

The IFLOS Summer Academy

2017 Class Diary

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Introduction:

The experience at the International Foundation of the Law of the Sea (IFLOS) Summer Academy starts right before the trip to Hamburg. At the time the participation is confirmed, the Directorate of the Summer Academy automatically becomes available to provide assistance regarding the bureaucratic aspects concerning the trip to Hamburg. In this step, a comprehensive guide – Welcome to Hamburg – is also made available, where we get in touch with the first information about the Academy, such as arrival in Hamburg, location of the lectures, contacts of the IFLOS team, climate information, what to visit, where to eat, how to find the embassy or consulate of the country of origin (if necessary), health services, banks, laundry services, (...). A set of information always very useful for those who travel to Hamburg for the first time, like us.

Thanks very much Manfred and Jo.



(Class of 2017 Welcome Reception)

Law of the Sea Module (Weeks 1 & 2)

Week 1 - July 23th-29th

Once in Hamburg, the conditions are fulfilled to start the Summer Academy of the IFLOS, which begins with the reception and welcome to the participants, where we are accredited, presented to each other, as well as like the people who make the program possible, board of Directors, lecturers and sponsors. Surprisingly, a moment that has everything to be rigid, is assumed to be relaxed, followed by a delicious cocktail, during which individually we learn from each other. A perfect ice breaker!

The first day of the first week corresponds to the moment where we first contacted what should be our next 4 weeks in Hamburg. There is much expectation and excitement. The first appointment was with Mr. K. Gaba (Tribunal Chief of Security) that gave us a security briefing. The work begins, right after, with a framework of the International Tribunal for the Law of the Sea (ITLOS), where we will have most of the lectures, and their activities: origins, jurisdiction, procedures – establishment of disputes, jurisprudence, related with delimitation, on one hand, and on the other, related with urgent cases, namely, prompt release and provisional measures, while not ignoring the competence to provide advisory opinions. The lectures related to ITLOS divided the weekly space with the lectures on UNCLOS, it is not by chance that the ITLOS Statute derives from that international instrument, as well as a considerable part of the law applied by the Court.

Elements associated with distinct Maritime Spaces, States' Rights and Obligations, Limits - external and beyond national jurisdiction - of the Continental Shelf, were emphasized. Sharing the agenda with the lectures, a very important, and interesting, workshop on Ocean Governance, one of the most important topics nowadays and which has won a high level of attention on the part of the International Community, undoubtedly a subject that still holds wide debate and will continue for many years.

The work agenda also provided us with the experience of getting to know the Tribunal, its art (distributed through the entrance hall, rotunda and open space of the first floor, resulting from offers from the member states of UNCLOS), and the courtroom, stage of the Moot Court Competition, but this is a subject for the end of this diary! ;D The visit was guided by the current group of interns of the Tribunal. However, this was not the only tour booked for our first week, in fact, the week ended with two more tours, but this time by the city of Hamburg.



The first tour gave us a similar vision to that of all the vessels that are authorized to enter the port of Hamburg, and to travel (partially or totally) the various channels that make up the Elbe river, as it could not be otherwise, was made using a boat. In truthfulness, the Elbe river tour was preceded by a very enlightening presentation by Dr. Kai-Dieter Classen on the Hamburg Port Authority (HPA) and its management activities, as well as statistics, at the headquarters of that institution. Not to mention that the welcome to the institution was accompanied by a snack that ensured the heating and energies for the session. The second tour ensured a different, and wider, perspective of the city, the terrestrial one. A tour of around 4 hours by the main points of attraction of the city and neighbourhoods, ended with the fantastic panoramic 360-degree aerial view of the city of Hamburg and its port, from the Elbphilharmonie Plaza.



(Hamburg Port & Elbphilharmonie)



Week 2: July 31st-August 5th

New week, same module. In the next five days, the focus of the work will continue to be the themes associated with the Law of the Sea. In terms of content the week is divided into two parts, the first continues to approach issues related to UNCLOS. The Marine Science Research approach, which provided an introduction to research, in addition to addressing the guides and basic legislation, among others; Fisheries, which provided an overview of fish stocks, regulation, conservation and management measures, rights and duties of the coastal States related to EZZ fisheries, etc; Marine Environmental Protection, focusing on the 1972 London Dumping Convention and 1996 Protocol, 1973 International Convention for the Prevention of Pollution from Ships and 1978 Protocol and UNCLOS Part XII; and a Marine Environmental Law Making Workshop where we analysed actors, national legislation, international regulations, topics of a convention, treaty, in the end we studied the case of the Helsinki Convention. Subsequently, the work progressed to another, comprehensive, workshop on Maritime Limits and Boundaries Practical Introduction covering the baselines, median/equidistance lines and equitable boundaries, as well as the relevant circumstances associated with them. During the workshop, we had the opportunity to perform some exercises and in practice experience this amazing science (and art).

