. "Time to End the Tragedy of the Commons: Establishing Regional Fisheries Management Mechanism in Northeast Asia" Kim Wonhee, Senior Researcher, Korea Maritime Institute
2. "Sustainable Fisheries: Opportunities and Challenges under the 'Blue Economy' Approach" Xue Guifang, Chair Professor & Director for Ocean Rule of Law Centre, Shanghai Jiaotong University



3. “Combating IUU and the Development of International Fisheries Law” Wang Kuan-Hsiung, Professor, Graduate Institute of Political Science, Taiwan Normal University
4. “Tracing the Fight against IUU Fishing from Sea to Table” Kathryn Youel Page, Assistant Legal Adviser, L/OES, U. S. Department of State

15:30-15:45

Break

15:45-17:00

**Panel 8: Looking to Future Cooperation**

*(moderator: Tore Henriksen, Director, K.G. Jebsen Centre for the Law of the Sea)*

**Topic 8a: BBNJ Negotiations**

1. “The Final Frontier: European Union and the BBNJ Negotiations” Ronán Long, Director, Sasakawa Global Ocean Institute, World Maritime University
2. “BBNJ: Developments since Yogyakarta” J. Ashley Roach, Visiting Senior Principal Research Fellow, Centre for International Law, Singapore National University

**Topic 8b: Multilateral Cooperation**

3. “Multilateral Cooperation in Resolving or Managing International Issues” Helmut Türk, Ambassador, former Judge and Vice-President of the International Tribunal for the Law of the Sea, former President of the Assembly and Chairman of the Review Committee of the International Seabed Authority
4. “Resolving or Managing International Issues by Multilateral Cooperation” Robert Volterra, Partner of Volterra Fietta and Professor of University College London

17:00-17:15

**Closing Remarks**

Li Ming, Vice President, Chinese Society of International Law  
 Myron Nordquist, Associate Director, Center for Oceans Law and Policy

19:00-21:00

**Gala Dinner** [by private invitation only]

**Remarks:** Xu Hong, Director-General, Department of Treaty and Law, Ministry of Foreign Affairs, China

*Venue: Rhine, 6th Floor, Crowne Plaza Beijing Chaoyang U-Town*

**Saturday, 26 May**

08:30-19:40

Optional cultural tour: Beijing day tour

(Please get ready at the hotel lobby of Crowne Plaza Chaoyang U-Town by 8:10. And the bus will leave at 8:20. )

# CONFERENCE ABSTRACTS

## PANEL 1: SPOTLIGHT ON REGIONAL COOPERATION

### **Military Cooperation in the Asia Pacific**

#### **Rear Admiral John Hannink**

This presentation will discuss common interests among the U.S. and countries in the Asia Pacific region, as well as prospects for continued and increased cooperation. It will focus on the notable progress that has already been made in conducting military exercises, counter-piracy operations, and disaster response, and efforts to continue to strengthen our collaboration in these areas. The remarks will also highlight the importance and mutual benefits of cooperation to ensure peace, stability, effective communication, and economic prosperity in a maritime environment.

### **Peace through Joint Marine and Cruise Tourism in the South China Sea: A Potential Spotlight in Regional Cooperation?**

#### **Song Yann-huei**

Open and sustainable tourism is often recognized for its ability to drive peace, security and understanding because it helps support peace by putting pressure on governments to cease hostilities and establish more harmonious relationships in order to attract more tourists. As people gain exposure to other countries' maritime claims and rights to use the waters of disputed areas through travel and tourism, their tolerance, and acknowledgement, of the rights of others should increase. Taking note of a number of relevant developments in East Asia, such as the release of the document titled "Vision for Maritime Cooperation under the Belt and Road Initiative" by China in June 2017, the issue of the Joint Statement between ASEAN and China on Tourism Cooperation at the 20th ASEAN-China Summit in November 2017, the agreement reached between China's and ASEAN countries' governors and mayors in April 2018 to establish a "21st Century Maritime Silk Road Cruise Tourism City Alliance," and the proposal to establish a Pan-South China Sea Tourism Economy Cooperation Rim by China's Hainan Province in April the same year, it seems that a window of opportunity for developing a joint marine and cruise tourism mechanism in the South China Sea is opening.

It is believed that the establishment of a joint marine and cruise tourism mechanism in the South China Sea has the potential to achieve a number of political benefits, including: (1) serving as a concrete implementation of the 2002 Declaration on the Conduct of Parties in the South China Sea; (2) helping to implement the 21st Century Maritime Silk Road initiative; (3) promoting tourism and economic development cooperation between China and the ASEAN countries; and (4) helping move further towards realization of the stated policy goal of ASEAN and China to transform the South China Sea into "a sea of peace, friendship and cooperation". However, a number of challenges lie ahead, including the claimant states' sovereignty and security concerns, military resistance, law enforcement issues, and lack of facilities in the disputed South China Sea islands.

The purpose of this paper is to explore the possibility of developing a joint marine and cruise tourism cooperation mechanism in the disputed South China Sea and discuss the nature, function,

and organization of the proposed regional tourism organization.

### **Security Cooperation in the South China Sea—the South China Sea Cooperation Council**

**Gao Zhiguo**

This article reviews the development situation in the South China Sea, discusses the current status and problems of the existing regional security cooperation mechanisms. It proposes, in light of the model and experiences of the Arctic Council, the establishment of South China Sea Cooperation Council with a view to promote the security cooperation and development in the South China Sea region.

### **Coast Guard Cooperation in the Pacific: Fisheries and More**

**Rear Admiral Steven J. Andersen**

The U.S. Coast Guard's engagement in the Asian Pacific region has helped develop greater Maritime Domain Awareness on the high seas and improved response to a range of transnational and maritime threats. The U.S. Coast Guard is cooperatively engaged with the international community to combat illicit maritime activity. One of the major threats to regional stability is Illegal, Unreported, and Unregulated (IUU) Fishing. Actors engaged in IUU fishing often exploit the gaps between governance structures and operate in areas where there is little or no effective enforcement presence. The U.S. Coast Guard supports domestic and international partners in their efforts to combat IUU fishing and other transnational threats in the Asian Pacific region through bilateral agreements, multilateral agreements, and through joint operations with partner nations' law enforcement officers.

## **PANEL 2: PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT**

### **Candy and Poisons: Protecting Marine Environments While Meeting Societal Needs**

**Daniel Rittschof**

Our world is culture, technology, biology, economics and finite resources. Technology based on fossil fuels produces candy, poisons, enables huge human populations which directly and indirectly destroy marine environments. Technology, in the context of modern society also provides the only way forward. However policies and goals need to change if technology is to provide the way forward. Meeting societal needs as cheaply as possible is unsustainable as it depletes resources and pollutes. Food production depends on turning limited resources into fertilizer, growing plants and converting them into human food. Excess fertilizer, human and animal waste damage fresh and marine environments reducing useful productivity. Microbes, including pathogens, thrive on waste, use up the oxygen in water and make dead zones killing fish and shellfish and generate harmful algal blooms. We are running out of sources of chemicals for synthetic fertilizer. Developing technology that removes poisons, converts waste into clean water for drinking and recharging aquifers and producing fertilizer for growing food is a necessary next step to meet demands for food and to help restore marine environments.

### **The Interpretation of Article 194(5) of UNCLOS on Protection and Preservation of Rare or Fragile Ecosystems**

**Yee Sienho**

In my presentation I will first briefly sketch the framework on protection and preservation of the environment under Part XII of UNCLOS, and then highlight the two existing approaches—a broad and a narrow one — to the interpretation of Article 194(5), and the support that has been given by others. After that, I will attempt to interpret this provision myself.

## **The Duty to Cooperate in the Protection and Preservation of the Marine Environment**

**Kojima Chie**

International courts and tribunals increasingly refer to the importance of the duty to cooperate in the protection and preservation of the marine environment, as in the Mox Plant Case, Land Reclamation by Singapore in and around the Straits of Johor Case, Advisory Opinion regarding Illegal, Unreported and Unregulated Fishing Activities, and South China Sea Arbitration. How a State can fulfill this duty to cooperate is, however, unclear. This paper examines the nature and content of the duty to cooperate under the United Nations Convention on the Law of the Sea (UNCLOS) as well as general international law, namely the duty to negotiate in good faith and the duty to cooperate through global, regional or sub-regional organizations. It also discusses the implications of the duty to cooperate in the protection and preservation of the marine environment in the Asia-Pacific region.

## **EIA in Protection and Preservation of the Marine Environment**

**Qin Tianbao**

Environmental impact assessment (EIA) is a key mechanism in international environmental law and a commonly used mechanism for states to gain knowledge of the environmental consequences of actions they authorize or participate in. Where an activity to be undertaken by a State may involve the risk of damage to the environment, requiring the State to adopt an EIA has become a rule of customary international law. And this has been recognized by international treaties and international practice. Besides the Espoo Convention, in the Pulp Mills case, the majority of the Court finally expressly acknowledged that a prior EIA is a requirement of general international law, and thus an obligation not dependent on basis in treaty law. However, ICJ unanswered what the scope and content of such an obligation is. Articles 204-206 of UNCLOS require States to consider EIA in ocean governance, but it does not impose substantive obligations on EIA, nor does it even require EIAs, but it only requires evaluation. Especially, Article 206 is vague and unclear, which does not have operational standards on substantial and procedure. It is not sufficient to invoke this article alone on the MEIA. Attention should also be paid to the general rules of international law for EIA, especially Espoo Convention and judicial practices.

## **PANEL 3: FREEDOM OF NAVIGATION**

### **Freedom of Navigation: Where to Go When Political Agenda Shadows Legal Substance**

**Hong Nong**

This paper outlines the perspectives of the United States and China in the South China Sea dispute including their divergent legal interpretation on navigation regime associated with the concept of freedom of navigation, and discusses the relationship between military activity and freedom of navigation. The debate on the legitimacy of military activities in a foreign country's EEZ reflects the competing interests of two groups, the user states and the coastal States inspired by the doctrine of Mare Liberum and Mare Clausum respectively. This paper compares the U.S. Freedom of Navigation Operation Program (FONOP) practice in the South China Sea and the Arctic, and raises a question: Is the legal substance and function of freedom of navigation lost in translation when it has become a central point of major power competition and an instrumental role in broader strategic debates.

### **Freedom of Navigation in the American Experience**

**James Kraska**

Since its founding, the United States has experienced numerous encounters at sea that challenged the

U.S. right to freedom of navigation. From the Quasi-War with France in 1798 to contemporary freedom of navigation operations in the South China Sea, Americans have confronted challenges to a free and open global order. Since World War II, the struggle for freedom of navigation has pulled the United States to the brink of war with Vietnam during the Gulf of Tonkin incident, North Korea with the seizure of the USS Pueblo in 1968, and Cambodia with the capture of the SS Mayaguez. In the 1980s, Libya's "line of death" across the Gulf of Sidra and Iran's "tanker war" against neutral oil vessel traffic in the Persian Gulf drew the United States into armed conflict. During the Cold War the U.S. and Russian navies clashed over navigational rights in the Black Sea—which led to amicable agreement on the right of innocent passage in the territorial sea. Today, political instability and disagreement in the South China Sea risk undercutting core principles of international law and global stability.

For more than two hundred years the United States has relied on the principles of freedom of navigation for economic prosperity and military security. Separated from the centers of power in Europe and Asia by the Atlantic and Pacific oceans, safeguarding the free sea is an American strategic imperative. This presentation chronicles how the United States has vindicated its navigational rights and freedoms through international law, diplomacy and armed force.

### **Military Activities in the Exclusive Economic Zone: Identification and the Application of Law** **Ma Xinmin**

The United Nations Convention on the Law of the Sea (UNCLOS) does not contain explicit rules on military activities, surveys and intelligence gathering in the EEZ. Thus controversies always exist surrounding the interpretation and application of the related rules of the UNCLOS. The present article intends to analyze, from a positivist perspective, the identification of the relevant activities and the applicable rules thereto, as well as to explore solutions to those controversies.

### **Freedom of Navigation: Vietnam's Practices** **Nguyen Lan-Anh T.**

Freedom of navigation is a customary right codified into the 1982 UNCLOS. Freedom of navigation covers both innocent passage in territorial seas and free passage in exclusive economic zones and high seas. Under the 1982 UNCLOS, freedom of navigation is a non-discriminated right applied to all types of vessels regardless of their nationalities. As a member of the 1982 UNCLOS since 1994, Vietnam incorporated freedom of navigation into its national legislations. Accordingly, Vietnam's national legislations provided for safety of navigation, sea-lane designation and marine environment protection. The incorporation process, however, was divided into two separate periods. From 1980 to 2012, the legislations of Vietnam did not explicitly regulate free passage, but considered the innocent passage of war ships subject to prior notification and authorisation due to security concerns. From 2012 to present, free passage was expressly recognised in the exclusive economic zone and high sea. The requirement for prior authorisation on innocent passages of war ships was also removed for better fulfillment of Vietnam's treaty obligations under UNCLOS. Prior notification, nevertheless, remained with the purpose to facilitate safety of navigation. However, failing to make prior notification would not be a bar to warship to conduct innocent passage in the territorial sea of Vietnam.

## **PANEL 4: STRAITS GOVERNANCE, INCLUDING MALACCA/SINGAPORE**

### **Contemporary Issues on Passage through Archipelagic Straits and Sea Lanes** **Jay Batongbacal**

In the negotiations of what eventually became UNCLOS Part IV on Archipelagic States, one of the

most contentious issues between the archipelagic States (as they were sometimes referred to at the time) and the major maritime powers, as well as between the archipelagic States themselves, was the treatment and recognition of foreign vessel passage through inter-island waters. Between the largest (Indonesia and Philippines) and the smallest (Fiji, Bahamas, Papua New Guinea) archipelagic States was a broad spectrum of geographic conditions and maritime interests, and the eventual agreements relevant to foreign vessels contained in Articles 51 to 54 represent an imperfect set of compromises that continue to be challenged even by the archipelagic States themselves. This paper will shed light on these continuing challenges, ranging from unsettled concerns over the parameters for designation of archipelagic sea lanes passage routes to contemporary issues with transnational maritime crimes involving drug and human trafficking, smuggling, and terrorism. The special challenges faced by archipelagic States shall be illustrated using examples and experiences from the Philippines and Indonesia. These include sea lane designation, environmental protection, vessel traffic control, maritime interdiction, and external defense. Possible options and solution for each are also be discussed.

