2016 Conference - "Legal Order in the World's Oceans: UN Convention on the Law of the Sea"

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LEGAL ORDER IN THE WORLD’S OCEANS: UN Convention on the Law of the Sea

40th Annual Conference of the Center for Oceans Law and Policy

in Cooperation with the Division for Ocean Affairs and the Law of the Sea and the Office of Legal Affairs of the United Nations

Monday, June 27

9:30–10:00  Conference Registration (materials pick-up: Conference Room One)

10:00–10:45  Conference Opening and Welcoming Remarks
1.  Conference Opening: John Norton Moore, Director, Center for Oceans Law and Policy, University of Virginia
2.  Welcoming Remarks by Mr. Jan Eliasson, Deputy Secretary-General of the United Nations

10:45–12:30  Panel 1: Ocean Affairs and the Law of the Sea at the UN
Moderator: Gabriele Goettsche-Wanli, Director, UN Division for Ocean Affairs and Law of the Sea
1.  “Overview of Developments under UNCLOS: Some Highlights of an Enduring and Effective Instrument” Professor Ronán Long, National University of Ireland, Galway
2.  “The Common Heritage of Mankind and the New Implementing Agreement” Dire Tladi, Professor of International Law, University of Pretoria
3.  “Update on the Biodiversity Beyond National Jurisdiction (BBNJ) Negotiations” J. Ashley Roach, JAGC, US Navy (Ret.) and Global Associate, Centre for International Law
4.  “Climate Change and the Oceans: Navigating Legal Orders” Professor Karen N. Scott, School of Law, University of Canterbury, Christchurch

12:30–2:00  Lunch break (unhosted—participants on their own)

2:00–3:30  Panel 2: The Area and the International Seabed Authority
Moderator: Michael Lodge, Deputy to the Secretary-General and Legal Counsel, International Seabed Authority
2.  “UNCLOS Article 82: A Review and the Hurdles to Implementation” Wylie Spicer, QC, McInnes Cooper, Calgary

3:30–4:00  Break

4:00–5:30  Panel 3: The International Tribunal for the Law of the Sea
Moderator: Vladimir Golitsyn, President, International Tribunal for the Law of the Sea
2.  “The Seabed Disputes Chamber: Moving Forward” Professor Frida Armas Pfirter, Universidad Austral, Buenos Aires
3. “Maritime Boundary Disputes and Compulsory Third Party Dispute Settlement Mechanisms: Unresolved Issues” Robert Beckman, Director, Centre for International Law, National University of Singapore

6:00–7:30 Conference Reception (beverages and hors-d’oeuvres), open to UN Delegates as well as all Conference-Sponsored Attendees: UN Sputnik Lounge
Reception Remarks
1. Introduction of Local Host: Professor John Norton Moore
2. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

Tuesday, June 28

9:00–9:20 “Setting the Context: The Scientific Aspects of Article 76” Larry Mayer, University of New Hampshire

9:20–10:40 Panel 4: The Commission on the Limits of the Continental Shelf
Moderator: Lawrence Awosika, Chairman, Commission on the Limits of the Continental Shelf
1. “Towards Establishing a Stable Regime for Seabed Jurisdiction—the Role of the CLCS?” Harald Brekke, Norwegian Petroleum Directorate, former member of CLCS
2. “Revisiting the CLCS: ‘A Technical Body in a Political World’” Ted McDorman, Professor of Law, University of Victoria
3. “Annex I to the Rules of Procedure of the Commission: Solution to a Problem or Problem Without a Solution?” Alex Oude Elferink, Associate, K.G. Jebsen Centre for the Law of the Sea, University of Tromsø and Director, Netherlands Institute for the Law of the Sea

10:40–11:00 Break (beverages)

11:00–12:30 Panel 5: Sustainable Fisheries, including UN Fish Stocks Agreement
Moderator: Satya N. Nandan, former Chairman of the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks
1. “Sustainable Fisheries: the Legal Regime of the 1995 UN Fish Stocks Agreement and Its Contribution to Subsequent Developments Promoting Sustainable Fisheries” André Tahindro, Former Director-General for Oceans, Ministry of Environment, Ecology, Oceans and Forestry, Madagascar
2. “RFMOs and the Development of High Seas Fisheries Regulations” Dustin Kuan-Hsiung Wang, Professor, Graduate Institute of Political Science, Taiwan Normal University
3. “Improving Ocean Governance to Achieve Sustainable Fisheries” Stefaan Deypere, Directorate for International Affairs and Markets, EU Directorate General for Maritime Affairs and Fisheries
4. “The Importance of Marine Science in Sustainable Fisheries: the Role of the 1995 UN Fish Stocks Agreement to Science” Alf Håkon Hoel, Counselor for Fisheries and Oceans, Embassy of Norway, Washington, DC
   Brief Comments: “The University of Bergen and Marine Research” by Dag Rune Olsen, Rector, University of Bergen

12:30–2:00 Lunch break (unhosted—participants on their own)
By invitation only private lunch, 4th floor West Terrace for speakers and sponsors, co-hosted by conference co-organizers and sponsors, Professor John Norton Moore presiding. Luncheon remarks: Ambassador Arif Havas Oegroseno, Deputy Coordinating Minister, Coordinating Ministry for Maritime Affairs, Republic of Indonesia
2:00–3:30  **Panel 6: Operational Implementation: Maritime Compliance and Enforcement**  
*Modateur: Rüdiger Wolfrum, Judge, International Tribunal for the Law of the Sea*

1. “Achieving Global Maritime Compliance through Regional Cooperation” Admiral Charles D. Michel USCG, Vice Commandant US Coast Guard
2. “Turkey’s Maritime Compliance and Enforcement of International Law of the Sea, Particularly Irregular Migration in the Aegean Sea Region” Hakan Karan, Director, Ankara University Research Center of Sea and Maritime Law
4. “China’s Maritime Enforcement Practice in the South China Sea: Challenges and Prospects” Shicun WU, President, National Institute for South China Sea Studies

3:30–4:00  **Break** (beverages)

4:00–5:30  **Roundtable Discussion: Vision for the Implementation of UNCLOS**  
*Modateur: Professor John Norton Moore*

1. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel
2. Michael Lodge, Deputy to the Secretary-General and Legal Counsel, International Seabed Authority
3. Vladimir Golitsyn, President, International Tribunal for the Law of the Sea
4. Lawrence Awosika, Chair, Commission on the Limits of the Continental Shelf

5:30–6:00  **Conference Closing Remarks**

1. Miguel de Serpa Soares
2. John Norton Moore

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- International Seabed Authority (ISA)
- Korea Maritime Institute (KMI)
- National University of Ireland Galway (NUI Galway)
- University of Bergen Faculty of Law
Overview of Developments under UNCLOS:
Some Highlights of an Enduring and Effective Instrument

Ronán Long

The United Nations Convention on the Law of the Sea aims to settle all issues relating to the law of the sea through the codification and progressive development of international law. As is well known, the Convention reflects a pragmatic reconciliation of interests, advances multilateralism and the rule of law by codifying a delicate balance of rights and duties, as well as by addressing matters of State, regional and global concern on the basis that the problems of ocean space are closely interrelated and need to be considered as a whole. Accordingly, the paper presents a brief review of some key developments under the Convention with a particular focus on treaty law and State practice since 1982. Consideration is given to key elements of the Convention including: baselines; the limits of coastal State jurisdiction over ocean space with a particular focus on the Exclusive Economic Zone and the continental shelf; navigation rights and freedoms; the special status of Archipelagic States; the exploitation of living resources; the protection and preservation of the marine environment; scientific research and the transfer of technology; and the functioning of the law of the sea institutions including the means for dispute settlement. Attention is drawn to some of the challenges faced in adapting international law to new circumstances, along with perceived weaknesses in the normative framework, as well as the role of public and private actors in addressing new ocean-related challenges without undermining the package compromise that the Convention represents.

The Common Heritage of Mankind and the New Implementing Agreement

Dire Tladi

The Common Heritage of Mankind, as a legal principle, existed long before the UN Convention on the Law of the Sea. But it was undoubtedly the Convention that gave it currency. While the Convention was, in many ways, innovative and groundbreaking, the common heritage regime established in Part XI was, perhaps, the most far reaching—at least potentially—innovation. The history of the Working Group to Study issues relating to the Conservation and Sustainable Use of Marine Biological Diversity in Areas Beyond National Jurisdiction will also reveal that it was the application of this principle that led us to these negotiations.

Yet, it is startling that this concept is nowhere to be found in any of the documents relating to the negotiations for an Implementing Agreement. This presentation will speculate about the reasons for the absence of the common heritage of mankind and explore whether anything is lost by not having retained the concept.

Update on the Biodiversity Beyond National Jurisdiction (BBNJ) Negotiations

J. Ashley Roach

The first session of the Preparatory Committee to develop an international legally binding instrument under the Law of the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) was held here at the UN from March 28–April 8, 2016.

This presentation summarizes the events leading up to the PrepCom, summarizes the results of the first session, and notes the way ahead to a possible diplomatic conference to negotiate a third implementing agreement under the LOS Convention.

The PrepCom was convened by resolution of the UN General Assembly A/69/292 of June 19, 2015, following a decade-long Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (documents relating to the working group are online at http://www.un.org/Depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm).

Documents of the PrepCom are similarly online at http://www.un.org/Depts/los/biodiversity/prepcom.htm.

The presentation will assess whether and how the fundamental questions posed in the report of the CIL workshop have been addressed.

Climate Change and the Oceans: Navigating Legal Orders

Karen N. Scott

Climate change may be characterised as the greatest global long-term threat to the health of the planet. Until relatively recently, its impact on and potential implications for the oceans has generated little concern, at least in comparison with the atmosphere and biosphere. This is changing however, as the impacts of a warmer ocean on ecosystems and biodiversity, sea level rise and ocean acidification are better understood. Its subordinate status nevertheless is perpetuated by the climate change regime, which pays relatively little attention to both the impacts of climate change on the oceans and the capacity of the ocean to mitigate climate change as a carbon dioxide sink. Moreover, the characterisation of the ocean as a sink to be exploited to mitigate climate change demonstrates the complex legal and moral relationship between the oceans and atmosphere and between organisations with responsibility for the oceans and atmosphere.

