

# 2017 DILA INTERNATIONAL CONFERENCE

INTERNATIONAL LAW AND THE LEGACY OF COLONIALISM AND IMPERIALISM: REVISITED

# 2017 DILA ACADEMY AND WORKSHOP

CHINESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW  
STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2016

**DATE:** JUNE 22-24, 2017

**VENUE:** KOGUAN LAW SCHOOL, SHANGHAI JIAO TONG UNIVERSITY (SJTU), CHINA

## CO-HOSTED BY:

THE FOUNDATION FOR THE DEVELOPMENT OF INTERNATIONAL LAW IN ASIA (DILA)  
KOGUAN LAW SCHOOL, SHANGHAI JIAO TONG UNIVERSITY (SJTU), CHINA

*ASIAN YEARBOOK OF INTERNATIONAL LAW* (ASIAN YBIL)

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

YONSEI - SSK RESEARCH CENTER FOR CLIMATE CHANGE AND INTERNATIONAL LAW, KOREA

THE INSTITUTE FOR LEGAL STUDIES OF INHA UNIVERSITY, KOREA

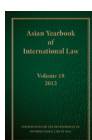
## CO-ORGANISED BY:

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

CENTER FOR THE RULE OF OCEAN LAW STUDIES-SHANGHAI JIAO TONG UNIVERSITY  
(SJTU), CHINA



DILA  
THE FOUNDATION for THE DEVELOPMENT of INTERNATIONAL LAW in ASIA



# 2017 DILA INTERNATIONAL CONFERENCE

INTERNATIONAL LAW AND THE LEGACY OF COLONIALISM AND IMPERIALISM: REVISITED

## JUNE 22, THURSDAY

### ARRIVAL

15:00 – 17:00 **DILA GB MEETING**

18:00 – 20:30 **WELCOME RECEPTION AND DINNER**

## JUNE 23, FRIDAY

08:30 – 09:00 **REGISTRATION**

09:00 – 09:20 **WELCOME ADDRESSES**

09:00 – 09:20 - **Guifang Julia XUE** (Director, Center for Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)

[julioxue@sjtu.edu.cn](mailto:julioxue@sjtu.edu.cn)

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)

[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

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09:20 – 10:50 **SESSION 1: THE PAST: THE VESTIGES OF COLONIALISM**

09:20 – 10:20 ►CHAIRPERSON:

- **Guifang Julia XUE** (Director, Center for Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)

[julioxue@sjtu.edu.cn](mailto:julioxue@sjtu.edu.cn)

►PRESENTATIONS:

- **Hee Eun LEE** (Professor, Handong International Law School, Korea; Co-Editor-in-Chief, *The Asian Yearbook of International Law*)

[hlee@handong.edu](mailto:hlee@handong.edu)

: “Colonialism and International Law: Legal Positivism as a Theoretical Foundation”

- **Si Jin OH** (Professor, College of Liberal Arts, Sahmyook University, Korea)

[sijinoh@syu.ac.kr](mailto:sijinoh@syu.ac.kr)

: “The Relevance of Colonial International Law Today”

- **Sung-Won KIM** (Professor, School of Law, Wonkwang University, Korea)

[eastphalia@wku.ac.kr](mailto:eastphalia@wku.ac.kr)

: “A Revisit to the Eastphalia: *woher, warum und wohin*”

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10:20 – 10:50 **DISCUSSION**

10:50 – 11:10 **COFFEE BREAK**

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11:10 – 12:40 **SESSION 2: THE PRESENT: THE CONTRIBUTION OF MINORITY PERSPECTIVES TO THE DEVELOPMENT OF INTERNATIONAL LAW – PART 1**

11:10 – 12:10 ►CHAIRPERSON:

- **Hee Eun LEE** (Professor, Handong International Law School, Korea; Co-Editor-in-Chief, *The Asian Yearbook of International Law*)  
[hlee@handong.edu](mailto:hlee@handong.edu)

►PRESENTATIONS:

- **Pyoung Keun KANG** (Professor, Korea University School of Law, Korea)  
[kangpk@korea.ac.kr](mailto:kangpk@korea.ac.kr)  
: “The Historical Legacies in Korea-Japan relations and the Korean Courts with Specific References to the Issues of ‘Enforced Sexual-Slaves’”
- **Seung-Jin OH** (Professor, College of Law, Dankook University, Korea)  
[lawosj@dankook.ac.kr](mailto:lawosj@dankook.ac.kr)  
: “The ‘Final and Irreversible’ 2015 South Korea-Japan Comfort Women Deal: Revisited”
- **LAN Hua** (Professor, School of International Law, China University of Political Science and Law, China)  
[lanhuacupl@163.com](mailto:lanhuacupl@163.com)  
: “Indigenous People and Right of Cultural Property in International Law”

12:10 – 12:40 **DISCUSSION**

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12:40 – 13:40 **LUNCH**

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13:40 – 15:10 **SESSION 3: THE PRESENT: THE CONTRIBUTION OF MINORITY PERSPECTIVES TO THE DEVELOPMENT OF INTERNATIONAL LAW – PART**