### **Governance of Straits: Regime Uncertainties and the ‘Other’ Straits in the Asia-Pacific Region** **Ted McDorman**

The international straits regime set out in Part III of the 1982 UN Convention on the Law of the Sea is universally recognized both as one of the critical components of the overall package-deal that led to the Convention being ratified by 168 States and as being within the terminology that “much of the Convention, including articles on navigation rights ... reflects customary international law.”

This two part contribution does not take issue with the above.

Nevertheless, the first part of the contribution will point out (though not likely answer) a number of continuing legal uncertainties concerning the UNCLOS international straits regime including: what constitutes a “strait used for international navigation,” the threshold to be met for the application of the straits regime in the Convention?

If a waterway in question has the status of historic internal waters of a coastal State, can that waterway be a strait used for international navigation?

As most attention on international straits in the Asia-Pacific region is on the Straits of Malacca and Singapore, the second part of this contribution will look briefly at some the “other” Straits in the region such as: the Jeju Strait (Korea), the Korean Strait (Japan-Korea), the Sunda and Lombok Straits (Indonesia), the Kuril Straits (Japan-Russia), and the Hainan Strait (China).

### **The Legal Regime Governing Passage on Routes Used for International Navigation through Indonesian Waters**

#### **Robert Beckman**

Indonesia is an Archipelagic State consisting of more than 17,000 islands spread over a distance greater than width of the continental United States. It sits as a fulcrum between the Indian and Pacific Oceans. The major routes used for international navigation between East Asia and Europe pass through Indonesian waters via one of three major straits: the Straits of Malacca and Singapore, the Sunda Strait or the Lombok Strait.

The legal regimes in 1982 UNCLOS on straits used for international navigation (Part III) and archipelagic States (Part IV) were drafted in order to balance the interests of Indonesia in its security and environment and the interests of the international community in the facilitation of international communication. Passage through the Straits of Malacca and Singapore is governed by the transit passage regime in Part III of UNCLOS, and passage through the archipelagic waters of Indonesia via the Sunda and Lombok Straits is governed the archipelagic sea lanes passage regime in Part IV of

UNCLOS.

The UNCLOS regimes governing transit passage and archipelagic sea lanes passage are very similar, but there are minor differences, which will be examined. Both regimes obligate ships exercising the right of passage to comply with the major IMO conventions on the safety of navigation and ship-source pollution. They also provide that the straits states and archipelagic states can submit proposals to the IMO for the adoption of routing measures, traffic separation schemes, mandatory ship reporting systems or other measures to enhance the safety of navigation and protect the marine environment from ship-source pollution.

Indonesia, Malaysia and Singapore have cooperated since the 1970s to manage the Straits of Malacca and Singapore and have proposed the adoption by the IMO of various measures to enhance the safety of navigation. The three States have also adopted a 'cooperative mechanism' to manage the straits.

Indonesia is the first archipelagic State to officially designate archipelagic sea lanes through a 'partial designation' of three north-south sea lanes, but some issues relating to archipelagic sea lanes passage through Indonesian waters remain unresolved.

The major new development is that, for the first time, Indonesia is making proposals to the IMO for that adoption of Routing Measures and Mandatory Ship Reporting Systems in the Lombok Strait and the Sunda Strait. In addition, it is taking steps to request the IMO to establish a Particularly Sensitive Sea Area (PSSA) in the Lombok Strait.

## **Passage Across the First Island Chain and International Law**

### **Zhang Xinjun**

A generally accepted Chinese version of the geographic scope of the first island chain may include islands from the Japanese archipelago to the north to the Greater Sunda Islands to the south. These islands in turn form a series of straits and channels – from the Soya Strait to the Palawan Strait – through which China's blue water navy must pass to reach the world's oceans. More frequently, the passages through certain straits and channels raised Japanese concerns on its part of the Chain. The latest incidents include the Chinese navy/coast guard passages through the Tsugaru Strait (2017) and the Tokara Strait (2016).

The Tsugaru Strait is one of the five straits referred to as "the designated areas" in the Japanese domestic law by which the territorial sea pertaining to these areas extends from the baseline to three nautical miles seaward (instead of 12 nautical miles of the Japanese territorial sea pertaining to areas other than "the designated areas"). In doing so Japan intentionally created non-territorial corridors through these five straits and evaded rule of transit passage. However, it is questionable, in the interpretation or application of the United Nations Convention on the Law of the Sea (UNCLOS) Article 36, that such corridors are of "similar convenience with respect to navigational and hydrographical characteristics". Moreover, assuming the created non-territorial corridors are acceptable, the shift of territorial water from three nautical miles to 12 nautical miles at the ends of these straits may create uncertainties about navigational convenience.

On the other hand, the Tokara Strait is not one of "the designated areas" and therefore no non-territorial corridor exists therein. The Japanese government is of the view that the Tokara Strait is not "used for international navigation" within the meaning of UNCLOS Article 37 and therefore the regime of transit passage also does not apply, with which the Chinese government disagrees.



## **PANEL 5: SHIPPING**

### **Securing the Safety of Navigation along the Maritime Silk Road**

#### **Zou Keyuan**

This paper addresses the issues concerning the safety of navigation and its relations with the Maritime Silk Road Initiative. It sets out the general international legal framework governing the navigational rights of vessels and also Chinese relevant laws and regulations in this respect. It moves on to piracy which is a real threat to commercial shipping and other vessels navigating at sea by discussing international rules and regional arrangements. Some new issues such as cyber pirates and general average relating to piracy are raised as well. Finally, the paper touches upon an ongoing controversial issue on military activities in the exclusive economic zone and US military demonstration in the South China Sea. The paper concludes that as shipping is a key element in the execution of the Maritime Silk Road initiative, the safety of navigation along the Road should be guaranteed through joint efforts between China and participating countries by working out a viable rule-based mechanism towards the reach of common prosperity for the whole international community.

### **Maritime Labour Standards and the Principle of 'no more favourable treatment'**

#### **Alexandros Ntovas**

The so-called principle of 'no more favourable treatment' stems in large from considerations of protecting the public interest in the broader sense, as well as from economic reasons aiming at securing a level playing field against substandard shipping practices that may give rise to an unfair competition advantage. Finding its justification on the exercise of jurisdiction emanating from the legal regime over internal waters, and the institutionalisation thereupon of port-State enforcement arrangements on the basis of Memoranda of Understanding, so far in the areas relating predominately to pollution and safety, maritime labour constitutes the most recent addition to the evolving concept of generally accepted international standards in the context of the law of the sea. Yet, the substance of the principle, which features among other instruments, also in the Maritime Labour Convention 2006, has not been free of doctrine controversy. There are obvious general questions regarding its scope and application in the light of treaty-law. Moreover, there are also questions in the context of contemporary international shipping policy, bearing in mind that the principle has either received a variably divergent clausal drafting or/and it has been included recently in treaties that insofar as they have attracted only limited ratification cannot reflect a consciously settled State-practice. In many respects, the Asia-Pacific region regarding international shipping may represent a promising opportunity for the refinement of the principle in terms of consistency and uniformity; but will any such kind of possible regional understanding of what 'no more favourable treatment' entails be affected by the respective obligations and responsibilities to be expected under the C188 - Work in Fishing Convention 2007 which contains the same as in the MLC enforcement clause?

### **Maritime Autonomous Surface Ships in International Law: New Challenges for the Regulation of International Navigation and Shipping**

#### **Aldo Chircop**

In 2017 the International Maritime Organization (IMO)'s Maritime Safety Committee included a scoping exercise on Maritime Autonomous Surface Ships (MASS) in its work agenda. The MASS concept includes commercial vessels that may be fully or partially automated and includes crewless but remotely operated ships. The technologies that make this possible are on the horizon and expected to be operationalized in the near future. Given that the appropriate crewing of vessels is a

requirement in the United Nations Convention on the Law of the Sea, International Convention on Safety of Life at Sea and other international maritime conventions, it is unclear at this time how these new technologies will be accommodated by the existing legal frameworks and the changes needed, as well as what is desirable from a social responsibility perspective. This presentation will explore the legal issues and discusses how existing rules could be adapted through interpretation or amendment to accommodate MASS.

### **Climate Change and Shipping: What Can be Done to Reduce Carbon Emissions in This Sector?"**

#### **Shim Sangmin**

More than 2 percent of global carbon dioxide emissions are generated from international shipping, and they are not subject to rapid reductions because of the countries' heavy reliance on the shipping industry for the transportation of their export and import items. With all the impact that shipping makes on the climate, shipping was not discussed in the Paris Agreement because the Agreement was built around a system of national targets, in the form of nationally determined contributions. (NDCs) Nations meeting at the International Maritime Organization (IMO) agreed to an initial strategy involving a target of reducing greenhouse gas emissions in this sector by 50 percent by 2050 compared to 2008 levels, but more discussions are needed on how to effectively design work plans to put such a global target into practice, in a timely manner. Another stumbling block is the tension between countries determined to see deep cuts in shipping's greenhouse gas emissions and those that fear rapid limits could adversely affect their economic development. Countries such as Brazil and Argentina are strongly against moves to specify a detailed target for cutting greenhouse gas emissions in this sector, because they are dependent upon shipping for their international trade due to the distance between their territories and major markets.

Against this background, my presentation will address ways in which an effective and equitable global strategy on reducing carbon emissions from shipping can be made, with attention being paid to the diverse interests of stakeholders in this sector. My presentation will also make an assessment of various forums dealing with greenhouse gas emissions from shipping, such as the climate regime under the Paris Agreement and the IMO, and see which forum will be best positioned to tackle climate change issues in this sector. It will then touch upon technological options being discussed that will help reduce greenhouse gas emissions in shipping, in the form of engine and design innovations that will increase shipping vessels' energy efficiency, as well as other radical high-technology possibilities. It will be followed by descriptions of the ways in which Korea addresses emissions from shipping in her national climate strategy, with a brief evaluation made on them to see whether such moves could result in effective greenhouse gas emission reductions in Korean shipping sector. Lastly, it will explore possibilities of cooperation in the Asia-Pacific context, in the form of capacity-building and technology transfer.

### **PANEL 6: SEARCH AND RESCUE**

#### **Towards the Establishment of a Search and Rescue Cooperation Mechanism in the South China Sea: Regulatory Framework, Challenges and Prospects**

##### **Shi Yubing**

The South China Sea is an area where lots of accidents occur from time to time, and the Search and Rescue (SAR) operations play a significant role in rendering assistance to vessels and people in distress. As a semi-enclosed sea, the South China Sea is surrounded by six neighbouring States which have disputes on the sovereignty of certain maritime features. Furthermore, this is no regional agreement on the establishment of SAR zones in this area. Indeed the SAR operations in the South

China Sea can be both an opportunity for cooperation and a source of conflict. This situation makes it imperative to establish an effective and efficient SAR cooperation mechanism in the South China Sea. This paper first examines the current global and regional regulatory framework for the establishment of a SAR cooperation mechanism in the South China Sea, and then identifies the challenges existed in this framework for furthering the construction of a regional SAR cooperation mechanism in the South China Sea. It is arguable that to reach a regional SAR treaty in the South China Sea might be a feasible way forward.

## **International Search and Rescue**

### **Richard Button**

Mr. Button will provide a short overview concerning international law related to search and rescue.

## **Cross-Straits Search and Rescue at Sea: Past Experiences and Prospects**

### **Gau Sheng-ti**

This paper reviews the search and rescue (SAR) operations once conducted in the Taiwan Straits jointly by the officials from Mainland China and Taiwan through different political atmospheres. It was the humanitarian considerations that made the cross-Straits joint SAR operations at sea possible during the years of political confrontations as Taiwan headed for secession between 1996 and 2008. The other reason for such operations to be needed was the establishment since 2001 of the Three Small Direct Links (of commerce, mails and transportation 小三通) across the Taiwan Straits which tremendously increased passenger flow in the air and the sea routes. Between 2008 and 2016 when Taiwan was under the administration of Dr. Ma Ying-Jeou, the One-China Principle was upheld as the political foundation to build up the Three Big Direct Links (大三通) across the Taiwan Straits. This time, the officials responsible for SAR at sea from both sides could have face-to-face discussions to set up the Joint SAR mechanism and to organize Joint SAR drills in the Taiwan Straits every two years. After 2016 when the Democratic Progressive Party took power in Taiwan, the One-China Principle has been set aside, if not abandoned. The direct links between government officials across the Straits has been cut off, leaving joint SAR operation out of the question. The revival of cross-strait cold war does not chill the enthusiasm of Taiwanese to study, work, and immigrate to Mainland China. Taiwan Straits has become busier as a transportation channel both in the air and sea. It remains to be seen how the Joint SAR operations could work under the chilling political atmosphere and ever-thriving traffic in the Taiwan Straits.

## **Whole-of-Government Collaboration: Building a Networked Response to Maritime Challenges**

### **Brian Wilson**

The maritime response spectrum increasingly involves a number of government departments, including the military, law enforcement, and the diplomatic corps. More agencies within a government are now involved because threats are more complex, authorities are more widely distributed, and the end-state is often the courtroom. These agencies frequently operate under different chains of command. As such, without a formal process, information may not always be shared and responses not always synchronized within a government. This presentation examines efforts across the globe to address the coordination challenge.