This paper will explore that complex legal and moral relationship, and will examine how linkages and connections between regimes with responsibility for the oceans and for the atmosphere can – indeed must – be developed in order to develop ecologically and legally coherent responses to climate change.

PANEL 2: THE AREA AND THE INTERNATIONAL SEABED AUTHORITY

Exploration and Exploitation of Ocean Mineral Resources: The Role of Sponsoring States

Rena Lee

In 2011, the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea set out its opinion of the responsibilities and obligations of sponsoring states. In particular, it examined both the “due diligence” as well as the direct obligations of sponsoring states. These obligations demonstrate the roles played by sponsoring states in relation to activities in the Area. To date, the focus of the International Seabed Authority (ISA) has primarily been on the exploration of the resources. In particular, it has developed the Mining Code, with regulations for the prospecting and exploration of polymetallic nodules, polymetallic sulphides and cobalt rich crusts. The ISA has now begun to turn its attention to the exploitation of these resources. In 2015, the ISA Council requested the Legal and Technical Commission to prioritise work on the regulation of exploitation activities and endorsed the Commission's list of priority deliverables, including a zero draft of the exploitation regulations, as well as work on responsibility and liability. This work will involve a consideration of the roles of the various stakeholders, including that of sponsoring states, in order to build a regime in which sustainable exploitation can take place within a regulatory framework that also protects the environment of the Area.
UNCLOS Article 82: A Review and the Hurdles to Implementation

Wylie Spicer, QC

Article 82 of the United Nations Convention on the Law of the Sea (“UNCLOS”) creates an obligation for coastal states to make payments or contributions in kind in respect of the exploitation of non-living resources of the continental shelf beyond 200 nautical miles. These payments or contributions are to be made through the International Seabed Authority (the “Authority”), which is required to distribute them to state parties to UNCLOS on the basis of equitable sharing criteria. As technological advances expand the possibilities for the development of deep-water resources, analysis of the once dormant Article 82 has rapidly moved beyond the academic realm and is now a pressing issue of practical importance.

The parties likely to feel the first effects of an operative Article 82 are the Authority and the coastal states that permit development activities on their continental shelf beyond 200 nautical miles. While there has been extensive and lively debate on the respective obligations of coastal states and the Authority regarding payments under Article 82, the purposefully broad language of the Article leaves considerable room for interpretation. Accordingly, an important hurdle to the implementation of this “collections” aspect of Article 82 is to determine how the calculation of payments is performed, who is responsible for performing the calculations, and how the payments are ultimately administered.

The impacts of an operative Article 82 will quickly extend to parties beyond the Authority and the contributing coastal states. In particular, as outer continental shelf production begins and the Authority collects funds under Article 82, potential recipients will expect the appropriate and timely distribution of these funds. Determining how, when, and to whom payments should be made is an additional hurdle for Article 82 implementation.

Finally, individual states have entrenched interests that will inform their expectations of how Article 82 ought to be implemented. This is true both for states that are potential contributors and those that are potential recipients of Article 82 funds. If, or more likely when, the implementation of Article 82 does not meet a state's expectations, that aggrieved state may seek a formal remedy. Determining the mechanism by which a remedy may be sought and who is ultimately responsible for pursuing a remedy is an important hurdle to address before it arises, especially considering that the parties most in need of a remedy may be the ones that have the least financial capacity to pursue one.

Fostering Technological Change for Sustainable Harvesting of Ocean Mineral Resources in a Volatile Global Environment

Kris Van Nijen

Providing the right conditions emerge, seabed mining of the international seabed beyond the limits of national jurisdiction (legally known as the “Area”) may soon become a reality. The International Seabed Authority (ISA) established by the Law of the Sea Convention, is now—after having delivered regulations for exploration of seabed minerals in 2000—working towards the world's first regulations for the exploitation of seabed minerals in international waters; thereby continuing the implementation of its overarching goal of developing the resources of the Area for the benefit of mankind as a whole. A zero-draft exploitation regulation for polymetallic nodules is expected to be released during the ISA's 22nd annual session in Kingston, Jamaica in July 2016. Before any exploitation may take place, fundamental state-of-the-art and custom-built equipment remains to be developed and tested, thus improving our understanding of the environmental impact of harvesting delimited areas of the abyssal plain. Both the technology and environmental risk may prove to be the most significant challenges in the development of the resources of the Area. Regulation, therefore, is a prerequisite for further investment, providing certainty, stability and predictability for investors. Nevertheless, at the same time, onerous regulation may lead to dwindling investor interest.

Note: Van Nijen is General Manager of Global Sea Mineral Resources NV (GSR), Part of the DEME-Group, Belgium. On 14th of January 2013, the International Seabed Authority and GSR signed a 15-year contract for prospecting and exploration for polymetallic nodules. Under the contract, GSR has exclusive exploration rights for polymetallic nodules over 76,728 square kilometres of the seabed in the eastern part of the Clarion Clipperton Zone (CCZ) of the Central Pacific Ocean. To date, GSR in collaboration with its partners and universities has organized two offshore expeditions to increase our biological and geological understanding of the deep-sea deposit.
PANEL 3: THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Contribution of the ITLOS to the Rule of Law

Jin-Hyun Paik

Although ITLOS was established by the UNCLOS (Annex VI), the relationship between ITLOS and the dispute settlement system under Part XV of the Convention is more complicated than expected. ITLOS is only one of the four means of compulsory procedures under Part XV and is not even “default forum” except for some limited cases (prompt release case under article 292 and provisional measures case under article 290(5)). On the other hand, the jurisdiction of ITLOS can go beyond the settlement of disputes concerning interpretation or application of the Convention, as it has jurisdiction over “all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal” (article 21, Statute of the Tribunal). In its latest advisory proceedings, the Tribunal found that article 21 constituted the legal basis of its advisory jurisdiction.

For the past twenty years since its establishment, 25 cases have been submitted to the Tribunal. Among those cases, 21 cases have been resolved, 2 cases discontinued, and 2 cases pending. In terms of the types of disputes, 9 cases are concerned with prompt release under article 292, 6 cases provisional measures under article 290(5) (plus three cases under article 290(1)), 8 cases are on merits, and 2 cases are for advisory opinions. The subject matters of cases submitted to the Tribunal encompass IUU fishing, pollution and maritime environmental protection, coastal State’s enforcement measures in the EEZ, maritime boundary delimitation, immunity of warship, responsibility and liability of sponsoring State in the seabed mining, prompt release of vessels and crew for fishing violation, etc.

The Tribunal has so far received more cases than any other means under article 287 of the Convention, and the pace of building its docket is comparable to that of other judicial bodies in their early years. A high percentage of cases related to the prompt release of vessels and provisional measures may be due to the fact that the Tribunal is a default forum for those cases. It should be noted that prescription of provisional measures, though interim pending the final decision, often led to conclusive settlement of disputes. Cases have been submitted evenly in terms of region and the status of development. (Parties to disputes submitted to the Tribunal include 11 States from Asia, 7 from Africa, 11 from Latin America and Caribbean, 13 Western Europe and others, and 4 from Eastern Europe; 22 developed States and 24 developing States) As more activities take place in the area beyond national jurisdiction, it is likely that diverse types of disputes arise and are submitted to the Seabed Dispute Chamber of the Tribunal.

The Seabed Disputes Chamber: Moving Forward

Frida M. Armas-Pfirter

The dispute settlement system of the United Nations Convention on the Law of the Sea, while compulsory, is flexible, open and allows for creative solutions. A clear example is the Seabed Disputes Chamber (SDC) that, originally conceived as an independent tribunal (Seabed Tribunal), was endowed with wide competence and innovations compared with other international jurisdictions.

The Seabed Disputes Chamber has defined itself as “(…) a separate judicial body within the Tribunal entrusted, through its advisory and contentious jurisdiction, with the exclusive function of interpreting Part XI of the Convention and the relevant annexes and regulations that are the legal basis for the organization and management of activities in the Area.” Being an independent and impartial body, the SDC is part of the system in which the organs of the International Seabed Authority operate and its functions are relevant for the good governance of the Area.

It is evident that in recent years that the activities of the International Seabed Authority have been growing exponentially and with them the number of contracts for exploration granted. The consideration of the following topics, among others, is on the agenda of the Council for the next Session–July 2016–: the “Draft regulations for exploitation of mineral resources in the Area” and “The applications for extensions of Contracts for exploration”. Among the elements to be taken into account in the discussions are the definitions given by the SDC in the Advisory Opinion of 2011 about the system of exploration and exploitation of the seabed, but undoubtedly new situations will arise that might require further intervention of the Chamber.
Moreover, taking into account the steady pace of the presentations and approvals of plans of work for exploration and with the real possibility and feasibility to pass to the exploitation phase, the situations under the Convention that enable the contentious ceased to be a purely academic exercise.

With the coming into operation of the regime for the exploitation of the Area, the Seabed Disputes Chamber, faces the challenge to exercise its responsibility to ensure that the regime for deep seabed mining—as conceived in the Convention and the 1994 Agreement—is properly interpreted and applied.

**Maritime Boundary Disputes and Compulsory Third Party Dispute Settlement Mechanisms: Unresolved Issues**

*Robert Beckman*

The dispute settlement regime in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) is an integral part of the “package deal” set out in this universally accepted convention. The general principle governing the settlement of disputes is that if a dispute between two parties on the interpretation or application of the provisions of the Convention cannot be resolved by negotiation, either party may unilaterally institute the compulsory procedures entailing a binding decision by a court or arbitral tribunal. However, article 298 on “optional exceptions” provides that a Party to the Convention may declare that it does not accept the compulsory procedures for disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations. The scope of this exception is not entirely clear. In addition, even if a Party declares that it does not accept the compulsory procedures entailing binding decisions for disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, the dispute may be subject to compulsory non-binding conciliation if it arose after 16 November 1994 (the date the Convention entered into force) and certain other conditions are met. Article 298 further provides that if the maritime boundary dispute is still unresolved after the conciliation process has been completed, the parties “shall, by mutual consent,” submit the dispute to the compulsory procedures before either a court or arbitral tribunal as provided in section 2 of Part XV. The phrase “shall, by mutual consent” is subject to varying interpretations. In addition, there are other unresolved issues concerning these provisions.

