

The 10th IFLOS Summer Academy

- 2016 Class Diary -

by Naporn "Prompt" Popattanachai (Thailand)

Introduction

Before proceeding to the task at hand, I would like to say that it is my great honour to be asked to provide the class diary especially for this very special 10th class of the IFLOS Summer Academy. I also would like to say that I was not only a participant of this latest class, but also a returning attendee under the kind sponsorship of the Nippon Foundation through the 10th ITLOS/Nippon Training and Capacity Building Programme on Dispute Settlement under UNCLOS (ITLOS/Nippon Programme). At this stage, I would like to extend my sincere gratitude to the Nippon Foundation for its kindness and support for the ITLOS/Nippon Programme.

In this memoir, I provide my thoughts and happiness in two main parts which correspond to the structure of the Academy courses, that is, the Law of the Sea weeks and the Maritime Law weeks. Amazing and amusing events held in extra to our studies will features also at each stage of the Course. In addition, I would like to take the liberty to provide some insights regarding the fund-raising campaign that I did for the IFLOS at the 2016 ironman Sweden to commemorate the 10th IFLOS Summer Academy. On this particular project, I would like to expressly put on an official record here that without the supports from the IFLOS, the ITLOS, our alumni community and those who believe in enhancing the law of the sea scholarship, the fund-raising campaign could have never been accomplished. Indeed, I am wholeheartedly grateful and sincerely thank you for all of your kindness and contribution to the campaign.



Class of 2016 at the Welcome Reception

Law of the Sea Module

The most exciting moment for me as the participant of the Summer Academy was the Welcome Reception at the Villa Schröder within the vicinity of the ITLOS. The reception recalled the moment and feeling of my first time attending this academy two years ago, meaning that then it was the first time visiting the ITLOS, the supreme judicial institution of the UNCLOS.

As a law of the sea nerd, this was and continues to be very exciting for me. The atmosphere of the reception was very friendly. As a returning participant, it comforted me and made it feel like returning home. Indeed, Hamburg is always a good idea for those law of the sea lovers.

The first two weeks have always been the most enticing weeks for most, if not all, participants of the Summer Academy. Not only is this an opportunity to learn from the distinguished judges of the Tribunal, but also from prominent professors and practitioners in the area of the international law of the sea. The first two weeks were very comprehensive in that it addressed almost every aspect of the international public regulations of the oceans.

Week 1

The first week was kicked off by the development of the UNCLOS regime. Professor **Doris König** gave us very knowledgeable and insightful presentation with the evidence of the use of the sea documented as early as in the 15th century. I have been fulfilled with this fascinating information. In fact, it recalled my excitement I had in this class two years ago with the former President of the ITLOS, Professor **Shunji Yanai**. The comprehensive information offered by Professor König this year complements perfectly with the one offered by Professor Yanai which was from the practitioner's perspective. Indeed, this very first class made me felt blessed for having the chance to be here again.

However, that was just the beginning of the fun really. In my opinion, the most fascinating class of the first week was of the ITLOS Judge, Professor **David Attard**. He gave a lecture on the classic topic concerning maritime zones. The way in which Professor Attard illustrated the interplay between the two 'titans' of the law of the sea – *mare liberum* vs. *mare clausum* – makes it a lot easier to get the law of the sea inside out and understand the balance of fundamental interests of States in the law of the sea. Other lectures were given by judges and staffs of the ITLOS. Of particular excitement were the recent cases, case law, and rules and procedures of the ITLOS given by the President, Professor **Vladimir Golitsyn**, Judge **Rüdiger Wolfrum**, and Mr. Deputy-Registrar **Doo-young Kim** respectively.