Decisions related to the operational enforcement of a United Nations Security Council resolution; whether to board a foreign flagged ship on the high seas suspected of illicit activity; how pirates will be transported to a prosecuting State; what action—if any—is required following a dosimeter that registers positive on cargo; and the response to an inbound vessel with a passenger that may have an

infectious disease almost always involve multiple agencies. Similarly, the response to fisheries violations, drug trafficking, and migrant smuggling all have the potential to involve government agencies that operate under separate chains of command, with separate authorities and separate responsibilities.

With potentially overlapping authorities/capabilities, uncertainty may also exist regarding what agencies should be included in response planning and execution, whether all relevant information is being shared, and how the response will be synchronized. Regardless of the number of agencies involved—or the complexity of the threat—there is general agreement that a response is most effective when information is shared across departments, that the government *speaks with one voice* and senior officials have timely awareness to support decisions. The emergence of structured interagency response frameworks across the globe highlights the importance of a networked approach and the value of a documented process. Whole-of-government frameworks, also referred to as horizontal coordinating mechanisms, are a relatively new addition to the response landscape, and their development over the past decade provides key lessons to approach the next generation of security challenges.

## **PANEL 7: SUSTAINABLE FISHERIES**

### **Time to End the Tragedy of the Commons: Establishing Regional Fisheries Management Mechanism in Northeast Asia**

#### **Kim Wonhee**

In Northeast Asia, there are no permanent maritime boundaries among the coastal States including Japan, People's Republic of China (China) and Republic of Korea (Korea) except for the agreed boundary in the northern part of the continental shelf between Korea and Japan. The coastal States in Northeast Asia concluded some provisional arrangements of practical nature such as bilateral fisheries agreements according to Article 74(3) and 83(3) of the UNCLOS. However, given the lacunae in the fisheries agreements as a provisional arrangement or disagreements over application and implementation of the fisheries agreements, the potential disputes in the overlapping maritime area remain intact. As the lack of effective regional fisheries mechanism also exacerbated the depletion of marine living resources, so-called "the tragedy of the commons" has been persisted in the overlapping maritime area of Northeast Asia.

The aim of this presentation is to identify the legal lacunae in the bilateral fisheries agreements for sustainable fisheries and to analyze the main cause of the failure for establishing regional fisheries management mechanism in Northeast Asia. Despite the attempts to establish regional fisheries management organization among China, Japan and Korea, every attempts have been failed due to various reasons. Analyzing the necessity for regional fisheries management mechanism as well as the reasons for failure pending final maritime boundary delimitation, it will try to suggest a way to end the tragedy of the commons in the overlapping maritime area by establishing the regional mechanism in Northeast Asia.

First, it will briefly overview the bilateral fisheries agreements in the Northeast Asia and analyze the deficiencies and lacunae in those agreements. Second, it will reconsider the various reasons for the failure of establishing the regional fisheries management organizations and analyze the cause of the failed attempts to establish it. Third, it will recommend gradual steps to establish the regional fisheries management mechanism in Northeast Asia.

## **Sustainable Fisheries: Opportunities and Challenges under the 'Blue Economy' Approach**

### **Xue Guifang**

Along with the ever increasing scale of marine economic development and declining of marine resources and deteriorating of marine environment, more effort has been generated to conserve fish stocks and protect their habitat. The international community and national governments have also been seeking for a balanced approach, labeled as "Blue Economy" to ensure the sustainable development of fisheries.

The presentation will look at the concept of the "Blue Economy" and relevant conservation policies developed in the marine sectors. By so doing, the presentation attempts to evaluate if there are opportunities for sustainable fisheries. The presentation will illustrate the challenges for the sustainability of fisheries resources and suggests that past policies have promoted the build-up of excess capacity resulting in the increase of catch beyond sustainable levels. With the continuous decline of the fisheries resources, policy makers must act to reverse this situation.

It is suggested that with the multiple marine sectors competing for the ocean space, the "blue economy" approach is under enormous challenges to achieve sustainable fisheries resources, as it needs to make conservation policy from protecting single species to communities and habitats of fish stocks to promote sustainable use of fisheries resources without putting biodiversity and habitats at risk.

## **Combating IUU and the Development of International Fisheries Law**

### **Wang Kuan-Hsiung**

Marine fisheries represent a vital component of the world's economy, environment, marine ecosystem and livelihoods to millions of people. However, overwhelming evidence shows that these valuable marine assets are in danger of depletion due to IUU (illegal, unreported and unregulated) fishing activities and inefficient management. IUU accounts for 20% (around 11 to 25 million metric tons of fish) of the global catch. In addition, IUU fishing contributes to economic losses of \$10 to \$23 billion, and threatens the 260 million global jobs that are dependent on marine fisheries. In other words, IUU means not only the threat to marine ecological health, but also one of the menace to food security.

It is understandable that IUU (illegal, unreported and unregulated) fishing activities have become an international issue and attract concerns because IUU involves multilateral cooperation and concerns. This illegal fishing would be harmful to the fish stocks, even in the extreme situation, that would be one of the reasons which causes the collapse of living resources. Furthermore, IUU also undermines the effectiveness of measures adopted nationally, regionally and internationally. Its impact is on the economic and social welfare of the human society.

It is recognized that IUU fishers move from one fishing area to another and seeking shelter with little chance of being arrested or seeking market for trading fish or fish products. With such nature, it would be a question if international community could cooperate across boundaries so that the IUU fishing activities would not move around. Such international cooperation becomes one of the tasks for regional fisheries management organizations (RFMOs) to accomplish. In addition, the agreements or resolutions adopted by those international organizations become one of the sources of making the international fisheries law.

This paper is going to discuss the development of international fisheries law and its trend under the framework of combating IUU regionally and internationally. The Author finds the demands to combat IUU fishing activities has become the driving force to promote the development of international fisheries law. This development not only manifests the awareness from international community on the negative impacts of IUU fishing activities, but also demonstrate a pressing need to strengthen international legal framework.

## **Tracing the Fight against IUU Fishing from Sea to Table**

### **Kathryn Youel Page**

This presentation will provide an overview of the international legal tools available in the fight against illegal, unreported, and unregulated (IUU) fishing. Contrary to the narrative that the high seas are lawless zones where anything goes, there exist a number of different regimes that apply from the high seas, through exclusive economic zones (EEZs), and in ports to combat IUU fishing and better ensure that the fish and seafood that make it into restaurants and kitchens is legally caught. Rather than creating new and different regimes from scratch, focusing on building up and increasing participation in existing mechanisms will increase their effectiveness and strengthen international norms in this important area of international law.

The presentation will begin with an overview of mechanisms for cooperation on marine conservation and fisheries issues on the high seas. These frameworks derive both from the UN Fish Stocks Agreement (UNFSA), including its provisions on cooperation for conservation and management and on flag State responsibilities, and from Regional Fisheries Management Organizations (RFMOs). This section will focus on some general trends of conservation and management measures adopted at RFMOs, and will provide specific examples of indicative texts.

The next section will focus on enforcement efforts in EEZs, including areas where coastal States cooperate with partners on maritime law enforcement (or “shiprider”) agreements. This section will also discuss some of the reasons why the U.S. does not rely on crime-based language to support enforcement efforts. Under U.S. law and regulation, IUU fishing and related infractions are generally considered administrative, rather than criminal in nature, with sanctions including the issuance of civil penalties, permit sanctions, seizure of catch, and seizure or forfeiture of the vessel.

The presentation will then move to a discussion of measures taken in ports pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and related port State measures taken up by RFMOs. This section may also touch on current U.S. efforts such as the Seafood Import Monitoring Program and the Seafood Traceability Program.

By tracking efforts against IUU fishing from the high seas, through EEZs, into ports, and onto tables, this presentation aims to highlight current areas of international cooperation, and will make the case that widespread participation in and support for these regimes is the most effective way to fight back against this pervasive problem.

## **PANEL 8: LOOKING TO FUTURE COOPERATION**

### **Topic 8a: BBNJ Negotiations**

#### **The Final Frontier: European Union and the BBNJ Negotiations**

##### **Ronán Long**

The paper sets out a European Union (EU) perspective on the biodiversity beyond national jurisdiction negotiations at the United Nations in light of the current intergovernmental conference. The paper touches upon law and policy issues pertaining to the following: the division of legal competence between the EU and the Member States; the objectives, guiding approaches and principles that ought to be reflected in the international legally binding agreement; marine genetic resources; area based management tools including marine protected areas; environmental impact assessment; capacity-

development; relationships with other instruments and frameworks; institutional arrangements; compliance mechanisms; state responsibility and liability; and dispute settlement provisions. The discussion also focuses on juridical questions pertaining to the protection of the marine environment under UNCLOS, as reflected in the jurisprudence of the Court of Justice of the European Union, along with how the EU is striving to ensure consistency between its internal and external policies on the management and protection of offshore resources, biodiversity and the ocean. Particular emphasis is placed on regulatory issues concerning international ocean governance as enunciated in recent EU institutional publications emanating from the European Parliament, the European Commission, as well as by High Representative of the Union for Foreign Affairs and Security Policy.

## **BBNJ: Developments since Yogyakarta**

### **J. Ashley Roach**

The UN General Assembly has decided to convene in 2018 a Diplomatic Conference for the development of an internationally legally binding instrument for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. This development followed conclusion in 2017 of the work of a two-year Preparatory Committee. This chapter brings up to date the author's chapter in the Center for Ocean Law and Policy's book on its annual conference in Yogyakarta in mid-2017, "Update on the BBNJ Negotiations," in *Legal Order in the World's Ocean: UN Convention on the Law of the Sea*.

## **Topic 8b: Multilateral Cooperation**

### **Multilateral Cooperation in Resolving or Managing International Issues**

#### **Helmut Türk**

Although the distinction between an 'issue' and a 'dispute' is not always clear-cut it can be concluded that the term 'issue' has a somewhat wider meaning. If an issue is not resolved or properly managed it may, however, evolve into a dispute or even a conflict. The foundation for multilateral cooperation in current international law is to be found in the UN Charter. The duty of cooperation has also permeated the whole process and the result of the Third United Nations Conference on the Law of the Sea.

The United Nations Convention on the Law of the Sea (UNCLOS) in its Part XI provided for institutionalized multilateral cooperation regarding the seabed beyond national jurisdiction by creating the International Seabed Authority (ISA). At the beginning this new international organization was met with considerable scepticism by many States. The work it has so far accomplished has, however, proven these sceptics to be wrong. The milestones in the development of the ISA are the adoption of Regulations on Prospecting and Exploration for Polymetallic Nodules, for Polymetallic Sulphides and for Ferromanganese Crusts as well as the Advisory Opinion rendered by the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea (ITLOS) which clarified the obligations and responsibilities of States sponsoring seabed mining. At the present time, the ISA is set on a clear course of gradually moving towards the exploitation phase. Draft Regulations on Exploitation of Mineral Resources in the Area are currently under consideration. The ISA is an excellent example of successful institutionalized multilateral cooperation.

The South China Sea fits the definition of a semi-enclosed sea of Article 122 UNCLOS and Article 123 regarding cooperation of States bordering such a sea therefore finds application. Although Article 123 is not an autonomous source of obligations it has to be seen as containing general directives for States bordering enclosed or semi-enclosed seas to work together. These States are thus encouraged to initiate attempts to coordinate the functions, activities and policies mentioned therein. For the South

China Sea a mechanism for multilateral cooperation is still lacking. A framework for a Code of Conduct (COC) for the South China Sea has already been endorsed with the objective of adopting a set of norms to guide the conduct of the parties and promote maritime cooperation. Such a code will not resolve the South China Sea disputes but can certainly contribute to reducing tensions by establishing a framework for a cooperative mechanism among the States concerned.

### **Resolving or Managing International Issues by Multilateral Cooperation**

#### **Robert G. Volterra**

One of the most important long-term goals in the Asia-Pacific region is the resolution of the numerous pending maritime boundary disputes between States. Driving the disputes are underlying geopolitical strategy, military power projection, and living and non-living resource exploitation interests. These disputes are a source of constant tension between the involved States and often lead to incidents in the disputed waters. They hinder the stability of the area and the effective management and use of marine resources in general. There are essentially three possible outcomes: 1) the disputes and/or their underlying drivers remain unresolved (in which case, the Asia-Pacific region will remain less stable and resource exploitation inhibited); 2) the disputes and/or their underlying drivers are resolved through the use of force (in which case, the Asia-Pacific region will remain less stable and resource exploitation inhibited); or 3) the disputes and/or their underlying drivers are resolved through the rule of law (in which case, the Asia-Pacific region will become more stable and resource exploitation facilitated). Currently, the relevant conduct of international relations in the region is resulting in outcomes 1 and 2. The only viable option is through the rule of law.



# BIOGRAPHIES

(In alphabetical order of family names)



## **REAR ADMIRAL STEVEN J. ANDERSEN**

Judge Advocate General and Chief Counsel, U.S. Coast Guard

Rear Admiral Steve Andersen assumed duties as the Judge Advocate General and Chief Counsel of the Coast Guard in July 2016. He has the privilege to lead a dedicated group of legal professionals who are responsible for the delivery of all legal services in support of the Coast Guard's missions, its units and its people.

Andersen's previous assignment was the Assistant Commandant for Intelligence where he had the honor to serve with the Coast Guard's 1,100 intelligence professionals who were accountable for the Service's intelligence programs, to include counterintelligence, cyber, and cryptology. Prior to that he had the honor to serve four years as the Commanding Officer of Legal Service Command in Norfolk, Virginia, where he led the dedicated men and women of the Coast Guard's nationwide legal command.

Other rewarding assignments include: a one-year deployment at NATO Training Mission-Afghanistan where he served as chief of anti-corruption; three years in command of Coast Guard Base Portsmouth; Deputy Chief of the Maintenance and Logistics Command Atlantic Legal Division, military judge, operational law attorney for Atlantic Area and the Fifth District, and Assistant Legal Officer at the Seventh District Office in Miami.