**PANEL 4: THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF**

*Setting the Context: The Scientific Aspects of Article 76*

*Larry Mayer*

Article 76 of UNCLOS is remarkable in that it represents a spectacular nexus of legal and scientific concepts. Through the blending of legal and scientific terminology, the 618 words of Article 76 outline the methods by which a coastal State can establish the limits its juridical continental shelf and, within these limits, exercise sovereign rights over the resources of the seafloor and subsurface. The importance of Article 76 was manifested by the long and often difficult negotiations that led to its final acceptance. In the best spirit of negotiations, these discussions led to many compromises, but at the same time they also led to ambiguities and the use of terminology that sometimes lacks clarity or precise definition. In addition to terminology that may have been left ambiguous, Article 76 sometimes uses scientific terminology in a legal sense that differs from its scientific definition. The Commission on the Limits of the Continental Shelf (CLCS) was created by the Convention to make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf, and in 1999 the CLCS generated Scientific and Technical Guidelines for the purpose of providing direction to coastal States and offering its interpretation of the terminology used in Article 76. Since 1999, however, our ability to map the seafloor and our understanding of seafloor morphology and processes have changed significantly. Despite this greatly increased level of understanding of the seafloor and its processes, there is still great uncertainty leading to multiple interpretations of the nature of seafloor features. Each of these issues presents challenges to the coastal States and the CLCS.
This presentation will briefly review Article 76, highlighting the scientific terminology that is presented (sometimes in a legal context) and outlining (in graphic form) the approach presented in Article 76 for establishing the limits of the continental shelf. While the list of terminology is long, the greatest effort on the part of both the coastal State and the CLCS has typically focused on determining where the base of the slope zone is and distinguishing between submarine ridges and submarine elevations that are natural components of the continental margin. The evolution of mapping technology will be reviewed and demonstrate how our current ability to map the seafloor has changed our perspective of both seafloor morphology and seafloor processes. This increased level of knowledge potentially adds further complexity to the interpretation of the Convention as the reality of today's detailed mapping and geophysical measurements may conflict with the more basic understanding of continental margin morphology and evolution available to the drafters of the Convention. It is within this context that the CLCS must execute its mandate, and in doing so, hopefully provide consistent and transparent guidance that establishes a basis for interpretation of Article 76 that is fully consistent with the Convention.

Towards Establishing a Stable Regime for Seabed Jurisdiction—the Role of the CLCS?

Harald Brekke, Former member of the CLCS

According to the President of the Third UN Conference on the Law of the Sea, Mr. Tommy T. B. Koh, one of the great achievements of the Convention is that it “replaces a plethora of conflicting claims by coastal States with universally agreed limits on the territorial sea, on the contiguous zone, on the exclusive economic zone and on the continental shelf”. The agreement, however, is not about the specific limits for each State, but an agreement on the set of rules and provisions on how these limits are to be measured and generated. As regards the territorial sea, contiguous zone and the exclusive economic zone, their limits are generated directly from the coastal baselines of the coastal States, of which the coastal states are directly in charge themselves.

The limit of the continental shelf is different; it is to be generated from points located at the foot of the continental slope of the coastal State. This means that the establishment of these limits involves substantial scientific data and analyses. Article 76 defines a set of scientific terms and rules for the purposes of the Convention in this matter. In order to secure a consistent application of this mix of scientific and legal provisions, the Convention also provides for the establishment of a Commission of experts, the CLCS, to give advice and recommendations to the coastal States regarding the delineation of the continental shelf. The Convention also provides that limits of the continental shelf established by a coastal State based on the recommendations by the Commission shall be final and binding. Implicitly, such limits will be universally accepted. The credibility of the Commission and its recommendations is therefore a key factor in establishing a stable regime for the outer limits of the continental shelf of coastal States. The credibility of the Commission depends on its integrity and its ability to pass consistent recommendations over time.

In order to perform their duty to provide recommendations, the CLCS has had to interpret the mix of scientific and legal provisions of Article 76. A major step in this regard, was the adoption of its Scientific and Technical Guidelines (S&TG) in 1999. The next step has been to develop a precedent through consistent application of these provisions in its recommendations. During the second term of the Commission, from 2002 to 2007, coastal States started to lodge their submissions. During its second and third term, from 2002 to 2012, the Commission developed a consistent practice in its approaches and achieved a regularity of passing 3–4 recommendations a year. This will be discussed in more detail in the presentation.

In the second and third elections taking place in 2002 and 2007, respectively, about one third of the Commission members were replaced in each. This upheld a good continuity in the competence and corporate memory of the Commission. In the fourth election in 2012, however, two thirds of the members were replaced, which must be regarded a substantial change.

The large replacement of members clearly led to a break in the continuity in the regularity of recommendations, with no recommendations passed in the first one and a half years. One must assume that this is a problem of transient nature, especially since the Commission at the beginning of its term adopted new working procedures allowing more working time. The recommendations of this Commission will show whether the large replacement in membership will also lead to any break in consistency with previous recommendations and precedence.
Revisiting the CLCS: ‘A Technical Body in a Political World’

*Ted McDorman*

The Commission on the Limits of the Continental Shelf (CLCS) is a technical/scientific body established under the Law of the Sea Convention to examine submissions made by coastal States respecting their outer limits of the continental shelf beyond 200-n. miles. The exercise is one of a technical body dealing with a political decision—the determination by a coastal State of the outer limits (the boundary) of its continental shelf. This presentation will examine the practice and operation of the CLCS in this delicate domain over the last 20+ years with the overall conclusion being that the CLCS has understood the “political nature” of its task and adopted a rightly cautious approach where the role of the Commission might stray too directly into political matters.

Annex I to the Rules of Procedure of the Commission: Solution to a Problem or Problem Without a Solution?

*Alex Oude Elferink*

The United Nations Convention on the law of the sea provides that the establishment of the outer limits of the continental shelf beyond 200 nautical miles and its delimitation between neighboring states are separate processes. This is reflected in article 76(10) of the Convention, which provides that the provisions of article 76 are without prejudice to the question of delimitation of the continental shelf. Article 9 of Annex II to the Convention enjoins the Commission on the Limits of the Continental Shelf that its actions shall not prejudice matters relating to the delimitation of boundaries between states. The Commission has implemented the latter provision through Rule 46 of and Annex I to its Rules of Procedure. Annex I implies that the consideration of a submission of a coastal state on the outer limits of the continental shelf by the Commission may be blocked by another state and this has happened in practice in a considerable number of cases. This implies that a coastal state will not be in position to determine final and binding continental shelf limits on the basis of the recommendations of the Commission, as is envisaged by article 76 of the Convention. Creating certainty about the extent of the continental shelf and hence the limits of the Area is one of the key objectives of the Convention. The Convention itself does not provide for the possibility that other states may block the consideration by the Commission of submissions of coastal states. The presentation considers whether Annex I to the Commission’s Rules of Procedure has provided the proper approach to implementing article 9 of Annex II to the Convention.

PANEL 5: SUSTAINABLE FISHERIES, INCLUDING UN FISH STOCKS AGREEMENT


*André Tahindro*

The United Nations Fish Stocks Agreement (UNFSA) was adopted in 1995 to promote effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stocks. The Agreement incorporates a combination of implementing rules: (a) rules recalling those already provided in UNCLOS; (b) rules aimed at complementing the general provisions set out in the Convention; and (c) rules presenting a significant development in relation to rules established in UNCLOS. The UNFSA legal regime has subsequently served as basis for inspiring new developments to promote sustainable fisheries in high seas governance. Although these new developments would address all aspects of fisheries conservation and management, the most important developments relate to the strengthening of the role of regional fisheries management organizations and arrangements (RFMO/As) in fisheries management as well as the promotion of international instruments at the global level and the encouragement of initiatives at the regional level aimed at ensuring compliance with and enforcement of regional conservation and management measures, as required under UNFSA.
RFMOs and the Development of High Seas Fisheries Regulations

Dustin Kuan-Hsiung Wang

Marine fisheries represent a vital component of the world's economy, environment, marine ecosystem and livelihoods to tens of millions of people. However, in recent years, overwhelming evidence shows that these valuable marine assets are in danger of depletion due to over-exploitation and illegal fishing activities. It is indicated by much research that the global marine fishery is still forgoing substantial economic benefits each year due to inappropriate management measures. It is estimated that the world's oceans would only reach a healthy condition by 2050 if fisheries reform around the world were sustained moderately, or the collapse of ecosystem would be unavoidable.

Recognizing the possible crisis of fishery resources, the international community has been trying to address the problem in a variety of ways aimed at combating or deterring the expansion of illegal fishing activities, such as IUU. The establishment of certain regional fisheries management organizations (RFMOs) and those decisions/resolutions made by these bodies have played an important role in stabilizing the drastic changing situation. Apart from this, RFMOs are also platforms for facilitating cooperation on shaping conservation and management measures between fishing countries and coastal states. This paper is going to review and analyze the interaction between RFMOs and the forming of related developments of high seas fishery regulations. The effectiveness of RFMOs will also be assessed.

Improving Ocean Governance to Achieve Sustainable Fisheries

Stefaan Depypere

The UN Convention on the Law of the Sea (the Convention) grants sovereign rights to States with regard to the conservation and management of fisheries in their exclusive economic zones and enshrines the right for all States to fish on the high seas. However, these rights are not unconditional but are subject to certain obligations, in particular to manage fisheries sustainably, to protect and preserve the marine environment and its biodiversity and to cooperate when exploiting shared stocks.

The 1995 United Nations Fish Stocks Agreement (UNFSA) implements the provisions of the UNCLOS relating to the conservation and management of straddling fish stocks and highly migratory fish stocks and expounds further the role of RFMOs as well as the duties of States. Other commitments are also pertinent particularly that to take measures designed to maintain or restore stocks at levels that can produce maximum sustainable yield, reiterated most recently under the 2030 Sustainable Development Agenda to ensure the long term sustainability of the stocks including for food security. This should be achieved by 2020, by effectively regulating harvesting and ending overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implementing science-based management plans.