13:40 – 14:40 ►CHAIRPERSON:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

►PRESENTATIONS:

- **XU Bujun** (PhD Scholar, University of Hong Kong Law Faculty, China)  
[xubijunkelly@gmail.com](mailto:xubijunkelly@gmail.com)  
: “The First Sino-Japanese War and the Inter-temporal Rule”
- **ZHANG Xinjun** (Professor, Law School, Tsinghua University, China)  
[zxinjun@tsinghua.edu.cn](mailto:zxinjun@tsinghua.edu.cn)  
: “Reparation for the Chinese Victims of Gross Violations of Rules of Jus In Bello arising out of Sino-Japanese War”
- **ZHANG Xiaoshi** (PhD Scholar, University of Hong Kong Law Faculty, China)  
[sherryzhang317@gmail.com](mailto:sherryzhang317@gmail.com)  
: “Rethinking Narrative on Nineteenth Century International Law: Is There a Chinese Intellectual Connection?”

14:40 – 15:10 **DISCUSSION**

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15:10 – 15:30 **COFFEE BREAK**

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15:30 – 17:00 **SESSION 4: THE FUTURE: CONSTRUCTIVE CONTRIBUTION OF COLONIALISM**

15:30 – 16:30 ►CHAIRPERSON:

- **Dustin Kuan-Hsiung WANG** (Professor, National Taiwan Normal University, Taiwan)  
[khwang.ac@gmail.com](mailto:khwang.ac@gmail.com)

►PRESENTATIONS:

- **Deok-Young PARK** (Professor, Yonsei Law School, Korea)  
[lawpd@hanmail.net](mailto:lawpd@hanmail.net)  
: “Paris Agreement and its Subsequent Negotiations: Conflict of Interests between States”
- **Won-Mog CHOI** (Professor, Ewha Law School, Ewha Womans University, Korea)  
[wmchoi@ewha.ac.kr](mailto:wmchoi@ewha.ac.kr)  
: “Trade Retaliation by the First World against the Third World - Trumpism and Its Legal Implications”
- **John Anthony (Tony) CARTY** (Professor, Law School, Tsinghua University, China)  
[tcarty@mail.tsinghua.edu.cn](mailto:tcarty@mail.tsinghua.edu.cn)  
: “International Law and China: Heads (Coin Toss) the West Wins, Tails China Loses”

16:30 – 17:00 **DISCUSSION**

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17:00 – 17:30 **WRAP UP**

17:00 – 17:30 ►CHAIRPERSONS:

- **Guifang Julia XUE** (Director, Center for Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)  
[julixue@sjtu.edu.cn](mailto:julixue@sjtu.edu.cn)
- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea) with **Leonardo BERNARD** (Ph.D. Candidate, Australian National Centre for Ocean Resources & Security (ANCORS), University of Wollongong, Australia)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr) / [lb987@uowmail.edu.au](mailto:lb987@uowmail.edu.au)

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18:00 – 20:30 **DINNER**

# 2017 DILA ACADEMY AND WORKSHOP

CHINESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW  
STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2016

JUNE 24, SATURDAY

08:30 – 09:00 **REGISTRATION**

09:00 – 09:20 **WELCOME ADDRESSES**

- 09:00 – 09:20 - **Guifang Julia XUE** (Director, Center for Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)  
[julixue@sjtu.edu.cn](mailto:julixue@sjtu.edu.cn)
- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

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09:20 – 10:50 **SESSION 1: CHINESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW – PART 1**

- 09:20 – 10:20 ►CHAIRPERSON:
- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)
- PRESENTATIONS:
- **HE Zhipeng** (Professor of International Law, Jilin University School of Law, China)  
[hezp@jlu.edu.cn](mailto:hezp@jlu.edu.cn)  
: “Challenges and Possibilities for China to Contribute in International Legal System”
- **LIAO Li** (Associate Professor of Law School, Wuhan University, China)  
[liao.li@whu.edu.cn](mailto:liao.li@whu.edu.cn)  
: “China and International Dispute Settlement”
- **ZHOU Jiang** (Director, Teaching and Research Office of International Law; Secretary-General, Research Center of the Law and Policy of the Sea and Space; Professor, Southwest University of Political Science and Law, China)  
[zhouj@swupl.edu.cn](mailto:zhouj@swupl.edu.cn)  
: “The Metaphysical Interpretation on the New Maritime Silk Road Strategy”

10:20 – 10:50 **DISCUSSION**

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10:50 – 11:10 **COFFEE BREAK**

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11:10 – 12:40 **SESSION 2: CHINESE CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL LAW – PART 2**

- 11:10 – 12:10 ►CHAIRPERSON:
- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

► PRESENTATIONS:

- **Matthias VANHULLEBUSCH** (Professor, KoGuan Law School, Shanghai Jiao Tong University, China)  
[matthias.vanhullebusch@gmail.com](mailto:matthias.vanhullebusch@gmail.com)  
: “China’s Air Defence Identification Zone: Towards a Crystallization of a New International Custom”
- **ZHAO Jun** (Professor, Law School, Zhejiang University, China)  
[junzhao@zju.edu.cn](mailto:junzhao@zju.edu.cn)  
: “Opportunities and Challenges: Mutual Encouragement and Interactions between International Rule of Law and China’s Rule of Law”
- **XIE Jingjing** (Associate Professor of Law, University of International Relations, China)  
[jingjingxie@hotmail.com](mailto:jingjingxie@hotmail.com)  
: “An Overview of the Enforcement of International Law in People's Republic of China: Transformation, Adoption and Development”