Andersen began his career serving as student engineer aboard CGC STEADFAST, and as Commanding Officer on CGC CAPE KNOX and CGC STURGEON BAY. Andersen graduated from the U.S. Coast Guard Academy in 1985. He entered the Coast Guard legal program after receiving a Juris Doctor from George Mason University School of Law in 1997 and is a member of the Virginia Bar.

Andersen wears several decorations, which are all a direct result of the professionalism, loyalty, and excellence of the men and women with whom he served. His 2012 receipt of the ABA's Outstanding Military Service Career Judge Advocate Award is one such example.



## **AMBASSADOR DAVID BALTON**

U.S. Department of State (Ret.)

David A. Balton joined the Woodrow Wilson Center's Polar Initiative on January 1, 2018 as a Global Fellow. He previously served as the Deputy Assistant Secretary for Oceans and Fisheries in the Department of State's Bureau of Oceans, Environment and Science, attaining the rank of Ambassador in 2006. He was responsible for coordinating the development of U.S. foreign policy concerning oceans and fisheries, and overseeing U.S.

participation in international organizations dealing with these issues. His portfolio included managing

U.S. foreign policy issues relating to the Arctic and Antarctica.

Ambassador Balton functioned as the lead U.S. negotiator on a wide range of agreements in the field of oceans and fisheries and has chaired numerous international meetings. During the U.S. Chairmanship of the Arctic Council (2015-2017), he served as Chair of the Senior Arctic Officials. His prior Arctic Council experience included co-chairing the Arctic Council Task Forces that produced the 2011 *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic* and the 2013 *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic*. He has also been chairing separate meetings on Arctic fisheries, including negotiations that produced the 2015 *Declaration Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean*.

Ambassador Balton previously served for 6 years as Director of the Office of Marine Conservation in the Department of State and for 12 years in the Department's Office of the Legal Adviser.

Ambassador Balton received his A.B. from Harvard College in 1981 and his J.D. from Georgetown University Law Center in 1985. He has also appeared as a soloist with the National Symphony Orchestra in Washington, D.C. (juggling oranges).



### **SAM BATEMAN**

Professorial Research Fellow, Australian National Centre for Ocean Resources and Security, University of Wollongong

Dr Sam Bateman retired from the Royal Australian Navy as a Commodore (one-star) and is now a Professorial Research Fellow at the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong in Australia, and until recently, was an Adviser to the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS) at the Nanyang Technological University in Singapore. His naval service included four ship commands ranging from a patrol boat to guided-missile destroyer, as well as several senior postings in the strategic policy and force development areas of the Australian Department of Defence in Canberra. Sam has written extensively on defence and maritime issues in Australia, the Asia-Pacific and Indian Ocean, and was awarded his PhD from the University of NSW for a dissertation on "The Strategic and Political Aspects of the Law of the Sea in East Asian Seas". His current research interests include regional maritime security, piracy and maritime terrorism, oceans policy, the strategic and political implications of the Law of the Sea, and maritime cooperation and confidence-building. He recently co-chaired a working group of the ASEAN Regional Forum (ARF) Expert and Eminent Persons' (EEPs) Group that conducted a study of lessons learnt and best practice with regard to preventing and managing incidents at sea in the Asia-Pacific region. He has also recently completed a study of maritime and border security arrangements in Papua New Guinea (PNG) for the PNG Government.



### **JAY BATONGBACAL**

Professor, University of the Philippines

Jay L Batongbacal is a lawyer from the Philippines, a graduate of the University of the Philippines College of Law with the degrees of Master of Marine Management and Doctor in the Science of Law, both from Dalhousie

University in Canada. Since 1997, he has done diverse work in maritime affairs, including community based fisheries management, coastal resource management, marine environment protection, maritime boundaries, high seas fishing, offshore energy, seafaring, and shipping. He was legal advisor to the Philippine delegation that successfully pursued the Philippines' claim to a continental shelf beyond 200 nautical miles in the Benham Rise Region before the Commission on the Limits of the Continental Shelf. He is also among the List of Experts on Marine Scientific Research for purposes of Special Arbitration under Annex VIII of the UNCLOS. He completed post-doctoral research on the US maritime security policy and the South China Sea disputes under the auspices of the US-ASEAN Fulbright Initiative Visiting Scholar Program. He most recently assisted the Philippines in securing the International Maritime Organization's designation of the Tubbataha Reef Natural Park in the Sulu Sea as a Particularly Sensitive Sea Area. He is regularly consulted for his independent views on maritime policy issues by government officials, diplomatic personnel, the press, and members of the academe. Presently, he serves as an Associate Dean for Research & Development at the University of the Philippines College of Law, and is concurrently Director of the Institute for Maritime Affairs and Law of the Sea of the U.P. Law Center.



**ROBERT BECKMAN**

Centre for International Law, National University of Singapore

Robert Beckman was the founding Director of the Centre for International Law (CIL) at the National University of Singapore, a university-level centre engaged in research on issues of international law. He served as the Director of CIL from September 2009 to June 2016, and he continues to head CIL's programme in Ocean Law and Policy. Prof Beckman is also an Associate Professor in the NUS Faculty of Law, and has been with the Faculty since 1977. Prof Beckman has a special interest in public international law and in ocean law and policy. He

lectures in Rhodes Academy of Oceans Law and Policy, a summer diploma programme held in Rhodes, Greece, and is a member of its Governing Board. He is an Adjunct Senior Fellow in the Maritime Security Programme at the Institute for Defence and Strategic Studies of the S Rajaratnam School of International Studies (RSIS) at Nanyang Technological University (NTU). He serves as a member of the Singapore's executive committee on Security and Cooperation in the Asia-Pacific (CSCAP). Prof Beckman has a J.D from the University of Wisconsin and an LL.M. from Harvard.



**RICHARD BUTTON**

Chief, Coordination Division, Office of Search and Rescue, U.S. Coast Guard Headquarters

Rick Button is the Chief, Coordination Division, Office of Search and Rescue, United States Coast Guard Headquarters, Washington, D.C., and serves as the Secretary to the United States National Search and Rescue Committee. Mr. Button conducts outreach and engagement for the Coast Guard and the U.S. on national and international search and rescue related matters; is the program manager for the Amver search and rescue ship reporting system; and manages Coast Guard support for the Search and Rescue Satellite Aided Tracking (SARSAT) system. Mr. Button retired from the Coast

Guard in 2006 after serving twenty-two years on active duty and has served eleven years in his current position. During his Coast Guard career, Mr. Button served on several Coast Guard cutters and twice served as commanding officer. Mr. Button is a 1984 graduate of the U.S. Coast Guard Academy and is a licensed Master Mariner.



### **ALDO CHIRCOP**

Professor, Schulich School of Law, Dalhousie University

Aldo Chircop, JSD, is Professor of Law and Canada Research Chair in Maritime Law and Policy, Schulich School of Law, Dalhousie University, Halifax, Nova Scotia, Canada. Professor Chircop's research interests are in the fields of Canadian and international maritime law and international law of the sea. He is currently working on the regulation of Arctic shipping, greenhouse gas emissions from ships, autonomous shipping, particularly sensitive sea areas, jurisdiction over ships, and maritime regulation theory. Professor Chircop is Chair of the International Working Group on Polar Shipping of the Comité Maritime International, Research Fellow at the Ocean Frontier Institute, Senior Fellow at the Centre for International Governance Innovation (CIGI), and member of the Nova Scotia bar. He has received several academic and professional awards. His numerous publications include: *Canadian Maritime Law 2d* (Irwin Law, 2016; with Moreira, Kindred and Gold eds); *Places of Refuge for Ships: Emerging Environmental Concerns of a Maritime Custom* (Martinus Nijhoff Publishers, 2006; with Linden eds); *The Future of Ocean Regime-Building* (Martinus Nijhoff Publishers, 2009; with McDorman & Rolston eds); *The International Regulation of Shipping: International and Comparative Perspectives* (Martinus Nijhoff Publishers, 2012; with McDorman, Letalik & Rolston eds). Professor Chircop is co-editor of the *Ocean Yearbook* since volume 13 (currently at 32).



### **GAO JIANJUN**

Professor, School of International Law, China University of Political Science and Law

Gao Jianjun is Professor of International Law Faculty, China University of Political Science and Law. He received his Ph.D in Law at Peking University in 2002. His expertise is international law, especially international law of the Sea. His major publications include *International Maritime Delimitation* (in Chinese), Peking University Press (2005); *Dispute Settlement System under the UN Convention on the Law of the Sea* (in Chinese), Revised Edition, China University of Political Science and Law Press (2014); Reasonableness of the Bond under Article 292 of the LOS Convention: Practice of the ITLOS, 7(1) *Chinese Journal of International Law* (2008); Joint Development in the East China Sea: Not an Easier Challenge than Delimitation, 23(1) *The International Journal of Marine and Coastal Law* (2008); The Okinawa Trough Issue in the Continental Shelf Delimitation Disputes within the East China Sea, 9(1) *Chinese Journal of International Law* (2010); International Maritime Delimitation Process, 2(2) *KMI International Journal of Maritime Affairs and Fisheries* (2010); The Seafloor High Issue in Article 76 of the LOS Convention—Some Views from the Perspective of Legal Interpretation, 43 (2) *Ocean*

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### **GAO ZHIGUO**

Judge, International Tribunal for the Law of the Sea

Prof. Dr. Gao Zhiguo is senior research fellow at China Institute for Marine Affairs (CIMA), and has been a judge of the International Tribunal for the Law of the Sea since March 2008.

Dr. Gao received LLM from China University of Political Science & Law, Beijing, China (1983); LLM, University of Washington, Seattle, USA (1986); JSD (Doctorate in the Science of Law), Dalhousie University, Halifax, Canada (1993); Post-Doctorate in Law, East-West Centre, Honolulu, Hawaii, USA

(1994).

Dr. Gao's professional experiences in recent years also include: Professor and Dean, Law School of Hainan University (2014-present); Professor and Honorary Director, Centre for the Law of the Sea, Tsinghua University (December 2009 to present); Adjunct Professor and Doctoral Supervisor at University of Nanjing (since June 2013), China University of Political Science and Law (2012-present), Hainan University (2008 to present); Xiamen University (2004 to present), China University of Oceanography (2000 to present); Senior Lecturer (1994-1997) and Honorary Lecturer (1998-present), doctoral/master's degree supervisor, University of Dundee, United Kingdom; President, China Society for the Law of the Sea (1998-present); Member of the Standing Council (1997-2012) and Member of the Advisory Board (since 2013), Chinese Society of International Law; Member of Editorial Board, *Ocean Development and International Law* (Canada); Member of Editorial Board, *Ocean Yearbook* (United States of America). Chairman of the Editorial Board, *Ocean & Boundary Affairs* (China).

Dr. Gao is widely published in books and journals, including "The Nine-Dash Line in the South China Sea: History, Status, and Implications", *AJIL* 107(95), 2013; *The Nine-Dash Line in the South China Sea*, Beijing, Ocean Press, 2014.



### **GAU SHENG-TI**

Director, Research Institute of International Justice and Arbitration, Hainan University

Prof. Michael Sheng-ti Gau has degrees of LL.M. (Cambridge), LL.M. (King's College London), and Ph.D. (Leiden) all specialized in public international law. He taught at Taiwan Kaohsiung University (2000-2005), Soochow Law School (2005-2010) and the Institute of Law of the Sea of Taiwan Ocean University (2010-2017). Since August 2017 he is professor of public international law at Hainan University Law School and director of the Research Institute for International Justice and Arbitration at Hainan University. For the past 18 years professor Gau has

been working on the legal issues of Intergovernmental Organizations (e.g. ICAO, WHO, OIE), law of the sea, Regional Fisheries Management Organizations like ICCAT, SPRFMO and WCPFC, as well as WTO fishery subsidies negotiations. He was the head of legal department for the Aviation Safety Council (ASC, similar to NTSB). Since 2004 he became ASC Board Member, and the Vice-Chairman (2012-2014). He has been Administrator for Taiwan Regional Round of the Philip Jessup International Law Moot Court Competition (2000-2012). Since 2009 his research focus is on maritime delimitation issues, e.g. outer continental shelf, CLCS and the South China Sea issues, including Sino-Philippine Arbitration, with many publications in *Ocean Yearbook*, *Ocean Development and International Law*, *Chinese Journal of International Law*, *Journal of East Asia and International Law*, *Chinese (Taiwan) Yearbook of International Law and Affairs*, and *China Oceans Law Review* etc.



### **VLADIMIR GOLITSYN**

Former President, International Tribunal for the Law of the Sea

Judge Golitsyn is a national of the Russian Federation. He has been active in the field of International Law for almost four decades. At the Government level, as Head of the Division of Public International Law in the Ministry for Foreign Affairs of the former USSR and as head or member of delegations at various negotiations on fishery, navigation and maritime boundary matters, as well as the Arctic and Antarctica. In July 2007, he acted as Chief Legal Counsel of the delegation/team of the Russian Federation in the proceedings in two prompt release cases brought by Japan against the Russian Federation before the International Tribunal for the Law of the Sea (the “Hoshinmaru” and the “Tomimaru” cases).

At the United Nations, where he worked for 25 years, in the Office of the Legal Counsel and as Director of the Division for Ocean Affairs and the Law of the Sea, he was involved in a wide range of legal, in particular environmental and maritime matters, as well as such issues as the establishment and implementation of the oil-for-food programme for Iraq, negotiation of arrangements related to the Lockerbie case, assistance in the demarcation of boundary between Iraq and Kuwait, assistance in the implementation of the Algiers Agreement between Eritrea and Ethiopia concerning boundary issues, assistance in the implementation of the Judgment of the International Court of Justice concerning the boundary dispute between Cameroon and Nigeria, assistance in facilitation by the Secretary-General of negotiations between Gabon and Equatorial Guinea on maritime boundary, etc.