Many RFMOs have been established covering most but not all geographical regions and having the purview over the most economically important fisheries. However, according to information provided by the FAO in preparation of the 2016 session of the Resumed Review Conference of the UNFSA, despite all the measures adopted by RFMO/As and States, generally speaking, the state of the stocks has not improved. Nevertheless, it is possible to identify a few positive examples of successful results such as that of Eastern Atlantic Bluefin tuna. This demonstrates that when there is the political will and commitment, RFMOs are a perfectly valid instrument to deliver the intended objectives. However, this example also proves the importance of effective control and enforcement measures, including deterrent sanctions together with the respect of obligations concerning the provision of data and the necessity of effective evaluation mechanisms for compliance.

We hold that ocean governance can still be improved further. This is particularly the case with marine biological diversity beyond areas of national jurisdiction for which negotiations for a new implementing agreement of the Convention have commenced at the UN. However, in terms of legal order of fisheries, we do not believe that it is necessary to create new instruments or institutions, but only to improve implementation: to strengthen the performance and coverage of RFMOs, including by improving coordination and cooperation between such organizations as well as effective participation by contracting parties, to enhance the implementation of and compliance with UNFSA by States, including by promoting more adherences, by strengthening the fight against IUU fishing including through the recently entered into force FAO Port State Measures Agreement and by enhancing the use of science in decision making.
The Importance of Marine Science in Sustainable Fisheries: the Role of the 1995 UN Fish Stocks Agreement

Alf Håkon Hoel

What is the role of marine science in ensuring sustainable fisheries? How has international ocean law, and the 1995 UN Fish Stocks Agreement (UNFA) in particular, influenced the development of marine fisheries science?

These are broad, important questions and this paper seeks to point to some elements to answers to them. The 1995 UNFA has been in force for 15 years, sufficient time to allow for a real study of effects of implementation. As per June 2016 83 countries has ratified the Agreement, among them most major fishing nations in the world. The third meeting of the UNFA review conference in May this year demonstrated considerable progress in a number of respects since its entry into force. Its management principles are being widely applied, the number of RFMO/As and participation in them is increasing, and enforcement is being strengthened, notably by the FAO Port State Measures agreement that entered into force 5 June this year. Substantial implementation challenges remain, however.

As regards the UNFA and marine science more specifically, the agreement was the first international agreement to provide for an obligation to apply a precautionary approach. Detailed in annex II to the agreement, this has brought major changes to how scientific advice is developed and communicated to policy-makers. It is the foundation of the current practice of developing fisheries management plans and harvest control rules for specific fisheries. Also, the Agreement introduces a requirement for management measures inside and outside EEZs to be compatible, again a provision that requires scientific understanding to be made operational. In addition, the Agreement implies an ecosystem approach to management, which demands a scientific understanding not only of target species but also of impacts of fisheries on other parts of marine ecosystems as well as impacts of changes in nature (for example climate change) on fisheries. Annex I to the agreement contains a number of specific provisions on standards for collection and sharing of data.

Regarding the role of marine science in sustainable fisheries, the UNFA therefore provides many answers (but not all). Some aspects will be given further attention here: how the precautionary and ecosystem approaches are actually implemented and mechanisms for providing scientific advice on this. How countries are actually doing this varies from region to region and country to country, and here examples will be provided primarily from Norway. In the Northeast Atlantic, the International Council for the Exploration of the Sea has a key role in providing scientific advice to coastal states and regional fisheries management organizations, while globally the FAO is an important arena for developing norms for sustainable fisheries management.

PANEL 6: OPERATIONAL IMPLEMENTATION: MARITIME COMPLIANCE AND ENFORCEMENT

Achieving Global Maritime Compliance Through Regional Cooperation

Admiral Charles D. Michel, USCG
Commander Scott C. Herman, USCG

This paper will cover the development of the use and import of regional bilateral agreements in countering illicit maritime activity. In the past thirty years, the Coast Guard has seen remarkable successes in the interdiction and prosecution of criminal offenses at sea. Much of this success can be linked to the nearly fifty bilateral agreements the Coast Guard maintains with partner nations around the world. While the initial impetus behind these agreements was the fight against counternarcotics, they have grown into other global maritime areas such as migrant smuggling, fisheries, piracy, and the suppression of the proliferation of weapons of mass destruction and unlawful acts at sea.

I began my Coast Guard career on May 22, 1985 as a Deck Watch Officer and law enforcement officer on the Coast Guard Cutter DECISIVE. Back then, the counternarcotics mission at sea was best described as a frustrating and time-consuming venture. Without good law enforcement intelligence, my ship was told to patrol a box of water in the Caribbean and hope that we could catch the proverbial needle in the haystack. If we were to happen upon a suspect vessel, we hoped that the
vessel was registered in the United States or if not, the vessel was considered without nationality in accordance with the law of the sea. Otherwise if the vessel was registered in, or flew the flag of a foreign country, we were left with the onerous task of being alongside a vessel for days at a time while the leadership in Washington D.C. coordinated a dialogue between the nations. Little did I know that six days prior to beginning my Coast Guard career, the Rear Admiral in charge of Coast Guard operations in Miami was testifying in front of the House Judiciary Subcommittee on Crime, arguing for a more efficient and effective process.

As I write this nearly thirty-one years to the day later, I am pleased to report we are light years ahead of where we were back then. While I would be happy to discuss advances in the development of law enforcement intelligence and how those have affected our ability to put the right asset in the right place at the right time – or to spend my time trumpeting the successes we have had by embedding an airborne use-of-force equipped helicopter on the decks of our cutters – neither would have the impact they do if it weren’t for bilateral law enforcement agreements and their remarkable effect on regional cooperation in the Western Hemisphere. And as such, this paper reviews the development of these agreements, their maturation, and the potential for positive impact these types of agreements may have in other regions and in other operations.

Turkey’s Maritime Compliance and Enforcement of International Law of the Sea, Particularly Irregular Migration in the Aegean Sea Region

Hakan Karan

This Paper studies Turkey’s maritime compliance and enforcement of international law of the sea, particularly irregular migration in the Aegean Sea region. International maritime affairs abhor a mystery. Any doubt with respect to the law applicable thereto impairs maritime actors including not only states, but also private law persons in their computation of potential risks, and deters them from entering into agreements with each other. As the world has grown smaller and more integrated as a result of its increasing use of seas and oceans, its law should be unique. There is indeed only one sea or one ocean in the world whatever named regionally, which globally connects people to each other. Accordingly, the unification of law of the sea and especially of its future enforcement should be the main target however hard the balancing out of the various maritime interests could be.

For the unification, states should first understand each other’s policies and positions correctly. The research centers or institutions in the world assist such aim, especially by organizing international workshops and symposiums in cooperation with others as today.

Within the scope of the presentation, first the law of the sea complied and enforced within the jurisdiction of Turkey is dealt with. Then Turkish Maritime Authorities complying and enforcing such laws are touched upon. Finally, Turkey’s approach to irregular migrants in the Aegean Sea Region is evaluated from the legal perspective.

Technology and Maritime Enforcement: Is International Law Ready for the Future?

Stuart Kaye

Much of the law applicable to maritime regulation and enforcement was developed early in the 20th Century, at a time when the technology available to assist in regulation and enforcement of maritime zones was very basic. Since these times technology has advanced considerably, with the availability of a variety of means to surveil and enforce a State’s maritime jurisdiction that did not exist at the time the law was being developed. While in some cases technology has been embraced within regulatory structures, such as the use of Vessel Monitoring Systems (VMS) within some Regional Fisheries Management Organizations (RFMOs), and the adoption of Automatic Identification Systems (AIS) within maritime security measures for some commercial shipping, it is by no means the case in all circumstances. Most maritime enforcement still appears to proceed on the assumption that offending vessels must be “caught in the act”, even though technology permits a State to be aware of unlawful activity without the necessity of any physical presence in the relevant maritime zone. This paper will consider how technology is outpacing the law, and where there may be opportunities for reconsidering the applicable law.
China’s Maritime Law Enforcement Practice in the South China Sea: Challenges and Prospects

Dr. Shicun Wu

China’s maritime law enforcement practice, after a reform integrating its several separate maritime law enforcement agencies into unified one as approved by the National Congress in 2013, is now in a good shape. The mandate of the newly established China Coast Guard includes fishery management and environmental protection and maintaining good order, especially in China's coastal waters and Exclusive Economic Zone.

With regard to cooperation with neighboring countries in the South China Sea, one of the successful examples is the China-Vietnam joint patrols at the Gulf of Tonkin. However, challenges exist given the complexity of the dispute over the sovereignty of some features in the Spratly Islands, and overlapping jurisdictional claims over maritime space. The multilateral overlapping claims in the South China Sea results in increasing law enforcement activities by all claimant states in disputed areas, which might lead to potential conflicts and even the escalation of tension in the South China Sea. China’s Fishing Ban, with an attempt to maintain a sustainable fishery resources management and conservation, ends up with compliance only by Chinese fishermen. Another challenge comes from increasing presence and engagement of extra-regional countries, which have provided law enforcement facilities and military support to other claimant states in the South China Sea, and formed a new alliance explicitly and implicitly targeting China, which is deemed by China as adding uncertainty to the existing disputes in the South China Sea. Under this circumstance, this paper puts forward some recommendations aimed at preventing the escalation of tension in this region arising from increasing maritime law enforcement by all claimant states. First, the claimant states should enhance cooperation among the law enforcement agencies, especially on fishery management and marine environment protection. Second, China and ASEAN should keep moving the consultation of the Code of Conduct which serves as crisis management mechanism in the South China. Third, extra-regional states should play a constructive role and contribute to the peace and stability in this region.
FRIDA MARIA ARMAS PFIRTER

- Lawyer, Faculty of Law and Social Sciences, Catholic University of Argentina, Rosario (1983).
- Ph.D. in Law (Area International Law). University of Buenos Aires (Argentina). School of Law and Social Sciences (1992). Thesis on “International Law of Fisheries and its application to the River Plate Maritime Front”. Approved with *Summa cum Laude* and distinguished with the “University of Buenos Aires Award”.
- Full Professor of “Public International Law” at the School of Law of the University of Buenos Aires and of the Austral University, Buenos Aires, Argentina.
- General Coordinator of the Argentine Commission on the Outer Limit of the Continental Shelf (COPLA), since 1997.
- Member of the Finance Committee of the International Seabed Authority (Kingston, Jamaica), since 2012. Previously Member of the Legal and Technical Commission of the International Seabed Authority (Kingston, Jamaica), 2000-2011. As member of the Commission, she served as Vice President from 2002-2005, 2009-2011 and was the Coordinator of the “Working Group on environmental protection” for the period 2005/2006.
- Author and co-author of three books and numerous book chapters and specialized articles.
- Member of the Argentine delegation to the Meetings with the Commission on the Limits of the Continental Shelf, to the International Seabed Authority and others Law of the Sea Meetings.