The second part of the week focused on the post-UNCLOS challenges. Considering that more than 30 years have passed since the approval of the Constitution of the seas, and that in that period old challenges took centre stage and new ones arose, part of our time was dedicated to this theme, with environmental issues being a focus, since constitute one of the main current challenges, considering the modern use of the oceans. In this way, during two sessions we discussed the possible responses to new challenges, climate engineering, offshore wind energy and gas hydrates, and analysed in depth the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea in the conservation and sustainable use of marine biological diversity beyond national jurisdiction, also known as BBNJ.

As the Moot Court Competition is approaching, and urging the teams' need to prepare for this "challenge", sometime of the week was reserved for the presentation of the case, distribution of teams, and introduction to the ITLOS investigative resources to which, from now on, we have full access and with which we can count on the intensive preparation for this exciting exercise.

Our week has also been given to the Summer Academy Open Event, a magnificent session led by Galo Carrera Hurtado, Commission on the Limits of the Continental Shelf (CLCS) Vice Chairman, on the 20 years CLCS - Achievements, Current Issues and the Way Ahead. Technical aspects, focused on the geology of the ocean floor, which are fundamental to the activities of the CLCS have been analysed, in a sufficiently simple way to be understood by a hearing composed essentially of legal experts.



The week's leisure time was taken care of by a typical German barbecue on a nice Wednesday night and the Baltic Experience, which combined a tour of Lübeck and Timmendorfer Strand in the state of Schleswig-Holstein, in northern Germany. The weather was quite generous on both occasions, so that some of us risked some dives on Timmendorf Strand beach.



Maritime Law Module (Weeks 3 & 4)

Week 3: August 7th-13th

It's the third week, time to start the second module of our Summer Academy: Maritime Law. For those who focused on the Law of the Sea is a moment of anxiety and curiosity, and another opportunity to deepen knowledge in the matter.

Monday was reserved for Shipping, Introductory elements on that industry and its current perspectives were the aspects on which the attention was paid. Tuesday, Wednesday and Thursday were dedicated to Maritime Law. In addition to an introductory approach, we have analysed in detail the legal regimes governing building, buying, selling and scrapping ships, marine insurance, transporting goods by sea, focusing on charter parties and bills of lading. Hague, Hamburg and Rotterdam Rules, have been revisited for a better understanding of the rules governing contracts for the carriage of goods by ships. The legislation and procedures associated with salvage, towage and wreck institutes also deserved our attention. The schedule for Maritime Law was concluded with an analysis of the procedure for arrest of ships. In parallel, two case studies were developed, one on maritime insurance of ships, transport, goods, in case of injuries and deaths, and definition of responsibilities, and another on procedures that are concluded with the arrest of ships.

On Thursday, we also had an evening event, an Italian dinner offered by Ince & Co International Law Firm, during which we could start a new knowledge and exchange experiences with the various employees of the company, including Dr. Volker Lücke (partner) lecturer of the second session of the day. No doubt a very interesting night.

The last day of the week brought back the approach to environmental issues. During the hours dedicated to Marine Pollution, we discussed in depth the various types of damage resulting from spills from ships, as well as legislation and procedures regarding compensation and insurance as a result of these spills, arising not only from navigation activity, but also from misfortunes. A quite complex system, where these procedures are performed and their procedures were addressed.



The week ends with the usual excursion to the capital city. But contrary to what we could imagine, the adventure began before we even left Hamburg! The journey begins at Dammtor railway station, all on board and properly accommodated, it's 8:52 minutes ..., first stop, Hamburg Central Station, more people board the train, times goes by, five minutes, ten minutes ... we are then informed that for technical reasons the train would not follow trip to Berlin and that our trip would continue on another train. All right, were it not for the fact that in the new train we do not have reserved places, and the same is now in overbooking situation. We board, we settle as we have, some sit down, three instead of two, others occupy the spaces in the corridors, nor does the offer of compensation in exchange for "abandoning the boat" demote us. We have a schedule to meet! Lively and literally closer to each other, we set out.

Finally, Berlin. In addition to an automobile tour that aimed to show the main architectural and landscape elements of the city, we also had the opportunity to know more about two of the main symbols of the city's history, and of Germany, the Berlin Wall and the Memorial to the Victims of the Holocaust. Two moments of much emotion and reflection!!