Judge Golitsyn has been a member of the International Tribunal for the Law of the Sea from 2008 to 2017, President of the Seabed Disputes Chamber of the Tribunal from 2011 to 2014 and President of the Tribunal from 2014 to 2017.

Judge Golitsyn is currently Professor of international law at the Moscow State University.



### **REAR ADMIRAL JOHN HANNINK**

Deputy Judge Advocate General, U.S. Navy

Following graduation from the U.S. Naval Academy in 1985, Rear Adm. John G. Hannink completed pilot training at Naval Air Station Kingsville, Texas. Hannink then entered the Navy's Law Education Program, and graduated from Baylor Law School in 1994. He later earned a Master of Laws in International Law from George Washington University Law School. Assigned to Sea Control Squadron (VS) 33, he deployed to the Western Pacific and Indian Ocean aboard USS NIMITZ (CVN 68). He served as the squadron's public affairs officer, quality assurance officer and nuclear safety officer. Hannink has completed several assignments within Naval Legal Service Command (NLSC) and the Office of the Judge Advocate General (OJAG). NLSC assignments include personal representation attorney and prosecutor at Naval Station San Diego, and commanding officer of Region Legal Service Office Southeast. OJAG assignments include general litigation attorney, and executive assistant to the deputy judge advocate general and the judge advocate general. He also served as assistant judge advocate general (Operations and Management) and chief of staff, Region Legal Service Offices. Hannink's staff and operational experience includes deputy staff judge advocate (SJA) for 5th Fleet, SJA for 2nd Fleet, special assistant to the secretary of the Navy, deputy legal counsel to the chairman of the Joint Chiefs of Staff, special counsel to the chief of Naval Operations, and SJA for U.S. Pacific Command. Most recently, he served as a fellow on the Chief of Naval Operations Strategic Studies Group, Newport, Rhode Island. Hannink is the deputy judge advocate general of the Navy (DJAG) and commander, Naval Legal Service Command (CNLSC). As the DJAG, he serves as the deputy Department of Defense representative for Ocean Policy Affairs. As CNLSC, he leads the attorneys, enlisted legalmen, and civilian employees of 14 commands that provide prosecution and defense services, legal services to individuals, specialized legal training, and legal support to Navy units around the world. Hannink is a member of the state bar of Texas. His military awards include the Defense Superior Service Medal, the Legion of Merit and the Meritorious Service Medal.



### **TORE HENRIKSEN**

Director, K.G. Jebsen Centre for the Law of the Sea

Tore Henriksen is professor at the Law Faculty, UiT the Arctic University of Norway and director of the K.G. Jebsen Centre for the Law of the Sea. Professor Henriksen has written on and taught law of the sea and environmental law, in particular international fisheries law.



### **HONG NONG**

Executive Director & Senior Fellow, Institute for China-America Studies

Dr. HONG Nong is Executive Director and Senior Fellow of Institute for China– America Studies. She holds a PhD of interdisciplinary study of international law and international relations from the University of Alberta, Canada and held a Postdoctoral Fellowship in the University's China

Institute. She was ITLOS-Nippon Fellow for International Dispute Settlement (2008-2009), and Visiting Fellow at the Center of Oceans Law and Policy, University of Virginia (2009) and at the Max Planck Institute for Comparative Public Law and International Law (2007). She is concurrently a research fellow with the National Institute for South China Sea Studies, China, and China Institute, University of Alberta, Canada. Her research takes an interdisciplinary approach to examining international relations and international law, with focus on International Relations and Comparative Politics in general; ocean governance in East Asia and the Arctic; law of the sea; international security, particularly non-traditional security; and international dispute settlement and conflict resolution.

Her selected publications include *Maritime Order and the Law in East Asia* (Routledge, 2018, co-edited with Gordon Houlden), *UNCLOS and Ocean Dispute Settlement: Law and Politics in the South China Sea* (Abingdon, New York: Routledge, 2012); *Maritime Security Issues in the South China Sea and the Arctic: Sharpened Competition or Collaboration?* (Beijing: China Democracy and Legal System Publishing House, 2012, co-edited with Gordon Houlden); *Recent Developments in the South China Sea Dispute: The Prospect of a Joint Development Regime* (London and New York: Ashgate, 2014, co-edited with Wu Shicun); *UN Convention on the Law of the Sea and the South China Sea* (Surrey: Ashgate, 2015, co-edited with Wu Shicun, Mark Valencia).



#### **KIM WONHEE**

Senior Researcher, Korea Maritime Institute

KIM Wonhee is Senior Researcher at the Korea Maritime Institute. Dr. KIM received his LL.B. in Law and LL.M. in International Law from the School of Law, Ajou University. And he received his Ph.D. in International Law from the School of Law, Seoul National University. Previously, he was Assistant Researcher at Law Research Institute of Seoul National University and Secretary in Chief of the Korean Society of International Law. He also has taught public international law and judicial settlement of international disputes at Konkuk University and Ewha Womans University. Prior to joining the Korea Maritime Institute, he has been a visiting scholar at International Law Institute of Munich University. His research interests include the law of the sea, international territorial and boundary disputes, the law and practice of international courts and tribunals, domestic implementation of international judicial decision. Recent publications include “Burden and Standard of Proof in Territorial Disputes before the International Court of Justice”, and “Legal Analysis on Jurisdiction and Admissibility of the Arbitration between Philippines and China concerning the South China Sea Arbitration”.



#### **KOJIMA CHIE**

Professor, Musashino University, Tokyo

Chie Kojima is Professor of International Law at the Faculty of Law, Musashino University, Tokyo. She holds bachelor, master and PhD degrees in law from Chuo University, and an LLM and JSD from Yale University. She previously served as an Assistant Professor of Maritime Law and Policy at the World Maritime University in Malmö, a Senior Research Fellow at Max Planck Institute for Comparative Public Law and International Law in



Heidelberg, and a law clerk at the International Court of Justice in The Hague.

She is a member of the Editorial Boards of *Ocean Development and International Law* and *Asia-Pacific Journal of Ocean Law and Policy*. She is an editor of *Piracy at Sea* (together with M.Q. Mejia, Jr. and M. Sawyer, Springer, 2013); *Solidarity: A Structural Principle of International Law* (together with R. Wolfrum, Springer, 2010); and an assistant editor of *Law of the Sea, Environmental Law and Settlement of Dispute: Liber Amicorum Judge Thomas A. Mensah* (T. M. Ndiaye and R. Wolfrum eds., Martinus Nijhoff Publishers, 2007).

Her recent and forthcoming articles include: 'Climate Change and Protection of the Marine Environment: Food Security, Evolutionary Interpretation, and the Novel Application of Dispute Settlement Mechanisms under the United Nations Convention on the Law of the Sea', in: *Global Environmental Change and Innovation in International Law* (N. Craik, C. Jefferies, S. Seck, T. Stephens eds., Cambridge University Press, forthcoming in 2018); 'South China Sea Arbitration and the Protection of the Marine Environment: Evolution of UNCLOS Part XII through Interpretation and the Duty to Cooperate', 2015 *Asian Yearbook of International Law* 166-180 (Brill, 2017); 'Japan's Legal Regime for Preventing and Controlling Accidental Discharges of Oil and Hazardous and Noxious Substances from Ships and Offshore Facilities', in: *Marine Pollution Contingency Planning: State Practice in Asia-Pacific States* (A. Telesetsky, W. Gullett and S. Lee eds., Brill, 2017) 83-97; 'Maritime Security Implications of Climate Change and the Arctic under International Law: A Japanese Perspective', in: *Japanischer Vorkämpfer für die Rechtsordnung des 21. Jahrhunderts: Festschrift für Koresuke Yamauchi* (H. Menkhaus and M. Narasaki eds., Duncker&Humblot, 2017) 273-283; 'Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)', in: *Latin America and International Court of Justice* (J.-M. Sorel and P. Almeida eds., Routledge, 2016) 250-261; 'Implementation of the United Nations Convention on the Law of the Sea in Japan', in: *Asia-Pacific and the Implementation of the Law of the Sea: Regional Legislative and Policy Approaches* (S. Lee and W. Gullett eds., Brill, 2016) 34-52.



### **JAMES KRASKA**

Chairman and Howard S. Levie Professor in the Stockton Center for the Study of International Law, U.S. Naval War College

James Kraska is Chairman and Howard S. Levie Professor in the Stockton Center for the Study of International Law at the U.S. Naval War College in Newport, Rhode Island and Visiting Professor of Law at Harvard Law School, where he was and John Harvey Gregory Lecturer on World Organization in 2017. He is also Distinguished Fellow at the Law of the Sea Institute, University of California Berkeley School of Law and Senior Fellow at the

Center for Oceans Law and Policy at the University of Virginia School of Law, Honorary Visiting Professor of Law at Gujarat National Law University, and a Lifetime Member of the Council on Foreign Relations. Previously he was Mary Derrickson McCurdy Visiting Scholar at Duke University and Office of the Chief of Naval Research Fellow at Woods Hole Oceanographic Institution. He has written numerous scholarly articles and books, including *Maritime Power and Law of the Sea* (Oxford), which won the Alfred Thayer Mahan Award for Literary Achievement; *Arctic Security in an Age of Climate Change* (Cambridge); and *The Free Sea: The American Fight for Freedom of Navigation* (with Raul Pedrozo, Naval Institute). Professor Kraska served as an officer and lawyer in the U.S. Navy, where he was Director of International Negotiations on The Joint Staff.



### **ROY S. LEE**

Representative of Asian-African Legal Consultative Organization

Dr. Lee worked for the United Nations Secretariat from 1967 to 1998 where he handled legal and policy issues of law of the sea, environmental law, treaty-making, human rights, law of the sea, international humanitarian law, settlement of disputes. He also trained legal advisers and diplomats in multilateral negotiation. He was Secretary of one of the main committees of UNCLOS; Executive Secretary for the United Nations Diplomatic Conference on the Establishment of an International Criminal Court; Director of the Legal Office for the codification and development of international law; Secretary of the International Law Commission; and Secretary of the Sixth (Legal) Committee of the General Assembly.

He taught United Nations law, settlement of disputes, humanitarian law and peacekeeping at Columbia Law School between 1997 and 2014. Since 2007 he has been teaching Environmental Diplomacy Practicum focusing on climate change and sustainable development at the Yale University School of Forestry and Environmental Studies, New Haven, Connecticut, USA.

He has been the Permanent Observer to the United Nations for the Asian African Legal Consultative Organization (an intergovernmental institution comprising 47 Asian and African States) since 2009. On a pro bono basis, he organizes and chairs monthly seminars and discussions for delegates of the Sixth Committee (Legal) on various subjects of public international law including sustainable development, cyber crimes and intrusions, international terrorism, marine genetic resources management, peacekeeping, international courts and tribunals, and issues of arbitration.

He has published and edited nine books and some 30 articles on space law, law of the sea, the International Court of Justice, norms of democracy, peace problems, multilateral negotiations and international criminal law and humanitarian law.

He was elected to the Institut de Droit International in 2001 and was a vice-president of the Institut in 2007.

### **LI MING**

Vice President, Chinese Society of International Law, Professor of Law, Peking University Law School



Li Ming is professor in Peking University Law School and director of the International Law Institute. He is the vice-president of the Chinese Society of International Law. He received his Ph.D. and LL.M. respectively from Peking and Yale Universities. He teaches international law on a wide range of topics including public international law, peaceful settlement of international disputes and Chinese theory and practice of international law to undergraduate and postgraduate students. His recent publications include “Reflections on Positive International Law and the Proposition of Chinese International Law” in *Law and Foreign Policy*, Vol.2 (2017) (in Chinese), “International Law and The Belt and Road Initiative” in *Law Science Magazine*, Vol.1 (2016) (in Chinese). In 2017, He was invited by the Xiamen Academy of International law to give a special course on “Five Principles of Peaceful Co-existence” in its summer program and the lecture text will

be published as part of the collected courses by Brill (in English).



### **MICHAEL LODGE**

Secretary-General, International Seabed Authority

Michael W. Lodge is a British national. He received his LLB from the University of East Anglia, and has an MSc in marine policy from the London School of Economics and Political Science. He is a barrister of Gray's Inn, London. Prior to his election as Secretary-General of the International Seabed Authority in July 2016, he had served as Deputy to the Secretary-General and Legal Counsel. Other professional experiences include serving as Legal Counsel to the ISA (1996-2003); Counsellor to the Round Table on Sustainable

Development, OECD (2004-2007); Legal Counsel to the South Pacific Forum Fisheries Agency (1991-1995). He has also held appointments as a Visiting Fellow of Somerville College, Oxford (2012-2013), an Associate Fellow of Chatham House, London (2007) and a member of the World Economic Forum's Global Agenda Council on Oceans (2011-2016).

With 28 years of experience as a public international lawyer, Michael Lodge has a strong background in the field of law of the sea as well as ten years' judicial experience in the UK and South Pacific. He spent many years living and working in the South Pacific and was one of the lead negotiators for the South Pacific Island States of the 1995 UN Fish Stocks Agreement. He has also worked as a consultant on fisheries, environmental and international law in Europe, Asia, Eastern Europe, the South Pacific and Africa.

With extensive knowledge of the United Nations and other international organisations, Michael Lodge has facilitated high-level multilateral and bilateral negotiations at international and regional level. His significant achievements include his pivotal role in the ISA from its inception in 1996 and in helping to create and implement the first international regulatory regime for seabed mining. He also contributed to the future security of global fish stocks by leading the process to create the Western and Central Pacific Fisheries Commission from concept to its establishment as the largest regional fisheries management organization in the world, also serving as the interim executive director of the Commission. He was instrumental in advising the Pew Charitable Trusts on their support for the Global Ocean Commission and also acted as an adviser to the Commission on international law of the sea and ocean policy.

Mr Lodge has published and lectured extensively on the international law of the sea, with over 25 published books and articles on law of the sea, oceans policy and related issues.



