

2017 APOLIA CONFERENCE

MARITIME LAW ENFORCEMENT: ASIA-PACIFIC STATE PRACTICE

2017 SOUTH CHINA SEA WORKSHOP

SCS ARBITRATION AND INCIDENTAL MARITIME ISSUES

DATE: JUNE 16-17, 2017

VENUE: PULLMAN HOTEL, DA NANG, VIETNAM

<http://www.pullman-danang.com>

CO-HOSTED BY:

DIPLOMATIC ACADEMY OF VIETNAM

KOREA INSTITUTE OF OCEAN SCIENCE AND TECHNOLOGY (KIOST)

ASIA PACIFIC OCEAN LAW INSTITUTIONS ALLIANCE (APOLIA)

ASIA-PACIFIC JOURNAL OF OCEAN LAW AND POLICY (APJOLP)

THE AUSTRALIAN NATIONAL CENTRE FOR OCEAN RESOURCES AND SECURITY (ANCORS),
UNIVERSITY OF WOLLONGONG, AUSTRALIA

THE INSTITUTE FOR LEGAL STUDIES OF INHA UNIVERSITY, KOREA

CO-ORGANISED BY:

DIPLOMATIC ACADEMY OF VIETNAM

THE DEVELOPMENT OF INTERNATIONAL LAW IN ASIA-KOREA (DILA-KOREA)



2017 APOLIA CONFERENCE (5TH)

MARITIME LAW ENFORCEMENT: ASIA-PACIFIC STATE PRACTICE

JUNE 15, THURSDAY

17:00 – 21:00 **WELCOME RECEPTION AND DINNER**

JUNE 16, FRIDAY

08:30 – 09:00 **REGISTRATION**

09:00 – 09:10 **OPENING**

- 09:00 – 09:10 - **Seokwoo LEE** (Professor of International Law, Inha University Law School, KOREA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP))
leeseokwoo@inha.ac.kr
- **NGUYEN Vu Tung** (President, Diplomatic Academy of Vietnam (DAV), VIETNAM)
tungnguyenvu@gmail.com

09:10 – 09:30 **KEYNOTE SPEECH**

- 09:10 – 09:30 - **NGUYEN Quang Dam** (Major General, Commandant of the Vietnam Coast Guard, VIETNAM)
: “Vietnamese Coast Guard and Experiences in Maritime Law Enforcement”

09:30 – 10:00 **GROUP PHOTO AND COFFEE BREAK**

10:00 – 11:40 **SESSION 1: STATE PRACTICE – NORTH EAST ASIA**

10:00 – 11:10 ►CHAIRPERSON:

- **TRAN Truong Thuy** (Executive Director, Foundation for East Sea Studies (FESS); Senior Fellow & Deputy Director, Bien Dong Maritime Institute, Diplomatic Academy of Vietnam (DAV), VIETNAM)
tranhatinh@yahoo.com

►PRESENTATIONS:

- **Guifang Julia XUE** (Chair Professor, KoGuan Law School; Director, Center for the Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development, Shanghai Jiao Tong University, CHINA)
julixue@sjtu.edu.cn
: “Coast Guard and Law Enforcement at Sea in China”
- **Chie KOJIMA** (Professor, Faculty of Law, Musashino University, JAPAN)
chie.kojima@me.com
: “Complementary Roles and Functions of Japan Coast Guard and Maritime Self-Defense Force in Law Enforcement at Sea”

- **Seokwoo LEE** (Professor of International Law, Inha University Law School, KOREA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP))
leeseokwoo@inha.ac.kr
: "The Legal Authority and Status of the Korea Coast Guard under the Government Organization Act"
- **Dustin Kuan-Hsiung WANG** (Professor, Graduate Institute of Political Science, National Taiwan Normal University, TAIWAN)
khwang.ac@gmail.com
: "Efforts to Combat IUU: Taiwan's Practices"