The tour also offered us the privilege of a guided tour of the interior of the Reichstag, accompanied by an explanation of how the Bundestag works. The architecture of a space that harmoniously blends the old and the contemporary, and the energy of an environment with more than 122 years of history and stage of some dramatic and important moments in the history of the country, and World, as well as the art inside, do not leave anyone indifferent. The journey through this well of history ends with a stimulating "climb" to the top of the dome of the building, rebuilt in glass, obeying the same architectural logic present in various parts of the building that alludes to transparency, but retaining the essence of original dome of 1894, in which it takes the inspiration.

After the journey through the interior of the Reichstag, we are ready for another trip, back to Hamburg. Any chance the morning adventure repeat again? Unlikely! Duly accommodated, we set off.





Week 4: August 14th-18th

The first day of the fourth, and last, Summer Academy week is reserved for three sessions under the Maritime Law. In the morning and afternoon sessions we reviewed Ship Building & Vessel Financing. In the first part, the focus is the Role of Classification Societies: History and development; shipping and shipbuilding markets; Contractual relationships; Liability of Classification Societies, etc. In the second part, the focus is the Ship finance: how to finance a vessel?; Sale & Purchase: how to sell or buy a vessel?; and Registration: where to register a vessel?

For the third part of our day a "case study". We went to the offices of Leonhardt & Blumberg, an independent charter owner of handy sized containerships, where we were greeted by its Chairman, Frank Leonhardt, and we learnt of the company's formation in 1903 long history, on how persistently survived the two World wars, as well as the efforts to "dribble" the present crisis of the sector. We also had the opportunity to access the list of all 121 ships that had belonged to the company's fleet over more than a century, and of the 34 container ships that compose it at present. And what bonus, we accompany in real time, via satellite the movement of some of them world-wide. It was a pleasant surprise to see the MV "Hansa Australia" on its march towards the Port of Luanda (Angola).

New day, new scenarios. The starting point is the International Maritime Museum Hamburg, nine floors with over three thousand years of maritime history that we have covered in detail. An introduction to the Museum; History of shipbuilding; Highlights of the collection - a small vessel made in gold, ships made of whale bones and carrying the history of prisoners of war, a realistic painting of the sea, high seas, that gives wings to our imagination for not knowing details of the place that it portrays, for example; Navigation and

communication; Sea explorers; War and peace; Maritime outfits; etc. We also enjoy the temporary exhibition: East meets West - The Maritime Silk Road During the 13th-17th Centuries. Time goes by and we get lost in that universe that is becoming more and more familiar to us.

It is time for the second appointment of the day, the visit to the Max Planck Institute for Comparative and International Private Law. In the program of the visit two highlights, first meet the library of the Institute and its extensive and multilingual collection of more than 500,000 printed bibliography and microfiche items, filed under the country, geographic region and subject area, which cover the areas of International Commercial Law, International Private Law and Foreign Civil Law, and are spread over several floors, followed by lecture on Limitation of Shipowners' Liability, given by Professor Jürgen Basedow, one of the Directors of the Institute.

For approximately two hours, attention was paid to the types of limitation (per transaction, per vessel and per company), the regimes for the vessel-related liability limitation (general and special), the pro's and con's of limitation, which established the basis for a detailed analysis of the 1976 Convention on Limitation of Liability for Maritime Claims, as amended by 1996 Protocol.

The day ends with the tasting of a cocktail, kindly offered by the Institute. Thank you very much Max Planck Institute for Comparative and International Private Law.

Wednesday, August 16, on the agenda of the day just an appointment: Moot Court Preparation! Groups together, the scenario is Villa Schröder, it's time to define strategies, reinforce the arguments, sharpen the speeches, ..., trim the edges, the clock is counting, just under 24 hours. Good journey, fellows.





Thursday, August 17, the day we have been waiting for...

The Moot Court Competition is about to begin and the teams are conducting their final preparations...

The Moot Court concerned a fictional case of a ... but we wouldn't spoil the expectations of Summer Academy Classes to come.

All teams had carefully prepared for the moot court and presented phenomenal arguments before the judges. You could clearly see that the teams had worked extremely well together in preparing for the moot. Despite the fact the judges asked seemingly difficult questions, the speakers were able to remain composed and really argue their case forward!

I, Cecilie, was extremely privileged to have been able to volunteer for the winning team. Team 4, which was representing the state known as ..., really kept their cool. They were able to divide the research and memorial drafting fairly. The team considered everyone's point of view, but more importantly, enjoyed learning from each other, which I believe resulted in their victory. The speakers of the team were exceptionally confident before the judges! I am confident it was their comprised attitude that allowed them to amend their arguments when faced with an ample amount of robust questions coming from the Tribunal's judges.