LAWRENCE AWOSIKA

Chairperson Commission on the Limits of the Continental Shelf (CLCS)

Professor Larry Awosika is a Marine geophysicist and former Director with the Nigerian Institute for Oceanography and Marine Research (NIOMR) Lagos. He holds a BSc in Geology from Howard University (Washington, DC); MSc Geology with specialty in geophysics from George Washington University (Washington, DC); and Ph.D. in Applied Geophysics from Obafemi Awolowo University Ile Ife Nigeria. At NIOMR he was in charge of the geological/geophysical survey of the Nigerian Continental shelf as well as Coastal erosion and ocean dynamics capital projects. Prof. Awosika has over 34 years of national and International experience in Marine geological/geophysical and ocean/coastal surveys, EIA, project management, and marine environmental issues. Prof. Awosika has been a member since year 1997 (four Commissions so far) and current Chairperson of the Commission on the Limits of the Continental Shelf (CLCS). He has chaired and served in many subcommittees of the CLCS. He is also an Emeritus member of the UN Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP).

He is a member of the Nigerian maritime working group of the United Nations Mixed Commission for the Nigeria/Cameroon boundary established to implement the judgment of the International Court of Justice (ICJ). He is presently the Technical Adviser to the Federal government of Nigeria on the Continental shelf project. He also served as the Nigerian expert in the maritime boundary negotiations between Nigeria and Equatorial Guinea; Nigeria and Sao Tome; Nigeria and Benin and Nigeria and Ghana. Prof. Awosika has received merit awards from several national and International agencies and government some of which include: Commander—Federal Republic of Equatorial Guinea; Merit award (NOBEL PEACE PRIZE) from the Intergovernmental Panel on Climate Change (IPCC); Award of Excellence to Ocean Science by Fisheries Society of Nigeria; Medal of excellence in Oceanography from the Intergovernmental Oceanographic Commission (IOC) of UNESCO Paris. He has published over 67 national and International papers on marine and ocean issues. He has edited nine publications in the areas of marine geology/geophysics and ocean/coastal dynamics.
ROBERT BECKMAN
Director, CIL

Robert Beckman is the founding Director of the Centre for International Law (CIL), a university-level research centre established in 2009 at the National University of Singapore (NUS). He will be stepping down as CIL’s Director in July 2016, but he will continue to serve as the Head of its Ocean Law & Policy Programme.

Professor Beckman received his J.D. from the University of Wisconsin and his LL.M. from Harvard Law School. He is an Associate Professor at the NUS Faculty of Law, where he has taught since 1977. He is also an Adjunct Senior Fellow at the S Rajaratnam School of International Studies (RSIS), Nanyang Technological University, and a member of the National Executive Committee of CSCAP Singapore.

Professor Beckman’s main research interest is ocean law and policy issues in Asia. He currently teaches Ocean Law & Policy in Asia and International Regulation of Shipping at the NUS Faculty of Law. For the past four years he has lectured in the summer programme at the Rhodes Academy of Ocean Law & Policy in Rhodes, Greece, and he is a member of the Governing Board of the Rhodes Academy.

HARALD BREkke
Norwegian Petroleum Directorate, Stavanger, Norway

Harald Brekke is project coordinator and senior geologist in the Norwegian Petroleum Directorate (NPD). After graduating as a structural geologist from the University in Bergen in 1983 he stayed as post graduate at the university until he joined the Norwegian Petroleum Directorate (NPD) in 1984. In the NPD he worked for more than 10 years as an exploration geologist dealing with prospect mapping, the development the NPD resource assessment system and play models, licensing rounds and mapping the geology of the Norwegian continental shelf in general.

From 1996 he became a project coordinator for the technical part of establishing the outer limits of the continental shelf of Norway in accordance with the UN Convention of the Law of the Sea, a project initiated and headed by the Ministry of Foreign Affairs. This work included the preparation of the Norwegian submission of the continental shelf limits to the UN in 2006 (for the Norwegian Sea, Barents Sea and Arctic Ocean) and 2009 (for Dronning Maud Land and Bouvetøya). Harald Brekke had a special responsibility for the data acquisition and the mapping out of such limits in the Arctic Ocean north of Svalbard and Franz Josef Land in coordination with NPD’s Russian counterparts.

In 1997 he was, as the nominee of Norway, elected member to the UN Commission on the Limits of the Continental Shelf (CLCS). He was re-elected in 2004 and 2007, the last time as the common nominee of all five Nordic countries. During his time in the CLCS he has, among many other tasks, served as the chairman of the sub-commissions set down to examine the details of the submissions made by Australia, New Zealand and Japan and to make recommendations on the establishment of the outer limits of the continental shelf of those states.

In the period 2007–2012 he served as Vice-Chairman and, for a short period, as the acting Chairman of the CLCS. He has also given advice to many coastal states in the preparation of their submissions to the CLCS including the joint submission made by seven West African states in 2014. In June 2012, he left the CLCS and was elected member of the Legal and Technical Commission of the International Seabed Authority. In parallel with his work in the CLCS and the LTC, he has been the NPD coordinator of international Arctic research and mapping projects in the Barents Sea and Arctic Ocean.

STEFAAN DEppPERE
Director, International Affairs and Markets, DG MARE, European Commission

Stefaan Depypere was born in Kortrijk, Belgium. He graduated in Applied Economics (Antwerp University, CL, 1976) and as Commercial Engineer (EHSAI, Brussels, mcl, 1982).

From 1976 to 1978 Stefaan Depypere worked as an assistant at the University in Antwerp (Accountancy, Management, and Finance). After military service in 1979 he joined the Credit Department of the National Bank of Belgium before moving to the European Commission in 1986. He worked at the European Commission since 1986 in the departments of Competition, External Relations, Trade and Mare. He has been the Director for Trade Defense from early 2008 to 2011. He now works for DG Mare as Director for International Affairs and Markets. Stefaan Depypere has been a lecturer on “International Monetary Relations” at ICHEC ISC in Brussels (1991-2005) and a regular guest lecturer at the MBA programme of the University of Antwerp.
JAN ELIASSON
UN Deputy Secretary-General

Eliasson served as Diplomatic Adviser to the Swedish Prime Minister from 1982 to 1983, and as Director General for Political Affairs in the Swedish Ministry for Foreign Affairs from 1983 to 1987. From 1988 to 1992, he was Sweden’s Ambassador to the United Nations in New York where he was part of the UN mediation missions in the war between Iran and Iraq, headed by former Prime Minister Olof Palme. In 1992, he was appointed the first UN Under-Secretary-General for Humanitarian Affairs and was involved in operations in Somalia, Sudan, Mozambique and the Balkans—taking initiatives on landmines, conflict prevention and humanitarian action. In 1993 and 1994, Eliasson served as mediator in the Nagorno-Karabakh conflict for the Organization for Security and Co-operation in Europe. Eliasson was State Secretary for Foreign Affairs from 1994 to 2000 and the Swedish Ambassador to Washington from 2000 to 2005. From 2005 to 2006 he served as President of the UN General Assembly.

Eliasson’s distinguished career as a Swedish diplomat culminated in his serving as Minister for Foreign Affairs in 2006. From January 2007 to July 2008, Eliasson was the UN Secretary-General’s Special Envoy for Darfur. On 2 March 2012, Jan Eliasson was appointed Deputy Secretary-General of the UN by Secretary-General Ban Ki-moon. He took office as Deputy Secretary-General on 1 July 2012.

GABRIELE GOETTSCHE-WANLI
Director, DOALOS

Gabriele Goettsche-Wanli has been working in the field of ocean affairs and the law of the sea for most of her career at the United Nations, and since August 2013 in the capacity of Director of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. Prior to her current position, she held the position of Chief of the Treaty Section, Office of Legal Affairs, for three years. Before that she had been working in the Division for Ocean Affairs and the Law of the Sea for 23 years, including as Deputy Director. Ms. Goettsche-Wanli is an alumna of the National University of Ireland, Galway, and of Columbia University, New York, from which she graduated with a degree in international law.

VLADIMIR VLADIMIROVICH GOLITSYN
ITLOS President

Member of the Tribunal since 1 October 2008; President of the Tribunal since 1 October 2014; President of the Seabed Disputes Chamber 2011–2014

Publications: Author of three books and more than 30 articles on international law, Antarctica, the law of the sea and environmental law, including:


**ALF HÅKON HOEL**

Alf Håkon Hoel is Counselor for Fisheries and Oceans at the Royal Norwegian Embassy in Washington, DC. He is on leave from his position as Research Director at the Institute of Marine Research (IMR) in Norway. Prior to his tenure at IMR, he was teaching at the University of Tromsø for more than 20 years, and he has also been affiliated with the Norwegian Polar Institute. A political scientist by training, Hoel's research has revolved around international oceans management and Arctic affairs in particular, on which he has published widely. He has also been part of Norwegian delegations to international negotiations—including to the 1995 UN Fish Stocks Agreement.