### **RONÁN LONG**

Director, Sasakawa Global Ocean Institute, World Maritime University

Professor Ronán Long holds the Nippon Foundation Professorial Chair of Ocean Governance and the Law of the Sea and is the Director of the Global Ocean Institute at the World Maritime University. Previous appointments include a Personal Professorship and the Jean Monnet Chair of European Law at the National University of Ireland Galway, a Visiting Scholar at the Center for Oceans Law and Policy, University of Virginia School of Law and a Senior

Distinguished Scholar-in-Residence, Law of the Sea Institute, Berkeley Law, University of California, faculty at the Rhodes Academy Oceans Law and Policy along with the Yeosu Academy of the Law of the Sea in Korea.

In addition to being a member a longstanding member of the editorial boards of the *International Journal of Marine and Coastal Law* and *Ocean Development and International Law*, he is the author/co-editor of over 100 scholarly publications on oceans law and policy. Professor Long is participating in the Horizon 2020 projects ATLAS and MERCES and his current research interests are focused on regulatory and governance arrangements pertaining to the restoration of marine biodiversity, the law of climate change, regional law of the sea implementation in the Central Eastern Pacific Ocean, as well as human rights in the maritime domain. Prior to his academic career, he was a permanent staff member at the European Commission (1993-2002) and undertook over 40 missions on behalf of the European Institutions to the Member States of the European Union, the United States of America, Canada, Central America as well as to African countries. During his career in the Irish Naval Service, he won an academic prize at Britannia Royal Naval College (1981) and held a number of appointments ashore and afloat, including membership of the Navy's elite diving unit. As a keen yachtsman, he has represented Ireland at the top competitive level in offshore racing.



**MA XINMIN**

Deputy Director-General, Department of Treaty and Law, Ministry of Foreign Affairs, China

Mr. Ma Xinmin is currently the Deputy Director-General at the Department of Treaty and Law, the Ministry of Foreign Affairs of China. His responsibilities mainly cover public international law and the law of the sea.

Since joining the foreign service in 1993, Mr. Ma has successively worked at the Department of Treaty and Law of the MFA (1993-1995), the Sino-British Joint Liaison Group in Hong Kong (1995-1997), Office of the Commissioner of the MFA in Hong Kong S.A.R. (1998-1999). Then he successively served as Deputy Director of the Political Affairs Division at Xinhua News Agency Hong Kong Branch (1999-2000), Director of the Legal Affairs Division at Liaison Office of the Central People's Government in Hong Kong S.A.R. (2000-2004), Director of the Division of Public International Law at the Department of Treaty and Law of the MFA (2005-2007), Counselor as well as Chief of Political Affairs Section of the Chinese Embassy in the United States (2007-2011), and Counselor of the Department of Treaty and Law of the MFA (2011-2014).

Mr. Ma is an experienced practitioner with considerable expertise in areas of public international law, the law of the sea, UN law, IHL, diplomatic and immunity law, the law of treaty, outer space law, Hong Kong Basic Law and common law. He was deeply involved in negotiations over the legal arrangement on handover of Hong Kong, and in the constitutional arrangement of the Hong Kong S.A.R.

Mr. Ma has represented his country as head of delegations or member in various bilateral and multilateral international conferences and negotiations, which cover areas such as the Legal Committee of UNGA, outer space, UNCLOS, ISA, ICC, IHL, cyber space, the arctic and the antarctic, as well as judicial assistance and extradition. He served as Vice President of the of COPUOS (2014-2016), and a member of the Bureau of the Preparatory Committee on BBNJ (2015-2017). Currently, he also acts as Vice President of Asian Society of International Law, Vice President of the

23rd ISA Assembly, member of Steering Committee for UNISPACE+50, Legal Advisor of International Bamboo and Rattan Organization, as well as Vice President of Chinese Society of the Law of the Sea.



**TED MCDORMAN**

Professor, Faculty of Law, University of Victoria

Ted L. McDorman is a Professor at the Faculty of Law, University of Victoria, Victoria, British Columbia, Canada. He has written widely on ocean law and policy issues having published over 120 articles, chapters in books, etc. Since 2000, he has been editor-in-chief of *Ocean Development and International Law*. From 2002-2004 and again from 2011 to 2013, Professor McDorman was “academic-in-residence” in the Legal Affairs Branch of the Canadian Department of Foreign Affairs and International Trade (now Global Affairs Canada) where he was involved in a number of Arctic law of the sea and environmental matters, worked on Canada’s submission to the CLCS and represented Canada at several international forums. From January-May 2007, he was the Fulbright Visiting Chair in Canada-U.S. Relations at the Woodrow Wilson International Center for Scholars in Washington D.C.



**NGUYEN LAN-ANH T.**

Center for Legal Studies, Institute for East Sea (South China Sea) Studies, Diplomatic Academy of Vietnam, Ministry of Foreign Affairs

Assoc. Prof Lan-Anh T. Nguyen is Deputy Director General of the Institute for East Sea (South China Sea) Studies and Vice Dean of the International Law Faculty of the Diplomatic Academy of Vietnam.

She is responsible for analyzing the legal aspects of the South China Sea disputes as well as other issues related to ocean law and policy. In this role, she offers legal analysis and advisory opinions to political, diplomatic, and security deliberations. Assoc. Prof. Nguyen often participates and leads Vietnamese delegation to track II and 1.5 conferences and workshop in order to engage other regional countries on the ocean law and policy.



**NISHIMOTO KENTARO**

Professor, Tohoku University

Kentaro Nishimoto is Associate Professor, School of Law, Tohoku University, Japan. He teaches international law to undergraduate and postgraduate students, and is in charge of the newly launched LL.M. program on the law of the sea. He received his Ph.D. in Law from the University of Tokyo with the thesis ‘Territoriality and Functionality in the Historical Evolution of the Law of the Sea.’ His research focuses on the law of the sea, including issues such as the history of the law of the sea, sustainable development of ocean resources and the settlement of maritime disputes. He also serves as an advisor to the Japanese government on various ocean-related issues such as maritime law enforcement and the extension of

the continental shelf. He was advisor to the Japanese delegation to the Preparatory Committee on Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ), and will serve as advisor to the Intergovernmental Conference on BBNJ. His recent publications include 'The Rights and Interests of Japan in regard to Arctic Shipping' in Robert C. Beckman *et al.* (eds.), *Governance of Arctic Shipping* (Brill, 2017) and 'The Significance of the South China Sea Arbitral Award from the Perspective of International Law,' *Tohoku Law Review*, Vol. 4 (2017) (in Japanese).



### **MYRON H. NORDQUIST**

Associate Director, Center for Oceans Law and Policy

Myron H. Nordquist earned his S.J.D. from the University of Virginia School of Law. Professor Nordquist is currently the Associate Director and Editor of the Center for Oceans Law and Policy and a Senior Fellow for the Center for National Security Law. He has served as counsel to Senator Conrad Burns (R-MT). Professor Nordquist was a professor of law at the United States Air Force Academy and was the Charles H. Stockton Professor of International Law at the United States Naval War College. He was Deputy and then Acting General Counsel of the Department of the Air Force.

After completing postgraduate work in international law at Cambridge University, Professor Nordquist was an attorney advisor and legislative counsel in the Department of State Office of Legal Adviser. While serving in the Office of Legal Adviser, he was Office Director of the NSC Interagency Task Force on the Law of the Sea and Secretary of the United States Delegation to the Third United Nations Conference on the Law of the Sea. He engaged in private law practice in Washington, DC, specializing in international business law. He has taught on the adjunct law faculties at several universities.

Professor Nordquist has edited more than 50 books and published widely on oceans law, international law and national security law. He is Editor-in-Chief of the seven-volume Commentary on the 1982 U.N. Convention on the Law of the Sea sponsored by the University of Virginia's Center for Oceans Law and Policy. As Associate Director of the Center for Oceans Law and Policy, Professor Nordquist has directed the substantive programs of the Center, including the Rhodes Academy.



### **ALEXANDROS NTOVAS**

Lecturer, Queen Mary University of London

Dr Alexandros Ntovas is lecturing in shipping law and law of the sea at Queen Mary University of London (QMUL), School of Law, Centre for Commercial Law Studies (CCLS). His background amalgamates the broader legal disciplines of international and European law, at both public and private level, with political analysis and international relations, as these find a common expression in the context of shipping law, the law of the sea and oceanic policy. He belongs to the new generation of shipping lawyers, who are competent to perceive, appreciate and undertake the challenging task of dealing with a ship as one single economic, social, commercial and – at times when the flag State extends diplomatic protection to her in international proceedings– sovereign entity. He has practiced

public and administrative law, and acted on numerous occasions as a policy advisor to governments, including the European Union, the public sector and the shipping industry. His expertise within CCLS lies in the international law of the sea and admiralty, with a focus on wet shipping law, navigational freedoms and practice, as well as in all issues regarding piracy and other aspects of contemporary safety and security of ships, ports and offshore installations. He publishes internationally on the above matters (his most recent work includes *The IMLI Treatise On Global Ocean Governance, Volume II: UN Specialized Agencies and Global Ocean Governance*, Edited together with Professor Malgosia Fitzmaurice and Professor David J. Attard, IMO IMLI Director and Vice-President of the International Tribunal for the Law of the Sea, *forthcoming with the Oxford University Press in the summer of 2018*), as well as speaking in high-profile international fora and conferences.



### **PAIK JIN-HYUN**

President, International Tribunal for the Law of the Sea

Jin-Hyun Paik has been Judge of the International Tribunal for the Law of the Sea (ITLOS) since 2009. In October 2017, he was elected President of the Tribunal for a term of three years (2017-2020). He is also Professor of International Law at Seoul National University in Korea (on leave) and was Dean of its Graduate School of International Studies (GSIS). Judge Paik currently serves as Arbitrator in the *“Enrica Lexie” Incident Case (Italy v. India)* at the Permanent Court of Arbitration (PCA). He is also 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 has specialized in international law and organization, law of the sea, and international dispute settlement. He was a doctoral fellow at Hague Academy of International Law, Netherlands; visiting fellow at the Rand Corporation, Santa Monica and at Hoover Institution, Stanford, USA; visiting professor at Johns Hopkins University’s School of Advanced International Studies (SAIS), USA; and guest scholar at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany. Over the past three decades he has taught international law and the law of the sea in various places around the world, including Rhodes Academy of Ocean Law and Policy (Greece), IFLOS Academy (Germany), Summer Academy on Continental Shelf (Faroe Islands) and the International Maritime Law Institute (Malta). He is also lecturer for the United Nations Audiovisual Library of International Law. He has been active in promoting and disseminating international law, in particular to audience in developing countries.

In 2015, Judge Paik was elected to the *Institut de Droit International*. He also served as President of the Asian Society of International Law (AsianSIL 2015-2017). Educated in Seoul National University (LL.B.), Columbia Law School (LL.M.), and Cambridge University (Ph.D.), he has written and edited over 150 articles and several books on international law and politics, law of the sea, international dispute settlement, and Korea’s foreign and security policies, the latest of which includes *Regions, Institutions and the Law of the Sea* (Martinus Nijhoff Publishers, 2013).



### **KATHRYN YOUEL PAGE**

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Kathryn Youel Page is Assistant Legal Adviser for Oceans, Environment and Scientific Affairs at the U.S. Department of State. A 20-year veteran of the Department, Ms Youel Page advises on a broad range of international law related to maritime, outer space and environmental affairs. She is a graduate of University of Michigan Law School and Macalester College.



### **QIN TIANBAO**

Professor & Assistant Dean, School of Law, Wuhan University

Prof. QIN Tianbao is a Changjiang (Cheung Kong) Scholar and LuoJia Professor of Law, and serves as the Director of the Research Institute of Environmental Law (RIEL) and the Associate Dean for Research and International Affiliations for the School of Law, Deputy Director of the Research Center of the Supreme Court of China on Environmental-related Cases, Professor of China Institute of Boundary and Ocean Studies and the European Studies Centre, Wuhan University; Editor-in-Chief of the *Chinese Journal of Environmental Law*; Member of the Compliance Committee of the

*Nagoya Protocol on ABS*.

Dr Qin received his LL.B and LL.M degrees from Wuhan University. He finished his Doktorarbeit (doctoral dissertation) in Johann Wolfgang Goethe Universität Frankfurt in Germany and obtained his Dr. iur degree from Wuhan University. He has been a Post-doctor Research Fellow in Ghent University, Belgium.

He is a Legislative Expert for China's Ministry of Environmental Protection, Ministry of Agriculture, and Hubei Provincial Parliament, and headed or participated in drafting of several major environmental bills. He is an Advisor for Chinese negotiations on biodiversity, ocean and climate change issues; and he was a Legislative Expert for the UNEP Division of Environmental Law and Conventions, and an Environmental Law Expert for several projects of International Institutions (GEF, UNDP, ADB) in China.

Currently, he is concentrating his researches in law and policy concerning biodiversity and biotechnology, water and ocean, climate change and energy, environment and health, and trans-boundary environmental issues. Prof. Qin is author of several books and more than 100 articles in these fields. His recent publications include: *Research Handbook on Chinese Environmental Law* (Edward Elgar, eds), *Principles of International Biodiversity Law* (CUPL Press), *Legal Issues on Access to Genetic Resources and Benefit-sharing* (WHU Press), *Arctic Law and Governance: The Role of China and Finland* (Hart Publishing, with Timo Koivurova, eds).





### **DANIEL RITTSCHOF**

Professor, Duke University Marine Lab

His day-to-day research focus is ecology with emphasis on larval biology, chemical, behavioral, spatial ecology and environmental toxicology. Basic theoretical contributions are in the origins and evolution of chemical systems and in multi-disciplinary approaches to global environmental challenges. Present interests are in understanding and solving issues of nutrient, toxic chemical and food security puzzles related to our global economies.