Once the Moot Court was concluded, the level of competition amongst the teams disappeared, and all participants were able to enjoy a light lunch reception in Villa Schröder. Some small bites to eat and light conversation amongst participants, was the perfect way to really say farewell to the Tribunal. It was sad for many to say good bye, after having had so many intellectually stimulating lectures over the four weeks (all good things do unfortunately have to come to an end).



This day, like many, did not end there... Hotel Hafen Hamburg, here we come!

The final days of the Academy had been challenging for all, so, when it was time for the farewell party, everyone was ready to really have a good time together! The party took place on the top floor at Hotel. Here, participants enjoyed an evening of an incredible panoramic view of Hamburg. Although the weather was not on our side (as per usual), the view was still absolutely mesmerising!

Everyone was able to unwind with a few drinks, which was followed by a short award presentation by Doris König to the winning moot team. Buffet, buffet, buffet...!! Dinner is served. Did we forget to mention it was a scrumptious buffet including a wide range of dishes to satisfy everyone's taste buds?

The evening at Hafen Hotel concluded with a special surprise from a former Summer Academy participant, Christine. Along with her two friends, they put on a spectacular show playing some great Gaelic tunes. Some of the braver participants showed a few moves....



The final good bye, Friday 18th August 2017.

The Graduation Ceremony took place in Hamburg's City Hall. It is not even possible to describe how spectacular the building is with words. All I can say is, it was INCREDIBLE! Some participants appeared dressed in their national dress and others in formal attire.

Great speeches by both Doris König and Phillipe Gautier summarising our month at the Academy and highlighting the importance of both networking with so many international individuals, but also the importance of the Tribunal and Law of the Sea in general. The host, Jan Pörksen, State Council, also emphasized the importance of the Tribunal to the city of Hamburg.

Then it was time to receive our awards, some drinks and the final good bye to so many great new friends!



Concluding Remarks...

Have we mentioned the remarkable list of speakers with which we had the opportunity to share the four weeks of the IFLOS Summer Academy?

Ten judges and former judges of ITLOS, including two former presidents, namely Professor David Joseph Attard, Professor Gudmundur Eiriksson, Dr. Jin-Hyun Paik, Jose Luis Jesus, Professor Liesbeth Lijnzaad, Shunji Yanai, Tafsir Malick Ndiaye, Professor Tomas Heidar, Professor Tullio Treves, and Professor Vladimir Golitsyn (President).

Among the lecturers at the 11th IFLOS Summer Academy there are also other visitors, besides those already mentioned, coming from different countries and areas of interest, being them, Andrew Murdoch, LL.M (UK Foreign & Commonwealth Office), Dr. Christian Finnern (Watson Farley & Williams LLP) , Prof. Filippo Lorenzon Carrer (Institute of Maritime Law - University of Southampton), Gesa Heinacher-Lindemann LL.M (DNV GL), John Brown (Cooley LLP), Professor John Hare (Maritime International Committee), Måns Jacobsson The International Oil Pollution Compensation Funds), Professor Maria Carolina Romero Lares (World Maritime University), Dr. Martin Stopford (Clarkson Research Services), Professor Nele Matz-Lück (Walter-Schücking Institute of International Law - University of Kiel), Professor Norman A. Martínez Gutierrez (IMO International Maritime Law Institute), Professor Peter Ehlers (German Nautical Association), Dr. Robin Cleverly (Marbdy Consulting Ltd.).

Professor Philippe Gautier (ITLOS Registrar), who was assisted by Dr. Ximena Hinrichs Oyarce (ITLOS Deputy Registrar), Professor Doris König (IFLOS Board of Directors Chair), and Johannes Fuchs (Judge International Rounds, Philip C. Jessup International Law Moot Court Competition).

To all, on behalf of myself and my colleagues, thank you very much for your dedication. We also would like to address a special thanks to Marco Meyer and Maurice Pawel, IFLOS Summer Academy team members, for their contribution for the success of the Summer Academy.

To any future participant, remember to practice your “model poses” before heading to Hamburg, as this skill is a prerequisite they do not mention on the application form. Every moment is captured and shared with your colleagues, who end up becoming your family by the conclusion of your time in Hamburg.

To everyone we have met, thank you for the experiences we shared, each and every one of you, now have a special place in our hearts.

Best of luck & kind regards,

Cláudia & Cecilie