11:10 – 11:40 **DISCUSSION**

11:40 – 13:00 **LUNCH**

13:00 – 14:20 **SESSION 2: STATE PRACTICE – SOUTH EAST ASIA**

13:00 – 13:50 ►CHAIRPERSON:

- **Warwick GULLETT** (Professor, School of Law, University of Wollongong, AUSTRALIA)
wgullett@uow.edu.au

►PRESENTATIONS:

- **Thi Lan Anh NGUYEN** (Professor, Diplomatic Academy of Vietnam, VIETNAM)
nlanhiir@yahoo.com, lananhdaiv@mofa.gov.vn
: "Roles and Functions of Vietnamese Maritime Enforcement Forces"
- **Jay BATONGBACAL** (Professor, College of Law, University of the Philippines, THE PHILIPPINES)
jay.batongbacal@gmail.com
: "Maritime Law Enforcement in the Philippines: Integration and Fragmentation"
- **Leonardo BERNARD** (Ph.D. Candidate, Australian National Centre for Ocean Resources & Security (ANCORS), University of Wollongong, AUSTRALIA) and **Hadyu IKRAMI** (Research Associate, Centre for International Law (CIL), National University of Singapore, SINGAPORE)
lb987@uowmail.edu.au/ hadyu.ikrami@nus.edu.sg
: "Indonesia's Maritime Law: National Enforcement and Regional Cooperation"

13:50 – 14:20 **DISCUSSION**

14:20 – 14:40 **COFFEE BREAK**

14:40 – 16:00 **SESSION 3: STATE PRACTICE – AMERICA AND AUSTRALASIA**

14:40 – 15:30 ►CHAIRPERSON:

- **Guifang Julia XUE** (Chair Professor, KoGuan Law School; Director, Center for the Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development, Shanghai Jiao Tong University, CHINA)
julixue@sjtu.edu.cn

►PRESENTATIONS:

- **Anastasia TELESETSKY** (Professor, School of Law, University of Idaho, USA)
atelesetsky@uidaho.edu
: "Maritime Enforcement Law in the United States and its Extraterritorial Reach"

- **Clive SCHOFIELD** (Professor and Director of Research, Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, AUSTRALIA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP)) and **James WRAITH** (Research Fellow, Sustaining Coastal and Marine Zones, UOW Global Challenges Program, University of Wollongong, AUSTRALIA) clives@uow.edu.au; jwraith@uow.edu.au
: “**Advances in Securing Maritime Australia**”
- **Karen N. SCOTT** (Professor and Head of the School of Law, University of Canterbury, NEW ZEALAND) karen.scott@canterbury.ac.nz
: “**Maritime Law Enforcement in New Zealand**”

15:30 – 16:00 **DISCUSSION**

16:00 – 16:20 **COFFEE BREAK**

16:20 – 17:40 **SPECIAL SESSION WITH MARITIME LAW ENFORCEMENT OFFICERS**

16:20 – 17:10 ►CHAIRPERSON:

- **Robert C. BECKMAN** (Professor, Faculty of Law; Head of Ocean Law and Policy, Centre for International Law (CIL), National University of Singapore, SINGAPORE) cilbeckman@nus.edu.sg

►PRESENTATIONS:

- **NGUYEN Khac Vuot** (Major, Operations Officer, Vietnam Coast Guard, VIETNAM) nguyenkhacvuot@gmail.com
: “**Sharing Experiences and Challenges on Operations of Coast Guard of Viet Nam**”
- **Dato’ Indera Zulkifili bin ABU BAKAR** (Vice Admiral, Deputy Director General of Operations, Malaysian Maritime Enforcement Agency, MALAYSIA) muzafira@mmea.gov.my; zulkiflee@mmea.gov.my
: “**Sharing Experiences and Challenges on Operations of Coast Guard of Malaysia**”
- **Cao QUN** (Deputy Director, Center for Maritime Security and Cooperation, China Institute of International Studies, CHINA) caoqun@ciis.org.cn

17:10 – 17:40 **DISCUSSION**

17:40 – 18:00 **WRAP UP**

17:40 – 18:00 ►CHAIRPERSON:

- **Seokwoo LEE** (Professor of International Law, Inha University Law School, KOREA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP)) with **Eon Kyung PARK** (Kyung Hee University Law School, Korea) leeseokwoo@inha.ac.kr/ duke36@daum.net

19:00 – 21:00 **RECEPTION AND DINNER**

2017 SOUTH CHINA SEA WORKSHOP

SCS ARBITRATION AND INCIDENTAL MARITIME ISSUES

JUNE 17, SATURDAY

08:30 – 09:00 REGISTRATION

09:00 – 09:10 OPENING

- 09:00 – 09:10 - **TRAN Truong Thuy** (Executive Director, Foundation for East Sea Studies (FESS); Senior Fellow & Deputy Director, Bien Dong Maritime Institute, Diplomatic Academy of Vietnam (DAV), VIETNAM)
tranhatinh@yahoo.com
- **Seokwoo LEE** (Professor of International Law, Inha University Law School, KOREA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP))
leeseokwoo@inha.ac.kr
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09:10 – 09:30 KEYNOTE SPEECH

- 09:10 – 09:30 - **Tomas HEIDAR** (Judge, International Tribunal for the Law of the Sea)
tomas.heidar2016@gmail.com
: “The Rule of Law, the Law of the Sea and Peaceful Settlement of Disputes”
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09:30 – 10:00 GROUP PHOTO AND COFFEE BREAK

10:00 – 11:30 SESSION 1: PRESERVATION OF THE MARINE ENVIRONMENT

- 10:00 – 10:50 ►CHAIRPERSON:
- **Warwick GULLETT** (Professor, School of Law, University of Wollongong, AUSTRALIA)
wgullett@uow.edu.au
- PRESENTATIONS:
- **Robert C. BECKMAN** (Professor, Faculty of Law; Head of Ocean Law and Policy, Centre for International Law (CIL), National University of Singapore, SINGAPORE)
cilbeckman@nus.edu.sg
: “The SCS Arbitration and UNCLOS Obligations on the Marine Environment”
- **VU Thanh Ca** (Viet Nam Administration of Sea and Islands, VIETNAM)
cavuthanh@gmail.com
: “Conservation and Sustainable Use of Biological Resource in the South China Sea”
- **Deok-Young PARK** (Professor, Yonsei Law School, Korea)
lawpd@hanmail.net, lawpd@yonsei.ac.kr
: “Overfishing and Fisheries Subsidies Issue in International Law”
- 10:50 – 11:30 DISCUSSION
- **Jay BATONGBACAL** (Professor, College of Law, University of the Philippines, THE PHILIPPINES)
jay.batongbacal@gmail.com

- **Thi Lan Anh NGUYEN** (Professor, Diplomatic Academy of Vietnam, VIETNAM)
nlanhiir@yahoo.com, lananhdav@mofa.gov.vn
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11:30 – 13:00 LUNCH

13:00 – 14:30 SESSION 2: FISHING ACTIVITIES AND LAW ENFORCEMENT

13:00 – 13:50 ►CHAIRPERSON:

- **Guifang Julia XUE** (Chair Professor, KoGuan Law School; Director, Center for the Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development, Shanghai Jiao Tong University, CHINA)
julixue@sjtu.edu.cn

►PRESENTATIONS:

- **Joanna MOSSOP** (Senior Lecturer, Faculty of Law, Victoria University of Wellington, NEW ZEALAND)
Joanna.Mossop@vuw.ac.nz
: “Do the SCS Case Conclusions on Traditional Fishing Rights Open the Door for Cooperative Fishing Arrangements in the Region?”
- **Clive SCHOFIELD** (Professor and Director of Research, Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, AUSTRALIA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP))
clives@uow.edu.au
: “South China Sea Fisheries: Conflict or Cooperation Ahead?”
- **NGUYEN Dang Thang** (Member, Vietnam Society of International Law, VIETNAM)
thangd77@gmail.com
: “Revisiting Fishery Cooperation in the South China Sea”