Undeniably, the highlight of the first week was the maritime delimitation workshop by the two experienced practitioners – Dr. **Robin Cleverly** and Mr. **John Brown**. Learning how the international judicial institutions decide on the maritime delimitation arguably is not that difficult. However, turning the black letter of the judgment into the real visible delimited line is a real challenge! Indeed, I am really grateful that the IFLOS Summer Academy provides us the practical opportunity to draw these lines ourselves. Indeed, the workshop revealed so many issues hidden behind the courtroom and made aware of the complexities of the issue. Indeed, I know that Rome was not built in one day, however, the maritime delimitation workshop has made my eyes wider and felt equipped with necessary considerations. Please Jo (*Joachim H. König, Director Summer Academy*), kindly make sure this workshop lasts forever on the Academy schedule! In addition, the significance and States' interests on the maritime delimitation were highlighted by the lectures on offshore resources – be it petroleum, mineral resources or marine scientific research. Dr. **Michael Wiedicke** and Professor **Norman Martinez** gave a very good account of these topics. Not relevant to the class, I was happy to learn that Professor Martinez is now on the same industry as mine – triathlon – and I was very happy being a triathlon nerd discussing the training plan with him. 😊



The Maritime Delimitation Workshop



The Port Cruise

The week ended with the classical yet privileged visitation to the Hamburg Port Authority and boat trip offered afterwards. After listening to the showcase of the Hamburg Port, the sightseeing by boat was a very good way to know the city from offshore. On that day, I noticed that all the participants were not fully mingled and blended. However, under the afternoon sunny sky, beers on the boat helped boost up the icebreaking process and people got together even more perfectly! The booster was also from the bus sightseeing tour over the weekend which enabled us to know onshore Hamburg.

Week 2

The second week of the law of the sea part lies in the areas of ocean governance, protection and preservation of the marine environment and resources. Mr. **Andrew Murdoch** (UK Foreign Office and formerly Commander, Royal Navy) provided us with the practical aspects of the rights and duties of the flag-states with lots of excitement and insights from the naval operation against piracy. Dr. **Ralf Döring** and Professor **Erik Franckx** gave us scientific, political, economic, and legal perspectives of the international management of fisheries resources as well as the international regulation of illegal, unreported, and unregulated fishing. Professors **Maria Carolina Romero Lares**, **Bimal Patel** and **Peter Ehlers** gave the lectures on ocean governance, the protection of the marine environment, and law-making of the marine environment law. The one of the highlighted lectures of the week was the continuance of the first week on dispute settlement under the UNCLOS offered uniquely by the ITLOS Judge Professor **Tafsir Ndiaye**. Of course, it was the only class offered in French!

I was happy with the way the IFLOS team set up the conclusion of the week. The law of the sea part of the Academy was concluded with the International Symposium commemorating the 20th Anniversary of the ITLOS and 10th Anniversary of the IFLOS Summer Academy.



The Symposium Family Picture

Not only had we got opportunities to attend the presentations by several distinguished scholars (who later became dark lord moot court judges, but also the symposium brought on the reunion of fellow alumni of the Academy. Indeed, it was the fulfilling event with plenty of warmth and happiness. Apart from that, the food was absolutely gorgeous!

For this year participants, our week ended with our traditional excursion to Lübeck and the famous Timmendorfer Strand. Some of us were fascinated by a city-walk through this famous world heritage town, I was, on the contrary, excited by my second chance with test the temperature of the Baltic at the Timmendorfer Strand! Indeed, that afternoon was very pleasant and this time I was well-equipped with my wetsuit to enjoy a really good swim! I loved every moment there!



The Baltic Experience - Class Number Ten at Lübeck

Maritime Law Module

I have to admit here that I am not a maritime lawyer, and my knowledge of maritime law is close to none. I am pretty sure that there were a lot of participants who enjoyed, and extremely benefited from the maritime law weeks and may be in the position to provide the fuller aspect of the week. As I am the one who is writing this diary, please accept my apologies if something that should be mentioned is missing in this part.