**HAKAN KARAN**

Director, DEHUKAM

Prof. Hakan Karan, LLM, Ph.D., Attorney-at-Law is the Director of the Research Center of Sea and Maritime Law (DEHUKAM) of Ankara University, the Head of the Sea and Maritime Law Department of Law Faculty of Ankara University and the Legal Adviser to the Turkish Ministry of Foreign Affairs. He is the member of the ICC Commission on Customs and Trade Facilitation. He regularly attends the meetings of the IMO Legal Committee as a Turkish Delegate. He writes and lectures in the field of international sea and maritime law.

**STUART KAYE**

Director, ANCORS

Stuart Kaye is Director and Professor of Law at the Australian National Centre for Ocean Resources and Security at the University of Wollongong. Prior to this appointment he was Dean and Winthrop Professor of Law at the University of Western Australia between 2010 and 2013. He also previously held a Chair in Law at the University of Melbourne and was Dean of Law at the University of Wollongong between 2002 and 2006.

He holds degrees in arts and law from the University of Sydney, winning the Law Graduates’ Association Medal, and a doctorate in law from Dalhousie University. He is admitted as a barrister of the Supreme Courts of New South Wales, Tasmania and Queensland.

He has written over 100 articles and other publications, as well as a number of books, including *Australia’s Maritime Boundaries* (2001), *The Torres Strait* (1998), and *International Fisheries Management* (2001), and co-authoring *International Law—Cases and Material with Australian Perspectives* (2nd Edn, 2014) for Cambridge University Press.

He was appointed to the International Hydrographic Organization’s Panel of Experts on Maritime Boundary Delimitation in 1995 and in 2000 was appointed to the List of Arbitrators under the Environmental Protocol to the Antarctic Treaty. He was chair of the Australian International Humanitarian Law Committee from 2003 to 2009, for which he was awarded the Australian Red Cross Society Distinguished Service Medal. He was elected a Fellow of the Royal Geographical Society in 2007 and the Australian Academy of Law in 2011.

**RENA LEE**

Rena Lee is Senior State Counsel with the International Affairs Division of the Attorney-General’s Chambers in Singapore. She covers a range of issues in various areas of international law, including law of the sea, boundary delimitation, human rights, climate change and privileges and immunities.

Rena has been part of Singapore’s delegation in several fora, both multilateral and bilateral, such as the UN and ASEAN. These include being part of Singapore’s delegation to the UN General Assembly, as well as to meetings on oceans and law of the sea, including the Ad Hoc Working Group
on the Conservation and Sustainable Use of Biodiversity in Areas Beyond National Jurisdiction (BBNJ) and the annual meetings of the International Seabed Authority.

She was part of Singapore’s delegation at COP 21/CMP 11 to negotiate the Paris Agreement on Climate Change, and was most recently involved in the first session of the Preparatory Committee for the development of an international legally binding instrument under UNCLOS on BBNJ.

MICHAEL W. LODGE
Deputy to the Secretary-General and Legal Counsel, ISA

Michael W. Lodge is the Deputy to the Secretary-General and Legal Counsel for the International Seabed Authority. He received his LLB from the University of East Anglia, UK, 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. Some of his major professional experiences include serving as Legal Counsel to the ISA (2008–present and 1996–2003); Counsellor to the Round Table on Sustainable Development, OECD, Paris (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 University (2012–13), an Associate Fellow of Chatham House, London (2007), Independent Adjudicator for the Marine Stewardship Council (2006–present) and as an Immigration Judge in the UK (2002–2010). Currently, he is a member of the World Economic Forum Global Agenda Council on Oceans.

Michael Lodge has authored over 25 published books and articles on the law of the sea, oceans policy and related issues and has given numerous keynote speeches and formal lectures. He was Associate Editor of Volume VI of the University of Virginia Commentary on the Law of the Sea. Some of his significant achievements include his pivotal role in the International Seabed Authority from its inception in 1996 and in helping to create and implement the first international regulatory regime for seabed mining to have environmental protection at the centre of the agenda. 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.

RONÁN LONG

Ronán Long holds the Jean Monnet Chair of European Law and a Personal Professorship at the School of Law, National University of Ireland Galway. He is the author/co-editor of a number of books and publications on oceans law and policy including Enforcing the Common Fisheries Policy (Oxford, 2000; reprint John Wiley 2008); Marine Resource Law (Dublin, 2007), Law, Science and Ocean Management (Boston/Leiden, 2007), Legal Challenges in Maritime Security (Boston/Leiden, 2008), and more recently The Regulation of Continental Shelf Development: Rethinking International Standards (Boston/Leiden, 2014). He is the author of the chapter on the North East Atlantic in the Oxford Handbook on the Law of the Sea (Oxford, 2014). Excerpts from his work have been cited by the European Commission, the United Nations Secretary-General in his annual report to the General Assembly on oceans and the law of the sea, and in legal proceedings in the superior courts in Ireland and the Court of Justice of the European Union. Several of his research projects were commissioned by international bodies including the European Institutions, the OSPAR Commission, the Office of Legal Affairs at the United Nations, the International Hydrographic Organisation, the International Council for the Exploration of the Seas, the North-Sea Regional Advisory Council, the Government of Scotland, and the Forum Fisheries Agency in the Pacific. Ronan is currently interested and writing about energy law, ecosystem-based management, food security and natural resource management in Africa, EU regulatory policy in relation to the Arctic, as well as human rights law as it applies to activities that take place at sea. Prior to his academic career, he worked previously for the European Commission (1994–2002) and the Naval Service in Ireland (1981-1993). He is a keen offshore sailor and represented Ireland in this capacity in the 1980s.

LARRY MAYER

Director, Center for Coastal and Ocean Mapping

Larry Mayer is a Professor and the Director of the School of Marine Science and Ocean Engineering and The Center for Coastal and Ocean Mapping at the University of New Hampshire. He graduated magna cum laude with an Honors degree in Geology from the University of Rhode Island in 1973 and received a Ph.D. from the Scripps Institution of
Oceanography in Marine Geophysics in 1979. At Scripps he worked with the Marine Physical Laboratory’s Deep-Tow Geophysical package, applying this sophisticated acoustic sensor to problems of deep-sea mapping and the history of climate.

After being selected as an astronaut candidate finalist for NASA’s first class of mission specialists, Larry went on to a Post-Doc at the School of Oceanography at the University of Rhode Island where he worked on the early development of the Chirp Sonar and problems of deep-sea sediment transport and paleoceanography.

In 1982, he became an Assistant Professor in the Dept. of Oceanography at Dalhousie University and in 1991 moved to the University of New Brunswick to take up the NSERC Industrial Research Chair in Ocean Mapping.

In 2000 Larry became the founding director of the Center for Coastal and Ocean Mapping at the University of New Hampshire and the co-director of the NOAA/UNH Joint Hydrographic Center. Larry has participated in more than 90 cruises (over 70 months at sea!) during the last 35 years, and has been chief or co-chief scientist of numerous expeditions including two legs of the Ocean Drilling Program and eight mapping expeditions in the ice covered regions of the high Arctic. He has served on, or chaired, far too many international panels and committees and has the requisite large number of publications on a variety of topics in marine geology and geophysics.

He is the recipient of the Keen Medal for Marine Geology and an Honorary Doctorate from the University of Stockholm.

He was a member of the President’s Panel on Ocean Exploration, National Science Foundation’s Advisory Committee for the Geosciences, and chaired a National Academy of Science Committee on national needs for coastal mapping and charting as well as the recently completed National Academies report on the impact of the Deepwater Horizon Spill on ecosystem services in the Gulf of Mexico. He was the co-chair of the NOAA’s Ocean Exploration Advisory Working Group, and the Vice-Chair of the Consortium of Ocean Leadership’s Board of Trustees, and is currently the Chair of the National Academies of Science’s Oceans Studies Board, a member of the State Dept’s Extended Continental Shelf Task Force and the Navy’s SCICEX Advisory Committee.

Larry’s current research deals with sonar imaging and remote characterization of the seafloor as well as advanced applications of 3-D visualization to ocean mapping problems and applications of mapping to Law of the Sea issues, particularly in the Arctic.

TED L. MCDORMAN

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 called 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, DC. Of note is his article: “The Role of the Commission of the Limits of the Continental Shelf: A Technical Body in a Political World” (2002), 17 International Journal of Marine and Coastal Law 301–324.

ADMIRAL CHARLES D. MICHEL

Vice Commandant, U.S. Coast Guard

Admiral Charles Michel assumed the duties as the 30th Vice Commandant in August 6, 2015. As the Vice Service Chief and Chief Operating Officer, Admiral Michel executes the Commandant’s Strategic Intent, manages internal organizational governance and serves as the Component Acquisition Executive.

Prior to this appointment, Admiral Michel served as the Deputy Commandant for Operations, responsible for establishing and providing operational strategy, policy, guidance and resources to meet national priorities for U.S. Coast Guard missions, programs and services. His previous flag officer assignments include Deputy Commander, U. S. Coast Guard Atlantic Area; Director, Joint Interagency Task Force South; Military Advisor to the Secretary of Homeland Security; and Director for Governmental and Public Affairs, U. S. Coast Guard.

A native of Brandon, Florida, he graduated from the U. S. Coast Guard Academy with a Bachelor of Science degree in Marine Engineering (with high honors) in 1985. In 1992, he graduated summa cum laude from the University of
Miami School of Law as the salutatorian, receiving membership in the Order of the Coif.

Tours of duty afloat included serving as Commanding Officer, USCGC RESOLUTE; as Executive Officer, USCGC DAUNTLESS; as Commanding Officer, USCGC CAPE CURRENT; and as Deck Watch Officer, USCGC DECISIVE. Admiral Michel also served as Chief of the Office of Maritime and International Law, Washington, DC; Staff Attorney, Eighth Coast Guard District, New Orleans, Louisiana; head of the Operations Division, Office of Maritime and International Law, Washington, DC; and as Legislative Counsel for the Office of Congressional and Governmental Affairs, Washington, DC.

Admiral Michel's awards include the Coast Guard Distinguished Service Medal, Defense Superior Service Medal, the Legion of Merit, the Meritorious Service Medal, the Coast Guard Commendation Medal, the Coast Guard Achievement Medal, and the Coast Guard Letter of Commendation Ribbon. Admiral Michel was also awarded the Distinguished Service Medal of the Colombian Navy. Admiral Michel was the American Bar Association Young Lawyer of the Year for the Coast Guard in 1995, the Judge Advocate's Association Career Armed Services Attorney of the Year for the Coast Guard in 2000, and is currently a member of the Florida Bar.