13:50 – 14:30 **DISCUSSION**

- **Chie KOJIMA** (Professor, Faculty of Law, Musashino University, JAPAN)
chie.kojima@me.com
 - **Anastasia TELESETSKY** (Professor, School of Law, University of Idaho, USA)
atelesetsky@uidaho.edu
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14:30 – 14:50 COFFEE BREAK

14:50 – 17:50 SESSION 3: MARITIME COOPERATION AND/OR DISPUTE MANAGEMENT

14:50 – 15:30 ►CHAIRPERSON:

- **Dustin Kuan-Hsiung WANG** (Professor, Graduate Institute of Political Science, National Taiwan Normal University, TAIWAN)
khwang.ac@gmail.com

►PRESENTATIONS:

- **TRAN Truong Thuy** (Executive Director, Foundation for East Sea Studies (FESS); Senior Fellow & Deputy Director, Bien Dong Maritime Institute, Diplomatic Academy of Vietnam (DAV), VIETNAM)
tranhatinh@yahoo.com
: “Philippines-China Arbitration and Implications for Cooperation in the SCS”

- **Hee Cheol YANG** (Director, Ocean Policy Institute, Korea Institute of Ocean Science and Technology (KIOST), KOREA) and **Seokwoo LEE** (Professor of International Law, Inha University Law School, KOREA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP))

ceaser@kiost.ac.kr / leeseokwoo@inha.ac.kr

: “The Legal Assessment of the Illegal Fishing Activities of Chinese Fishing Vessels near the Northern Limit Line (NLL) and in Neutral Waters around the Mouth of the Han River between the Two Koreas”

15:30 – 16:00 **DISCUSSION**

- **Karen N. SCOTT** (Professor and Head of the School of Law, University of Canterbury, NEW ZEALAND)

karen.scott@canterbury.ac.nz

- **Dustin Kuan-Hsiung WANG** (Professor, Graduate Institute of Political Science, National Taiwan Normal University, TAIWAN)

khwang.ac@gmail.com

16:00 – 16:30 **WRAP UP**

16:00 – 16:30 ►CHAIRPERSONS:

- **TRAN Truong Thuy** (Executive Director, Foundation for East Sea Studies (FESS); Senior Fellow & Deputy Director, Bien Dong Maritime Institute, Diplomatic Academy of Vietnam (DAV), VIETNAM)

tranhatinh@yahoo.com

- **Seokwoo LEE** (Professor of International Law, Inha University Law School, KOREA; Co-Editor-in-Chief, *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP))

leeseokwoo@inha.ac.kr

18:00 – 21:00 **FAREWELL DINNER**

►DINNER SPEECH

- **Han-taek IM** (Professor, Hankuk University of Foreign Studies: former Director-General, Treaties Bureau, Ministry of Foreign Affairs, KOREA)

htlim81@gmail.com

: “South China Sea Arbitration and Its Legal Implications on Territorial and Maritime Issues in East Asia: From a Korean Perspective”

The Development of International Law in Asia-Korea (DILA-KOREA) is a new academic entity which is responsible for *The Foundation for the Development of International Law in Asia* (DILA) along with the *Asian Yearbook of International Law* (AsianYbIL) and *Asia Pacific Ocean Law Institutions Alliance* (APOLIA).

The Foundation for the Development of International Law in Asia (DILA)

<http://www.dilafoundation.org/>

The Foundation for the Development of International Law in Asia (DILA) was established in 1989, at a time when its prime movers believed that economic and political developments in Asia had reached the stage at which they would welcome and benefit substantially from a mechanism to promote and facilitate exchanges among their international law scholars that had failed to develop during the colonial era.

DILA was established to promote the study of: (a) and analysis of topics and issues in the field of international law, in particular from an Asian perspective; and (b) dissemination of knowledge of international law in Asia; promotion of contacts and co-operation between persons and institutions actively dealing with questions of international law relating to Asia.