### **J. ASHLEY ROACH**

Visiting Senior Principal Research Fellow, Centre for International Law, Singapore

Captain J. Ashley Roach, JAGC, U.S. Navy (retired) was an attorney adviser in the Office of the Legal Adviser, U.S. Department of State, from 1988 until he retired at the end of January 2009, responsible for law of the sea matters. He has taught, advised and published extensively on national maritime claims and other law of the sea issues. He has negotiated, and participated in the negotiation of, numerous international agreements involving law of the sea issues. Since retiring he has concentrated on piracy, Arctic, BBNJ and island-dispute issues. The third edition of his book (with Dr. Robert W. Smith), *Excessive Maritime Claims*, was published by Nijhoff in August 2012. He chairs the International Law Association Committee on Baselines under the International Law of the Sea dealing with straight baselines (2013-2018). He is a Visiting Senior Principal Research Fellow, Centre for International Law, National University of Singapore. He received his LL.M. (highest honors in public international law and comparative law) from the George Washington University School of Law in 1971 and his J.D. from the University of Pennsylvania Law School in 1963.



### **SHI YUBING**

Associate Professor, Xiamen University

Dr. Yubing Shi is an Associate Professor at the Center for Oceans Law and the China Seas, Xiamen University. He is also an honorary fellow at Australian National Centre for Ocean Resources & Security (ANCORS), University of Wollongong (UOW), Australia. Dr Shi served as a lecturer at the Law School of UOW before he joined Xiamen University in 2015. His research interests include international law of the sea and the legal protection of the marine environment. To date he has published over 30 articles in world leading Journals. His article entitled "Greenhouse Gas Emissions from International Shipping: the Response from China's Shipping Industry to the Regulatory Initiatives of the International Maritime Organization" was awarded the Gerard Mangone Prize for the best article in the *International Journal of Marine and Coastal Law* in 2014. He is the author of a monograph entitled "Climate Change and International Shipping: The Regulatory Framework for the Reduction of Greenhouse Gas Emissions" published by Brill Nijhoff in 2017.



### **SHIM SANGMIN**

Professor of International Law, Korea National Diplomatic Academy

Sangmin Shim is assistant professor of international law at the Korea National Diplomatic Academy (KNDA). Before joining KNDA in May 2016, he served as visiting scholar at the Environmental Law Institute (ELI), a private think-tank that conducts research on issues of international environmental law. During his stint at the ELI, Professor Shim collaborated with other attorneys and legal scholars on such research projects as mainstreaming climate adaptation governance, natural resource management governance from a sustainable development perspective, and environmental peacebuilding in post-conflict contexts. Professor Shim's legal educational background includes a J.S.D. degree at Stanford University, which was awarded in 2015 with his dissertation entitled, "Structuring Climate Policy in the Korean Electricity Sector: Politics, Institutions and Mitigative Capacity-Building." He also holds a J.S.M degree at the same university, and is a graduate of Seoul National University (B.A. & M.A. in law).

An expert on international environmental law and policy, Professor Shim is especially interested in global climate change issues, with a focus on designing economically viable, technologically feasible, and politically acceptable policy tools and strategies with significant emission reduction potentials. His academic interests extend to conventional international legal issues as well, such as peace and security in the United Nations, law of the sea, nuclear non-proliferation, human rights in North Korea and state responsibility.



### **MIGUEL DE SERPA SOARES**

Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, United Nations

Miguel de Serpa Soares was appointed the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel in September 2013. He oversees the Office of Legal Affairs, the overall objectives of which are to provide a unified central legal service for the United Nations. The Office of Legal Affairs employs approximately 200 staff of more than 60 nationalities. Mr. Serpa Soares has extensive experience of legal and international affairs, having represented his country in various bilateral and multilateral international forums, including the Sixth Committee of the United Nations General Assembly, the Committee of Public International Law Advisers of the Council of Europe and the International Criminal Court's Assembly of State Parties. Before taking up his current position, Mr. Serpa Soares was Director General of the Department of Legal Affairs of the Ministry of Foreign Affairs of Portugal from 2008. Earlier in his career, he acted as Legal Adviser to the Permanent Representation of Portugal to the European Union, Brussels (1999-2008). Born in Angola, Mr. Serpa Soares holds a degree (Licenciatura) in law from the Faculty of Law of the University of Lisbon (1990), where he also served as Assistant Lecturer from 1989 to 1993, and a Diplôme de Hautes Etudes Juridiques Européennes, Collège d' Europe, Bruges (1992).



### **SONG YANN-HUEI**

Research Fellow, Institute of European and American Studies, Academia Sinica, Taipei

Professor Dr. Yann-huei Song is currently a research fellow at the Institute of European and American Studies, Academia Sinica, Taipei. He is also a Global Fellow at Peace Research Institute Oslo (PRIO), Norway. He received a doctoral degree in International Relations from Kent State University, Ohio; L.L.M. and J.S.D. from the School of Law (Boalt Hall), University of California, Berkeley, the United States.

He has broad academic interests covering ocean law and policy studies, international fisheries and environmental laws, maritime security, and sovereignty and maritime disputes in the East and South China Seas. He visited the largest, naturally formed Taiping Island (Itu Aba) in the Spratly archipelago seven times.

Professor Song is member of the editorial boards of *Ocean Development and International Law* and *Chinese (Taiwan) Yearbook of International Law and Affairs*. One of his most recent articles entitled “The July 2016 Arbitral Award, Interpretation of Article 121(3) of the UNCLOS, and Selecting Examples of Inconsistent State Practices” will appear in *Ocean Development and International Law* Vol. 49(3), July – September, 2018.



### **AMBASSADOR HELMUT TÜRK**

Ambassador, former Judge and Vice-President of the International Tribunal for the Law of the Sea, former President of the Assembly and Chairman of the Review Committee of the International Seabed Authority

Ambassador Helmut Türk is a native of Linz, Austria. He obtained a Doctorate in Law from the University of Vienna in 1963 and thereafter a Postgraduate Diploma from the College of Bruges, Belgium. In 1965 he joined the Austrian Federal Ministry for Foreign Affairs, serving as Legal Advisor, Deputy Secretary-General, Ambassador to the United States of America as well as to the Holy See. He further held the position of Director-General of the Office of the Austrian Federal President. From 2005 to 2015 he was a Judge of the International Tribunal for the Law of the Sea in Hamburg, Germany, also serving a term as Vice-President. Subsequently he was elected President of the Assembly of the International Seabed Authority in Kingston, Jamaica, for the term 2015/2016, where he also held the position of Chairman of the Review Committee until 2017. He is the author of numerous publications in the field of international law, in particular the law of the sea. In recognition of his contributions to the development of international law and his academic writings he was appointed a Professor by the Austrian Federal President.



## **ROBERT G. VOLTERRA**

Partner, Volterra Fietta and Professor, University College London

Robert has been recognised for many years in the global legal directories as one of the world's top public international law practitioners. He is qualified as a barrister in Canada and as a solicitor-advocate in England and Wales.

He advises and represents governments, international organisations and private clients on a wide range of contentious and non-contentious public international law and international dispute resolution issues, including international boundaries, sovereign immunities, Brexit, the application of

international law in domestic court systems, the Law of the Sea, WTO and trade law, treaties, international organisations, Business and Human Rights (BHR), transboundary resources, the Laws of War, bilateral investment treaties (BITs) and ICSID, international oil and gas issues, government relations. He regularly acts as co-agent, counsel and advocate before the International Court of Justice and ad hoc international arbitration tribunals, including under the Permanent Court of Arbitration, ICSID, ICC, SCC, LCIA, UNCITRAL, WTO and UNCLOS rules. He regularly sits as an arbitrator in ICSID, UNCITRAL, ICC, SCC and LCIA arbitrations. He is on the UK Attorney General's A-list for public international law practitioners.

Robert's practice focuses on the resolution of complex disputes and evolving issues in the field of public international law. He is sought by clients globally to defend their interests in bet-the-country and bet-the-company disputes. He is the go-to public international law practitioner for cases dealing with novel and cutting-edge topics. His cases are widely referenced in public international law textbooks and journal articles; they are cited and relied upon extensively as precedents and guides by domestic and international courts and tribunals.

Robert combines being a seasoned practitioner with being a thought-leader in the field of public international law. He is a Visiting Professor of International Law at University College (UCL), University of London, where he has taught the international law of foreign investment for almost 20 years. He is a Visiting Senior Lecturer at King's College, University of London, where he has taught the international law of boundary disputes for several decades. He is invited to lecture on a variety of public international law topics in Europe, the Americas, Africa and Asia. He publishes regularly. He is on the International Law Advisory Board of the British Institute of International and Comparative Law. He is on the Management Board of the Investment Treaty Forum. He is a member of the ICC Latin American Arbitration Committee. He is on the Expert Panel for States of UNCTAD's Programme on Dispute Settlement in International Trade, Investment and IP. He is a Legal Expert on the Energy Charter Secretariat's Legal Advisory Task Force.



## **WANG HONG**

Administrator, State Oceanic Administration, China

### **Education:**

PHD, Marine Environment Science, Ocean University of China (enjoy Special Government Allowances of State Council)

### **Working Experience:**

*March 2018-Present* Party Committee Member, Ministry of Natural Resources, Administrator, State Oceanic Administration of China, Alternate

Member of 19th CPC Central Committee

January 2015-March 2018 Party Committee Member, Ministry of Land and Resources, Administrator and Secretary of Party Committee, State Oceanic Administration of China, Party Commissar, China Coast Guard; Attend the 44th Ministerial-Level Advanced Course of Party School of the Central Committee of CPC; Attend the National Defense Strategy Course of National Defense University, PLA China

September 2004-January 2015 Director General, Department of Human Resources, Party Committee Member and Deputy Administrator, State Oceanic Administration of China

December 2001-September 2004 Secretary of Party Sub-Committee, Deputy Director General, General Office (Department of Finance), Party Committee Member, State Oceanic Administration of China

January 1997-December 2001 Deputy Director General, Director General, National Marine Data and Information Service

March 1994-January 1997 Deputy Division Director of Remote Sensing, Deputy Division Director, Division Director of Marine Science and Technology, National Marine Data and Information Service



### **WANG KUAN-HSIUNG**

Professor, Graduate Institute of Political Science, Taiwan Normal University

Dr. Kuan-Hsiung WANG obtained his PhD degree in International Law from University of Bristol, United Kingdom in 1997. He is a professor of the Graduate Institute of Political Science, Taiwan Normal University. He is also an adjunct professor of international law at School of Law, Soochow University.

Dr. Wang participates in the marine issues concerning international law of the sea. He is Secretary-General of the Institute of Marine Affairs and Policy. He is also a member of the Committee on International Law on Sustainable Development (2004-2012), and the Committee on the Role of International Law in Sustainable Natural Resource Management for Development (2012-present), International Law Association in London. In the field of academic services, Dr. Wang is also the editor of *Chinese (Taiwan) Yearbook of International Law and Affairs* (English version), *Chinese(Taiwan) Review of International and Transnational Law* (Chinese version), *Korean Journal of International and Comparative Law*, *Asian Yearbook of International Law*, and the *Asia-Pacific Journal of Ocean Law and Policy (APJOLP)*.

Dr. Wang's teaching and research fields are mainly on public international law, law of the sea, East and South China Seas issues, and marine policy. For those research fields, he mainly focuses on the sustainable utilization of fishery resources and pays attention on the feasibility of solving disputes through joint development.



### **BRIAN WILSON**

(JAGC, USN Ret.), Deputy Director, Global Maritime Operational Threat Response Coordination Center

Captain Brian Wilson, U.S. Navy (Retired) is the Deputy Director of the Global Maritime Operational Threat Response Coordination Center (GMCC). The GMCC supports the U.S. whole-of-government's coordinated response to maritime threats, including drug trafficking, migrant smuggling, and piracy. In addition to being the primary author of multinational information sharing arrangements, Captain Wilson has led whole-of-government seminars and written numerous articles on maritime security. Captain Wilson is also a visiting professor at the U.S. Naval Academy, where he teaches a class on maritime security and the law of the sea.

Captain Wilson served on active duty in the U.S. Navy's Judge Advocate General's Corps for 21 years, retiring in the rank of Captain. Navy assignments included serving in Japan, Bahrain, and Antarctica, as well as the Oceans Policy Advisor in the Office of the UnderSecretary of Defense, legal counsel for an aircraft carrier, and Commanding Officer of a prosecution office. He may be contacted at [brianstwilson@gmail.com](mailto:brianstwilson@gmail.com).



### **WU SHICUN**

President, National Institute for South China Sea Studies

Wu Shicun has a PhD in history and is president and senior research fellow of China's National Institute for South China Sea Studies, chairman of board of directors of China-Southeast Asia Research Center on the South China Sea, deputy director of the Collaborative Innovation Center of South China Sea Studies, Nanjing University.

Dr Wu's research interests cover the history and geography of the South China Sea, maritime delimitation, maritime economy, international relations and regional security strategy. His main single-authored books include *What One Needs to Know about the South China Sea* (Current Affairs Press, 2016), *What One Needs to Know about the Disputes between China and the Philippines* (Current Affairs Press, 2014), *Solving Disputes for Regional Cooperation and Development in the South China Sea: A Chinese perspective* (Chandos Publishing, 2013). His main edited books include: *South China Sea Lawfare: Post-Arbitration Policy Options and Future Prospects* (South China Sea Think Tank / Taiwan Center for Security Studies, 2017), *Arbitration Concerning the South China Sea: Philippines versus China* (Ashgate, 2016), *UN Convention on the Law of the Sea and the South China Sea* (Ashgate, 2015), *Non-Traditional Security Issues and the South China Sea-Shaping a New Framework for Cooperation* (Ashgate, 2014), *Recent Developments in the South China Sea Dispute: The Prospect of a Joint Development Regime* (Routledge, 2014), *Securing the Safety of Navigation in East Asia—Legal and Political Dimensions* (Chandos Publishing, 2013). Dr Wu has published widely in academic journals and been the subject of frequent media interviews as a senior commentator on South China Sea, and other regional security issues.