Week 3

The highlight lectures of this part, I think, were the ones offered by Professors **John Hare** and **Filippo Lorenzon**. Professor Hare gave a very amusing introductory lecture to maritime law and one specifically on wreck and salvage. I love the fact that Professor Hare clearly highlighted the hybrid part of the law of wreck

and salvage that it is of both public and private international law characters. It made me feel part of the lecture and not being alienated. Professor Lorenzon's lecture is always entertaining and indeed provocative which, this year, raised a very hot and lively discussion. Professor Lorenzon delivered

Professor Filippo Lorenzon
University of Southampton

If you attend to this part of the Summer Academy, you'll eventually know more about Maritime Law than most of the other lawyers out there.



the lecture on carriage of good by sea and charter parties with the provision of his wealth of practical insights to the class. I noticed good responses from the participants in other classes indicating an excellent presentations. This includes those on Hague/Visby & Rotterdam Rules, ship building, financing and marine insurance, as well as the management of vessel-sourced pollution from the private maritime law perspective. To me, the most valuable part of the maritime law week was the excursions to Leonhardt & Blumberg Shipowner, Blohm & Voss Shipyard, and the Max Planck Institute for Comparative and Private International Law. These visitation has helped visualise the development and the business of the maritime industry, one that I have extremely limited knowledge.

Week 4

What I noticed during these last two weeks was both the nerve and determination of my colleagues put into the Moot Court case. It was amazingly impressive to witness the devotion and efforts everyone put into the case and yet it was funny to see how this thing is getting more and more intense every single year. Anyway, I was pleased to learn that the Mooting competition went well and everyone benefited from the experience in the ITLOS Courtroom. The last excursion of the Academy was one to Berlin. Berlin is always a good place to learn more about international law generally. Visiting the Bundestag was interesting and impressive. For this year, I did not get inside the parliament as I did it already two years ago with my 2014 Class fellows. This year, I facilitated Inês, my adopted kid from 2014, for her guitar performance in front of the Bundestag. She has helped me with the IFLOS fund-raising projects and raised a good sum of money from her gig!



Berlin - The German Capital - Class of 2016 in Front of the Reichstag

The Friends of IFLOS Scholarship from the endorsed fund-raising campaign

Please accept my apologies that I cannot provide the full account of what happened in the last week of the Summer Academy. The reason is simply that I was on a mission endorsed by the Board of IFLOS. That mission was the fund-raising campaign for the IFLOS Summer Academy to enable more participants with financial difficulties to attend our prestigious Academy in Hamburg.



The story began two years ago when I was very lucky to be awarded the scholarship from IFLOS Registrar, Professor **Phillipe Gautier**, enabling me to attend the Summer Academy in 2014. Since then, I felt morally obliged to return this kindness and generosity to IFLOS at some point of my life. Really, the crazy opportunity (some people said so) came up when my slot for the 2016 ironman Sweden was confirmed. I approached Jo for the permission to do the campaign for IFLOS and Jo came up to me two weeks later with an endorsement from the IFLOS Board. The whole story started from there.

The full-distance triathlon (3.8km swimming – 180km cycling – a marathon running) competition was successful within the cut-off time of 16 hours. Although I had a bike accident one day before the race due to some mechanical problems and my left flank was hurt, I managed to pass the finish line in 15:14:16 hrs. To be honest, there were lots of mental failure moments that made me wanted to quit the race right

away. But, it was support, faith, and believe put into this campaign by all friends of IFLOS that prevented me from collapsing. Ultimately, it was a successful project raising the good sum of £ 2038 GBP for the IFLOS Summer Academy enabling more scholarships for next years under the title 'Friends of IFLOS' scholarship. Indeed, having a chance to carry out this campaign was in no way my burden, but was an utmost privilege to contribute some bits back to my beloved institution.

I am not sure if my memoir is conventional to what has been done by the past colleagues (I guess not). But I take the liberty to write in this way. And as a conclusion to this Diary, I would like to sincerely thank IFLOS crew – Jo, Manfred, Alisa, etc. With their hard work and devotion, they ensure the continuation of the IFLOS Summer Academy and, indeed, gave the Academy its global reach. Because of them, the IFLOS Summer Academy is of an excellent international reputation and arguably the best summer academy for the international law of the sea. Lastly, I would like to take this very last opportunity to wish the IFLOS Summer Academy the even greater success and all the very best to every single IFLOS crew!



Thank you and best wishes

Prompt

Summer Academy Participant of Classes 2016 & 2014