In addition to his scholarly career, Professor Moore has a distinguished record of public service. He served as Chairman of the National Security Council Interagency Task Force on the Law of the Sea, and, among seven presidential appointments, he served as Ambassador and Deputy Special Representative of the President to the Law of the Sea Conference (1973–76) and as a Member of the National Advisory Committee on Oceans and Atmosphere (1984–85). From 1981–84, Professor Moore served as Special Counsel for the United States for the Gulf of Maine case before the International Court of Justice. He chaired the United Nations Advisory Panel of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea from 1991–93, 1995–97, and again in 1999–2002. Professor Moore has served as Chairman of the Marine Education and Policy Division of the Marine Technology Society (MTS) since 1979, was an MTS Fellow in 1983, and received the MTS-sponsored “Compass Distinguished Achievement Award” for 1994. As Director of the Center for Oceans Law and Policy, Moore is also a co-founder with the Directors of the Aegean Institute of the Law of the Sea and Maritime Law, the Max Planck Institute for Comparative Public Law and International Law, and the Netherlands Institute for the Law of the Sea, of the international Rhodes Academy of Oceans Law and Policy, which held its first seven sessions in Rhodes, Greece, during the summers of 1996–2002. He served as an informal delegation member of the U.S. delegation to the United Nations General Assembly for the 20th anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea (December 2002). On this occasion, he was named by the United Nations Secretariat as one of five living American “personalities” who contributed to the success of the Conference. He was a Consultant to Iceland and Ireland in setting up the Law of the Sea Institute of Iceland and the Marine Law & Ocean Policy Centre of Ireland (2000 & 2005).

Viewed by many as the founder of the field of national security law, Professor Moore chaired the prestigious American Bar Association's Standing Committee on Law and National Security for an unprecedented five terms from 1982–86. He served two terms as the Presidentially-appointed and Senate-confirmed Chairman of the Board of Directors of the United States Institute of Peace and, as the first Chairman, set up this new agency. He served as the Counselor on International Law to the Department of State and has served as a Consultant to both the President’s Intelligence Oversight Board and the Arms Control and Disarmament Agency. He has been a member of the

JOHN NORTON MOORE
Director, COLP

John Norton Moore is the Walter L. Brown Professor of Law at the University of Virginia School of Law. He also directs the University’s Center for Oceans Law and Policy (COLP), and the Center for National Security Law, and was the Director of the Graduate Law Program at Virginia for more than twenty years. He is the author or editor of over 25 books and over 165 scholarly articles.

United States Delegation to the Conference on Security and Cooperation in Europe and the Presidential Delegation of the United States to observe the elections in El Salvador. In 1990, he served with the Deputy Attorney General of the United States as Co-Chairman of the United States-USSR talks on the Rule of Law. He also served as the legal adviser to the Kuwait Representative to the United Nations Iraq-Kuwait Boundary Demarcation Commission. He was reelected honorary Editor of the American Journal of International Law (2002-2007), and is a member of the Council on Foreign Relations, the American Law Institute, the American Society of International Law, the Committee on Exploration of the Seas of the National Academy of Sciences, the Order of the Coif, Phi Beta Kappa, and numerous other professional and honorary organizations.

Ambassador Satya N. Nandan, C.F., C.B.E., was the Secretary-General of the International Seabed Authority 1996-2009. He served earlier as Secretary for Foreign Affairs of Fiji and as Under-Secretary-General of the United Nations and Special Representative of the Secretary-General for the Law of the Sea.

He is currently Distinguished Senior Fellow of the Center for Oceans Law and Policy, University of Virginia School of Law. Ambassador Nandan was among the leaders of the third UN Conference on the Law of the Sea and Chairman of the negotiating groups on a number of key issues before the Conference.

As Special Representative of the Secretary-General for the Law of the Sea, he led the consultations on outstanding issues relating to the regime for deep seabed mining which had prevented the industrialized countries from accepting the 1982 United Nations Convention on the Law of the Sea. The consultations resulted in the 1994 Agreement to implement the provisions of Part XI of the Convention which opened the door to universal participation in the 1982 Convention.

Ambassador Nandan has written extensively on the Law of the Sea, the United Nations, and related matters. He served as general editor of the Law of the Sea commentary series, consisting of seven volumes published by the University of Virginia Center for Oceans Law and Policy.

**AMBASSADOR SATYA N. NANDAN**

Professor Nordquist, S.J.D., now serves concurrently as the Associate Director and Editor of the Center for Oceans Law and Policy, and as a Senior Fellow of the Center for National Security Law. From January 1999 to January 2004, he was counsel to Senator Conrad Burns (R-MT). Professor Nordquist was a professor of law at the United States Air Force Academy from July 1993 until December 1998. During the 1995–1996 academic year, he 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 from September 1990 until July 1993.

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 from August 1970 until January 1978. While serving in the Office of Legal Adviser, Professor Nordquist 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, from February 1978 until September 1990, specializing in international business law. Over the years, he has taught on the adjunct law faculties at American University, George Washington University, and the University of Denver. He was a Ford Foundation Fellow at Cambridge University in 1970 and a Rockefeller Foundation Fellow at the University of Virginia in 1979. The Mellon Foundation supported his editorial work at the University of Virginia School of Law for many years.

Professor Nordquist has edited more than 50 books on international law topics. 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. He has authored and delivered uncounted academic presentations as well as numerous scholarly articles or occasional papers, on oceans law, international law and national security law topics. His article titled, “What Color is the Peacekeeper’s Helmet?” was published in the Summer 1997 Naval War College Review. The Russian General Staff translated this article into Russian and republished it in an independent journal widely read by military lawyers in the Russian Federation. Another example of Professor Nordquist’s involvement in national security affairs occurred in 1997 when the International Committee
of the Red Cross selected him to lecture on the law of war to the faculty at the Russian Naval Academy in St. Petersburg. As Associate Director of the Center for Oceans Law and Policy since January 1999, Professor Nordquist has directed the substantive programs of the Center, including the Rhodes Academy. He also has edited its publications for many years.

AMBASSADOR A. HAVAS OEGROSENO

Currently: Deputy Coordinating Minister, Coordinating Ministry for Maritime Affairs, Republic of Indonesia.


He has established close working relations between notable think tanks and academic institutions in the Asia-Pacific, Europe and America. Holder of Hydrographer Brevet from the Indonesian Navy.

Bilateral, Regional and Multilateral Affairs

- Head of Delegation/Chief Negotiator for maritime delimitation negotiations between Indonesia and Malaysia, Singapore and the Philippines;
- Head of Delegation/Chief Negotiator for extradition treaty with Singapore and China;
- Head of Delegation/Chief Negotiator for mutual legal assistance treaty with Hong Kong and USA;
- Head of Delegation for Indonesia/Chief Negotiator—Australia Framework Security Agreement;
- Head of Indonesian Delegation/Chief Negotiator to the World Ocean Conference in Manado;
- Head of Indonesian Delegation to the Submission of Indonesia extended continental shelf in the North East Sumatra to the UN Commission on the limit of continental shelf;
- High Level Task Force on the Establishment of ASEAN Charter;
- High Level Legal Expert for Implementation of ASEAN Charter;
- Member of the Indonesian Delegation to other various United Nations conferences in Geneva, New York and Vienna.

ALEX OUDE ELFERINK

Director, NILOS

Alex Oude Elferink is currently Director at the Netherlands Institute for the law of the sea (NILOS), School of Law, Utrecht University, the Netherlands, at which university he also holds the chair in international law of the sea. He also is an adjunct professor at the K.G. Jebsen Centre for the law of the sea, University of Tromsø, Norway. He has been working at NILOS since 1990 and at the Jebsen Centre since 2013. Between 1994 and 1996 he worked at the Ministry of Foreign Affairs of Nicaragua. He has published on maritime boundary delimitation, the law of the sea in the Polar regions, the definition and outer limits of the continental shelf, the protection of the marine environment and fisheries and other law of the sea issues. His recent publications include The Delimitation of the Continental Shelf between Denmark, Germany and the Netherlands; Arguing Law, Practicing Politics? (CUP, 2013) Three takes on international legal argumentation in the South China Sea disputes: the Haiyang Shiyou 981 and USS Lassen incidents and the Philippines v. China arbitration (forthcoming) and he is the co-editor of The Oxford Handbook of the Law of the Sea (OUP, 2015). Apart from his academic work, he is involved in consultancy work. Recently, this concerned such topics as the regime for areas beyond national jurisdiction, the implementation of article 76 of the United Nations convention on the law of the sea by coastal States and possible delimitation scenarios involving neighboring States. He has acted as counsel for the Republic of Nicaragua in a number of cases before the International Court of Justice.
JIN-HYUN PAIK
ITLOS Judge

Jin-Hyun Paik is Professor of International Law at Seoul National University in Korea and was Dean of its Graduate School of International Studies (GSIS). He has also been Judge of the International Tribunal for the Law of the Sea (ITLOS) since 2009. He is currently member of the Special Chamber of the Tribunal in the *Dispute concerning Delimitation of the Maritime Boundary between Ghana and Cote d’Ivoire in the Atlantic Ocean*. He also serves as arbitrator in the “*Enrica Lexie*” Incident (*Italy v. India*) arbitration at the Permanent Court of Arbitration (PCA).

He has specialized in international law and organization, law of the sea, and international dispute settlement. Professor Paik was a doctoral fellow at the Hague Academy of International Law, Netherlands; visiting fellow at the Rand Corporation, Santa Monica and 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. He has taught in various places around the world, including Rhodes Academy of Ocean Law and Policy (Greece), IFLOS (International Foundation for the Law of the Sea) 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. Professor Paik has been active in promoting and disseminating international law, in particular to audiences in developing countries.