### **XU HONG**

Director-General, Department of Treaty and Law, Ministry of Foreign Affairs, China

#### **Education:**

PHD, Private International Law, Wuhan University

#### **Working Experience:**

*2013-Present* Director General, Department of Treaty and Law, Chinese Foreign Ministry; Vice President, Chinese Society of International Law

*2012-2013* Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to Barbados

*2004-2012* Counsellor, Deputy Director-General, Department of Treaty and Law, Chinese Foreign Ministry

*2001-2004* Counsellor, Chinese Embassy in the Kingdom of Thailand

*2000-2001* Assistant Mayor, Mianyang Municipal Government, Sichuan Province

*1996-2000* Second Secretary, Deputy Director, Director Department of Treaty and Law, Chinese Foreign Ministry

*1992-1996* Third Secretary, Second Secretary, Chinese Representative Office of the Sino-British Joint Liaison Group in HK

*1985-1992* Staff Member, Attache, Third Secretary, Department of Treaty and Law, Chinese Foreign Ministry



### **XUE GUIFANG**

Chair Professor & Director for Ocean Rule of Law Centre, Shanghai Jiaotong University

Dr. XUE Guifang (Julia) is Chair Professor of international law at KoGuan Law School, Shanghai Jiao Tong University. She serves as Director to the Center for Polar and Deep Ocean Development and Center for the Rule of Ocean Law Studies, Chief Expert & Executive Director, Shanghai Social Science Innovation Research Base, and Executive Director, Shanghai University Think Tank

Research Base on National Marine Rights and Strategy.

In addition to the day-to-day institutional function and responsibilities for funding management and project operation, she has research interests in the law of the sea in general, issues relating to the United Nations Convention on the Law of the Sea and state practice in particular. She chairs commissioned projects for drafting up and revising national laws and regulations for conservation of marine living resources and protection of marine environment, and provides consultancy on policy-making and practical issues to ocean-related agencies.

She involves actively in academic activities by providing platform for national and international symposiums and conferences on law of the sea topics, polar issues and deep seabed mining law and policy. She participated in international forums and making her contribution in committees as professional adviser and serves as executive member of academic associations. She resides the seat on behalf of her institute in the International Seabed Authority as an observer, and contributes to the advancement of China's participation of global governance in maritime domain. She has published widely on relevant issues.



### **YEE SIENHO**

Professor, Wuhan University

Sienho Yee ([www.sienhoyee.org](http://www.sienhoyee.org)) is Changjiang Xuezhe Professor of International Law and Chief Expert, Wuhan University Institute of Boundary and Ocean Studies and Institute of International Law, China; Editor-in-Chief, *Chinese Journal of International Law* (Oxford); AALCO Special

Rapporteur on Customary International Law; member of Institut de Droit International, US Supreme Court Bar, and ILA Baselines Committee. Formerly, Yee was a law faculty member in UK and USA; Hamilton Visiting Research Fellow at Christ Church, Oxford, and visitor at Harvard, Prague, Tel Aviv, Humboldt, Rockefeller Bellagio Center, and other institutions; law clerk to Judge Cowen (US Third Circuit) and Judge Li Haopei (UN ICTY); lawyer at the IMF and Sullivan & Cromwell; sub-reporter on ICJ matters for ILA Study Group on UN Reform and chair of ILA American Branch Committee on Dispute Settlement; principal presenter on applicable law at the official ICJ at 70 seminar; and lecturer on “*jus cogens* at the ICJ” at The Hague Academy in 2012. A Columbia JD graduate (*Columbia Law Review* author), Yee is a generalist with some focus on systemic issues and ICJ case-law. He proposed the “international law of co-progressiveness” idea and has published extensively and advised governments on international law and dispute settlement. His papers have been quoted in separate opinions at ICJ and by governments before ICJ and ITLOS and cited in other judicial and arbitral settings.



### **ZHANG XINJUN**

Associate Professor, School of Law, Tsinghua University

Xinjun Zhang is an Associate Professor of Public International Law at Tsinghua University, Beijing. Currently he is visiting Yale Law School at Paul Tsai China Law Center (in residence, Spring 2018). His research interests include the Law of the Sea, International Environmental Law, Non-proliferation Law and the Law of Treaties. Publication includes:

“The Latest Developments of the US Freedom of Navigation Programs in the South China Sea: Deregulation or Re-balance?” (2016), “Jurisdictional Objection to the Philippines’ Submissions regarding Nine-dash Line: Exclusion of the Dispute concerning Sources of Maritime Entitlements under UNCLOS Article 298.1 (a) (i)” (2016 Chinese), “Diaoyu/Senkaku Dilemma: to Be or not to Be” (2014), “The ITLOS Judgment in the Bay of Bengal Case between Bangladesh and Myanmar” (2013), “Intentional Ambiguity and the Rule of Interpretation in Auto-interpretation: the case of “inalienable right” in NPT Article IV” (2009). He is the Executive Director of the Center for the Law of the Sea Study in Tsinghua Law School. He may be contacted at: [zxinjun@tsinghua.edu.cn](mailto:zxinjun@tsinghua.edu.cn).





## ZOU KEYUAN

Director, Institute for International & Comparative Law, University of Central Lancashire, UK

Keyuan ZOU is Harris Professor of International Law at the Lancashire Law School of the University of Central Lancashire (UCLan), United Kingdom. He specializes in international law, in particular law of the sea and international environmental law. Before joining UCLan, he worked at Dalhousie University (Canada), Peking University (China), University of Hannover (Germany) and National University of Singapore.

He has published over 150 refereed English papers in over 30 international journals and various edited books. His single-authored books include *Law of the Sea in East Asia: Issues and Prospects* (Routledge, 2005), *China's Marine Legal System and the Law of the Sea* (Martinus Nijhoff, 2005), *China's Legal Reform: Towards the Rule of Law* (Martinus Nijhoff, 2006), and *China-ASEAN Relations and International Law* (Oxford: Chandos, 2009). His recent edited volumes include *Non-traditional Security Issues and the South China Sea* (Ashgate, 2014), *Arbitration concerning the South China Sea: Philippines v. China* (Routledge, 2016), and *Sustainable Development and the Law of the Sea* (Brill, 2016).

He is member of Editorial Boards of the *International Journal of Marine and Coastal Law*, *Ocean Development and International Law*, *Journal of International Wildlife Law and Policy*, *Copenhagen Journal of Asian Studies*, *Journal of Territorial and Maritime Studies*, *Asia-Pacific Security and Maritime Affairs*, and *Chinese Journal of International Law*, and Advisory Boards of the *Chinese Oceans Law Review*, *Global Journal of Comparative Law*, *Asia-Pacific Journal of Ocean Law and Policy*, and *Korean Journal of International & Comparative Law*.

# About COLP

The Center for Oceans Law and Policy supports research, education, and discussion on legal and public policy issues relating to the oceans. Through a regular program of conferences, publications, and lectures, the Center promotes interdisciplinary interaction at all levels, addressing international, national, regional, and state issues. The Center also provides archives of oceans documents for the library of the University of Virginia School of Law. The Center sponsors or co-sponsors an Annual Conference of oceans experts and scholars on a contemporary topic of international concern; a summer academy in Rhodes, Greece; visiting scholars; the annual Doherty Lecture in Washington, DC; and occasional Oceans Forums.

Teaching is an integral part of the Center's mission. Director John Norton Moore (Walter L. Brown Professor of Law at the University of Virginia School of Law) and Associate Director Myron H. Nordquist (former Stockton Chair of International Law at the Naval War College) bring distinguished teaching experience and ability to the Center. Professor Moore regularly teaches his course on Oceans Law and Policy at the University of Virginia School of Law. Professor Moore also teaches courses on national security law, the rule of law, and seminars on issues relating to war and peace. Both Professors Moore and Nordquist frequently teach at the Rhodes Academy of Oceans Law. Professor Nordquist maintains a busy schedule, including teaching at the Korea Maritime Institute's Yeosu Law of the Sea Academy, and training officials from the Indonesian Foreign Ministry on maritime delimitation.

The Rhodes Academy of Oceans Law and Policy is an international collegial institution dedicated to fostering a better understanding of the modern law of the sea. Through education on the principles of contemporary oceans law and policy, the Rhodes Academy seeks to promote adherence to the rule of law in the world's oceans. Founded in 1995, the Academy held its inaugural session in the summer of 1996 and has continued on an annual basis. The Academy provides an intensive, three-week course of study, with lectures by leading jurists, practitioners, and international law faculty from around the world.

The Annual Conference of the Center for Oceans Law and Policy provides a unique opportunity for leading scholars and policy makers to meet and exchange ideas on important concerns in the oceans community. The conference is typically held overseas with individual presentations, panel discussions, and prominent keynote speakers. The issues are usually international in scope. The Proceedings of each Annual Conference is published by Martinus Nijhoff, and is distributed worldwide. The Center has hosted the Conference in such locations as Heidelberg, Germany; Dublin, Ireland; Xiamen, China; Reykjavik, Iceland; Stockholm, Sweden; St. Petersburg, Russia; Bali, Indonesia; Bergen, Norway; and New York. Recent topics include Legal Challenges in Maritime Security; Law, Science and Ocean

Management; Recent Developments in the Law of the Sea and China; the Arctic and the Law of the Sea; The Law of the Sea Convention--US Accession and Globalization; Maritime Border Diplomacy; and Challenges of the Changing Arctic.

The UNCLOS Commentary has been the focus of the Center's publications efforts during the last few years. This highly-praised seven-volume series, entitled United Nations Convention on the Law of the Sea 1982: A Commentary was completed in 2011. These volumes provide an objective analysis of the individual provisions of that Convention. The Commentary was acknowledged in the first decision of the International Tribunal for the Law of the Sea as the "most authoritative" source on the 1982 Convention on the Law of the Sea. These volumes are available for purchase at Brill Academic Publishers. The complete consolidated text of UNCLOS as well as an index to the series is included in Volume VII (2011). A soft-cover Supplementary Documents volume containing legal authorities, guidelines and agreements associated with the Convention is also now available.

# About NISCSS

The National Institute for South China Sea Studies (NISCSS) is a leading think tank in China dedicated to the research of South China Sea issues from a multi-disciplinary standpoint. NISCSS began its life as the Hainan Research Institute for South China Sea Studies (HRISCS) in 1996. In July 2004, HRISCS was upgraded and renamed as the National Institute for the South China Sea Studies. After twenty years of development and growth, the NISCSS today enjoys more than a hundred established partnerships and academic exchanges with renowned think tanks from over twenty countries and regions of the world.

There are six research centres within NISCSS. The centres cover a wide range of research areas including history, geography, international law, regional security, military strategy, geopolitics, marine economy and other aspects related to the South China Sea. In 2013, NISCSS established its Beijing Office in order to promote the study of the South China Sea as well as to improve its network of academic and professional ties. In 2014, the Institute for China-America Studies (ICAS) was launched in Washington, D.C. with the support and sponsorship of the Hainan Nanhai Research Foundation of NISCSS. ICAS is an independent think tank that serves as a bridge to facilitate the exchange of ideas and people between China and the United States. In 2016, China-Southeast Asia Research Center on the South China Sea (CSARC) was inaugurated at Boao. Initiated by the NISCSS, the CSARC also incorporates influential think tanks in Southeast Asia. Based in China and facing Southeast Asia, the CSARC will convey peaceful and rational voices to the international community with the common vision of regional countries to maintain peace and stability, and seek for common prosperity of the greater South China Sea.

# About CSIL

Founded in 1980, the Chinese Society of International Law (CSIL) is a national academic society composed of professionals engaged in the teaching, research and practice of international law. It is a non-profit social organization.

The main functions of the CSIL include: organizing and undertaking research of international law and promoting the dissemination, application and transformation of the research results; organizing and hosting various kinds of academic research and exchange activities at the national, regional and international levels; organizing the training of teaching staff for the international law discipline and bringing up high-caliber personnel in the field of international law; compiling and publishing the professional academic journal on international law at the national level, the Chinese Yearbook of International Law as well as other books and materials on international law (E-mail address for contributions: [csil@cfau.edu.cn](mailto:csil@cfau.edu.cn)) ; running the website of CSIL (<http://www.csil.cn>); carrying out relevant research on international law entrusted by government departments and other organizations; providing legal consulting and services at the request of businesses and other organizations; other relevant work.

# About KMI

For more than three decades since its establishment in 1984, the Korea Maritime Institute (KMI) has committed to research for the development of shipping, ports, marine, and fisheries industries, becoming a specialized research institute in shipping, ports, maritime and fisheries sector.

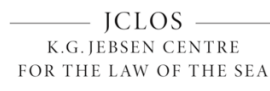
Moving forward, KMI will concentrate on conducting policy research beneficial to national economy and people's lives, based on world-leading research capabilities. To achieve this, we are going to carry out our research on most urgent and practical tasks that the public expects in shipping, ports, marine and fisheries sector.

In particular, our research efforts will focus on areas including developing maritime port logistics, making fisheries aquaculture into a high-tech industry, supporting creative start-up companies, promoting collaborative convergence research, developing marine policy and conducting policy research on advanced technology for maritime safety.

Furthermore, KMI will make sure voices of the general public and companies will be heard in our all research activities such as shipping policy, port logistics policy, international logistics policy, marine policy, fisheries policy, marine leisure policy and marine science technology policy.

Also, KMI is organizing papers of foreign research institutes, company reports, and analysis articles of the press with regard to shipping, ports, logistics, fisheries, fishing villages and marine sector. In doing so, we are committed to providing the most extensive and fast information on these areas to industry, academic circle and policy departments of the government.

With these efforts, KMI will make best efforts to position itself as a leading research institute by solving current issues of the general public, companies, and industry, and further contributing to the development of national policies.



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