DILA is concerned with reporting and analyzing developments in the field of international law relating to the region, and not primarily with efforts to distinguish particular attitudes, policies or practices as predominately or essentially "Asian". If they are shown to exist, it would be an interesting by-product of DILA's essential function, which is to bring about an exchange of views in the expectation that the process would reveal areas of common interest and concern among the State of Asia, and even more importantly, demonstrate that those areas of interest and concern are, in fact, shared by the international community as a whole.

Professor Seokwoo LEE of Inha University Law School, Korea, is currently Chairman of DILA.

The Asian Yearbook of International Law (AsianYbIL)

<http://www.brill.com/publications/asian-yearbook-international-law>

Launched in 1991, *The Asian Yearbook of International Law* (AsianYbIL) is a major internationally-refereed yearbook dedicated to international legal issues as seen primarily from an Asian perspective. It is published by Brill under the auspices of the Foundation for the Development of International Law in Asia (DILA). When it was launched, the Yearbook was the first publication of its kind, edited by a team of leading international law scholars from across Asia. It provides a forum for the publication of articles in the field of international law, and other Asian international legal topics.

The objects of the Yearbook are two-fold. First, to promote research, study and writing in the field of international law in Asia; and second, to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues. Each volume of the Yearbook contains articles and shorter notes, a section on State Practice, an overview of the Asian states' participation in multilateral treaties and succinct analysis of recent international legal developments in Asia, as well as book reviews. We believe this publication to be of importance and use to anyone working on international law and in Asian studies.

In keeping with DILA's commitment to encouraging scholarship in international law as well as in disseminating such scholarship, its Governing Board decided to make the Yearbook open access from 2010 (volume 16) onwards and will be available through Brill's open access format.

Professor Seokwoo LEE of Inha University Law School, Korea and Professor Hee Eun LEE of Handong International Law School, Korea, are the Co-Editors-in-Chief of the Yearbook commencing with the 2015 edition (volume 21).

Asia Pacific Ocean Law Institutions Alliance (APOLIA)

<http://www.brill.com/products/series/maritime-cooperation-east-asia>
<http://www.brill.com/products/journal/asia-pacific-journal-ocean-law-and-policy>

In 2012, Professor ZOU Keyuan of Lancashire Law School, UK and Professor Seokwoo LEE of Inha University Law School, Korea, began to discuss the creation of a new academic organization that would focus its attention on ocean law and policy issues in the Asia-Pacific. The organization was named the *Asia Pacific Ocean Law Institutions Alliance* (APOLIA) and would be a hybrid organization that would include both institutional and individual participation and associations. After the first official meeting in Incheon, Korea, in 2013, the organizers invited Professors Clive SCHOFIELD and Warwick GULLET of Australian National Centre for Ocean Resources and Security (ANCORS) of the University of Wollongong, Australia to join as co-founders. APOLIA has moved forward to establish a book series with highly respected publisher Brill entitled *Maritime Cooperation in East Asia* (MCEA) with general editors Professor Seokwoo LEE and Professor ZOU Keyuan.

Another important fruit of APOLIA's endeavors is an exciting new initiative: The *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP). The launch of this new, scholarly, peer-reviewed journal recognises the increasing importance of ocean spaces to the Asia-Pacific – the most dynamic region globally. Not only are the maritime spaces of the Asia-Pacific of great and growing significance to the states of the region but they are also increasingly contested and under threat. This gives rise to escalating oceans governance challenges and the core objective of the journal is to provide a scholarly forum where these issues can be discussed and analysed.

The journal will be published with Brill from 2016 and initially at least on a bi-annual basis. Each issue of the journal will include 3-4 scholarly articles together with state practice and current legal developments sections. Professor Seokwoo LEE and Professor Clive SCHOFIELD will serve as Co-Editors-in-Chief, the state practice section of the journal will be edited by Professor Anastasia TELESITSKY of the University of Idaho, USA, and the current legal developments section will be the responsibility of Professor Warwick GULLETT of the University of Wollongong, Australia.