In 2015, Judge Paik was elected to the *Institut de Droit International*. He is also currently President of the Asian Society of International Law (AsianSIL). He received his LL.B. from Seoul National University, LL.M. from Columbia Law School, and Ph.D. in law from Cambridge University. He has written and edited over 100 articles and several books on international law and politics, law of the sea and Korea’s foreign and security policies, the latest of which includes *Regions, Institutions and the Law of the Sea* (Martinus Nijhoff Publishers, 2013).

CAPTAIN J. ASHLEY ROACH

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, including the Arctic. 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 (2013-2016). He is a Global Associate and Senior Visiting Scholar (2014-2016), 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.

KAREN N. SCOTT

Karen N. Scott is a Professor of Law at the University of Canterbury in New Zealand. Her research focuses on the areas of the law of the sea, the Polar regions and international environmental law. She has published over 50 journal articles and book chapters in these areas on issues such as ocean management, environmental governance, climate change and geoengineering. Recent publications include Donald R Rothwell, Alex G Oude Elferink, Karen N Scott and Tim Stephens (eds), *The Oxford Handbook of The Law of the Sea* (OUP 2015). Karen was the General Editor of the *New Zealand Yearbook of International Law* from 2009 to 2012 and remains a member of the Editorial Board.

She is currently the Vice-President of the Australian and New Zealand Society of International Law. From September 2015 Karen was appointed the Head of the School of Law. Previous University administrative roles include a five year term as University Proctor.
MIGUEL DE SERPA SOARES
Under-Secretary General for Legal Affairs and United Nations Legal Counsel

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 Études Juridiques Européennes, Collège d’Europe, Bruges (1992).

WYLIE SPICER Q.C.

Wylie Spicer is counsel with McInnes Cooper, a Canadian Law Firm. He is the former managing partner of the firm and currently teaches Law of the Sea at the University of Calgary Law School in Calgary, Alberta. For many years he taught Maritime Law at the Schulich School of Law at Dalhousie University in Halifax, Nova Scotia.

Wylie’s practice is concentrated in matters related to the energy industry and the offshore. He has published extensively and has an AV rating with Martindale Hubbell.

Recent work of Relevance to the Law of the Sea:
2013 – Represented Nautilus Minerals in an application to the International Seabed Authority for a potential joint venture with the Enterprise; 2015—University of Calgary School of Public Policy, “Canada, the Law of the Sea Treaty and International Payments: Where will the money come from?” (2015) 8:31 School of Public Policy; 2016 – Study for ISA concerning Key Terms in UNCLOS Article 82 as applied by selected coastal states; 2016 – Member of Seascape Consultants team retained by ISA to review performance of ISA in accordance with UNCLOS Article 154
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ANDRÉ TAHINDRO


He is currently an Independent International Consultant on the law of the sea and international fisheries law and policy. During his service with DOALOS, Mr. Tahindro had general responsibilities on matters relating to the law of the sea, legal aspects of the conservation and sustainable use of marine fishery resources. He had been responsible for the preparation of the reports of the UN Secretary-General to the General Assembly on sustainable fisheries.

He has been Secretary of the Informal Consultations of States Parties to the UN Fish Stocks Agreement (2002–2010); Executive Secretary of the two Review Conferences on the UN Fish Stocks Agreement (2006 and 2010; and Secretary of the UN informal consultations for the annual resolution of the UN General Assembly on sustainable fisheries (1996–2010). He has participated in several Expert Consultations and Technical Consultations convened by the FAO to elaborate international instruments to address IUU fishing.

Mr. Tahindro has authored the following publications on international fisheries law and the law of the sea:


He has also authored several publications on the law of the sea issued by DOALOS.

Mr. Tahindro was a member of the Expert Panel for the second Performance Review of the NEAFC (2013–2014). He holds a Master2 in “ Droit international et comparé de l’environnement”, from the Faculté de Droit et des Sciences Économiques, Université de Limoges and a Maîtrise en Droit, option “Droit public”, from the Etablissement d’Enseignement Supérieur de Droit, d’Économie et de Gestion et de Sociologie (EESDEGS), Antananarivo, Université de Madagascar.

DIRE TLADI

Dire Tladi holds an LLB from the University of Pretoria, an LLM from the University of Connecticut and a Ph.D. from the Erasmus University Rotterdam. He is Professor of International Law at the Public Law Department of the University of Pretoria and Research Fellow at the Institute of Comparative and International Law in Africa of the same university. He is also a member of the UN International Law Commission and its Special Rapporteur on the topic jús cogens. He also serves as the Special Advisor to the South African Minister of International Relations and Cooperation.

He is also an Extraordinary Professor at the University of Stellenbosch. He was a visiting professor at Kobe University in Japan in April 2015 and was invited to serve as a Senior Research Fellow at the Humboldt University, in Berlin Germany from October 2015 to January 2016. He was also recently invited by the Curatorium of the Academy of International Law to give a Special Course during the public international law session of The Hague Academy in the summer of 2020.

He has recently been appointed as co-editor in chief of the South African Yearbook of International Law. He sits on the editorial boards of various international law journals such as The Law and Practice of International Tribunals. He has been asked to speak at various conference and seminars in many parts of the world.

Recently, in May 2015, he presented a keynote address to Die Elfte Sitzung des Arbeitskreiss Volkerstrafrecht on the topic “African and International Criminal Justice”.

From 2006 to 2013, Dire Tladi served as Principal State Law Adviser (IL) in the Department of International Relations and Cooperation of the South African Government. As a diplomat he represented South Africa at many international meetings, including on oceans and the law of the sea, the International Criminal Court and the African Union amongst others. He led, for example, South Africa’s delegation during the negotiation for the merger of the African Court of Justice and the African Court on Human and Peoples’ Rights. From 2009 to 2013, he served as the Legal Adviser to the South African Permanent Mission to the United Nations in New York, including during South Africa’s tenure as a non-permanent member of the UN Security Council in 2011-2012.

Since leaving the Department, he has continued to be involved in the practice of international law. He serves, for example, as part of the legal advisory team in the mediation of the border dispute over Lake Malawi/Nyasa advising former Presidents Chissano, Mogae and Mbeki. He was also part of the international law expert team for the OECD's project on Base Erosion and Profit Shifting.
Kris Van Nijen has been with the Belgian marine solutions provider DEME for 15 years in various roles abroad and at the head office in Belgium. From 2006 to 2010, he was responsible for the Africa region, where he first came in contact with offshore diamond mining in Namibia. From 2010 to 2014, based in Singapore, he was the general manager of OceanflORE and responsible for the development of offshore contract mining services. In 2014 Kris became the general manager of Global Sea Mineral Resources (100% owned by the DEME group), which signed an exclusive 15-year contract with the International Seabed Authority for the exploration of polymetallic nodules in the Clarion Clipperton Zone.

Kris is actively involved in two international learned professional societies focused on mining (International Marine Minerals Association and the Society for Mining, Metallurgy & Exploration), participates in meetings of the regional (European Union) and international (International Seabed Authority) intergovernmental bodies charged with regulating deep sea mining and regularly presents his thoughts on this topic in international symposia. Kris obtained his MSc degree at the University of Antwerp in 2001, an MBA at the Vlerick Business School in 2009 and is currently a Ph.D. candidate at the University of Antwerp. Kris is focusing his doctoral research on this emerging industry presenting particular complex management challenges due to its multi-faceted political, economic, technological, scientific, environmental, social, industrial and legal aspects, all of which must be addressed holistically in order to achieve commercially viable results.

Dustin Kuan-Hsiung Wang

Dr. Kuan-Hsiung Wang is a professor at the Graduate Institute of Political Science, National Taiwan Normal University, and is also an adjunct professor of international law at Chinese Culture University. Professor Wang obtained his Ph.d. degree in international law from the University of Bristol, UK, in 1997.

Dr. Wang actively participates in the marine issues concerning international law of the sea. From 2000 to 2008, he served as the deputy secretary-general of the Chinese Society of International Law, and the Secretary-General of the Institute of Marine Affairs and Policy. He is a member of the Committee on International Law on Sustainable Development (2004-2012), and a member of 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 also serves as the editor of Chinese (Taiwan) Yearbook of International Law and Affairs (English version), editor in chief of Chinese (Taiwan) Review of International and Transnational Law (Chinese version), editor of Korean Journal of International and Comparative Law, and the Asia-Pacific Journal of Ocean law and Policy (APJOLP).

Being a teacher of international law and international relations, 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 to the feasibility of solving disputes through joint development.

He was a visiting scholar to Schulich School of Law, Dalhousie University, Canada (2007), and Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, Australia (2013). Dr. Wang contributes research work to several respected academic journals, such as Ocean Development and International Law, Pacific Review, and others.

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Rüdiger Wolfrum

ITLOS Judge

Member of the Tribunal since 1 October 1996; re-elected as from 1 October 1999 and 1 October 2008; Vice-President of the Tribunal 1996–1999; President of the Chamber for Marine Environment Disputes 1997–1999; President of the Tribunal 2005–2008; Member of the Special Chamber formed to deal with the Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean 2000-2009; Member of the Special Chamber formed to deal with the Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d’Ivoire in the Atlantic Ocean (Ghana/Côte d’Ivoire).

Professional Experience: Vice-Rector, University of Kiel (1990–1993); Judge at the Courts of Appeal for Administrative Matters, Lüneburg and Schleswig

SHICUN WU
President, NISCSS

Shicun Wu has a Ph.D. in history and is president and senior research fellow of China's National Institute for South China Sea Studies, deputy director of the Collaborative Innovation Center of South China Sea Studies, Nanjing University, and member of Foreign Policy Advisory Group of the Ministry of Foreign Affairs of China.

Dr. Wu's research interests cover the history and geography of the South China Sea, maritime delimitation, maritime economy, international relations, regional security strategy and law of the sea. His main single-authored books include What One Needs to Know about the Disputes between China and the Philippines (Current Affairs Press, 2015), What One Needs to Know about the South China Sea (Current Affairs Press, 2015), Solving Disputes for Regional Cooperation and Development in the South China Sea: A Chinese perspective (Woodhead Publishing, 2013). His main edited books include: Arbitration Concerning the South China Sea: Philippines versus China (Routledge, 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). 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.