12:10 – 12:40 **DISCUSSION**

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12:40 – 13:40 **LUNCH**

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13:40 – 15:10 **SESSION 3: STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2016 – PART 1**

13:40 – 14:40 ► CHAIRPERSON:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

► PRESENTATIONS:

- **Guifang Julia XUE** (Director, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)  
[julixue@sjtu.edu.cn](mailto:julixue@sjtu.edu.cn)  
: “State Practice in International Law in China in the Year of 2016”
- **Kanami ISHIBASHI** (Professor of International Law, Tokyo University of Foreign Studies, Japan)  
[kanamiishibashi@gmail.com](mailto:kanamiishibashi@gmail.com)  
: “State Practice in International Law in Japan in the Year of 2016”
- **Dustin Kuan-Hsiung WANG** (Professor, National Taiwan Normal University, Taiwan)  
[khwang.ac@gmail.com](mailto:khwang.ac@gmail.com)  
: “State Practice in International Law in Taiwan in the Year of 2016”

14:40 – 15:10 **DISCUSSION**

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15:10 – 15:30 **COFFEE BREAK**

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15:30 – 17:00 **SESSION 4: STATE PRACTICE IN INTERNATIONAL LAW IN ASIAN STATES IN THE YEAR OF 2016 – PART 2**

15:30 – 16:30 ► CHAIRPERSON:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

► PRESENTATIONS:

- **Buhm-Suk BAEK** (Professor, College of International Studies, Kyung Hee University, Korea)  
[bsbaek@khu.ac.kr](mailto:bsbaek@khu.ac.kr), [buhmsukbaek@gmail.com](mailto:buhmsukbaek@gmail.com)  
: “State Practice in International Law in Korea in the Year of 2016”
- **Eon Kyung PARK** (Adjunct Professor, Kyung Hee University Law School, Korea) and  
**Tea-Gil KIM** (Research Fellow, The Institute for Legal Studies, Kyung Hee University Law School, Korea)  
[duke36@daum.net](mailto:duke36@daum.net); [melchizedek114@daum.net](mailto:melchizedek114@daum.net)  
: “Regulations and Measures relating to Living Modified Organisms in Korea”
- **Lowell BAUTISTA** (Senior Lecturer, University of Wollongong School of Law, Australia)  
[lowell@uow.edu.au](mailto:lowell@uow.edu.au)  
: “State Practice in International Law in the Philippine in the Year of 2016”
- **Tran Viet DUNG** (Dean and Professor, Ho Chi Minh City University of Law, Vietnam)  
[tvdung@hcmulaw.edu.vn](mailto:tvdung@hcmulaw.edu.vn)  
: “State Practice in International Law in Vietnam in the Year of 2016”

16:30 – 17:00 **DISCUSSION**

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17:00 – 17:20 **COFFEE BREAK**

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17:20 – 18:20 **SESSION 5: SPECIAL SESSION - CLIMATE CHANGE AND INTERNATIONAL LAW**

17:20 – 18:00 ► CHAIRPERSON:

- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr)

► PRESENTATIONS:

- **Seungmin KIM** (Research Professor, YONSEI - SSK Research Center for Climate Change and International Law, Yonsei University, Korea)  
[justinlaw@naver.com](mailto:justinlaw@naver.com)  
: “Climate Change as Threat to Security?: Same Bed, Different Dreams”
- **Il Ho LEE** (Research Professor, YONSEI - SSK Research Center for Climate Change and International Law, Yonsei University, KOREA)  
[ilho.lee@gmail.com](mailto:ilho.lee@gmail.com)  
: “Technology Transfer as a Response to Climate Change: Half Full or Half Empty?”

18:00 – 18:20 **DISCUSSION**

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18:20 – 18:30 **WRAP UP**

18:20 – 18:30 ► CHAIRPERSONS:

- **Guifang Julia XUE** (Director, Center for Rule of Ocean Law Studies, Center for Polar and Deep Ocean Development; Chair Professor, KoGuan Law School, Shanghai Jiao Tong University, China)  
[julixue@sjtu.edu.cn](mailto:julixue@sjtu.edu.cn)
- **Seokwoo LEE** (Chairman, The Foundation for the Development of International Law in Asia (DILA); Professor of International Law, Inha University Law School, Korea) with **Leonardo BERNARD** (Ph.D. Candidate, Australian National Centre for Ocean Resources & Security (ANCORS), University of Wollongong, Australia)  
[leeseokwoo@inha.ac.kr](mailto:leeseokwoo@inha.ac.kr) / [lb987@uowmail.edu.au](mailto:lb987@uowmail.edu.au)

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19:00 – 21:30 **RECEPTION AND FAREWELL DINNER**



*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.