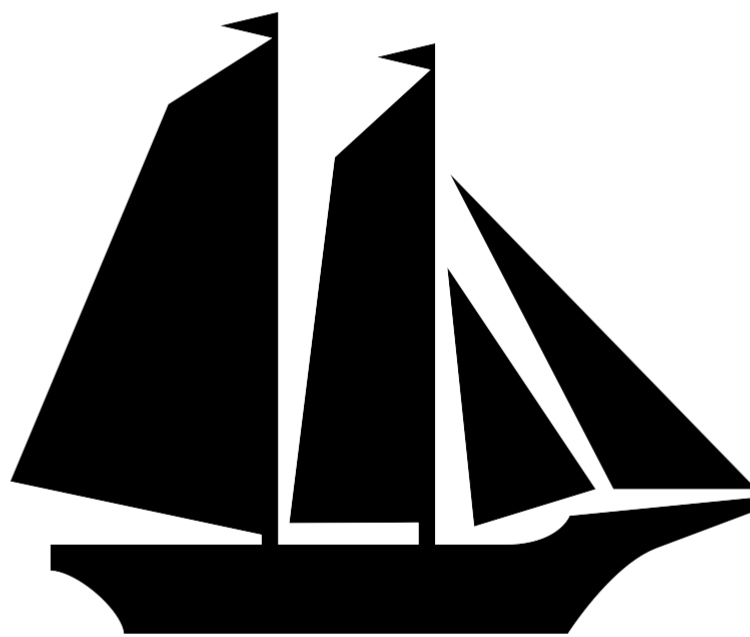


Course Diary

XII International Foundation for the Law of the Sea Summer Academy



Hamburg, 22nd July - 17th August 2018

The Authors

Ladies and Gentlemen, let us first introduce ourselves, the people charged with writing this Diary.

Aurelio Napoleón Aldás Gordillo

I come from Ecuador and I am an officer of the Ecuadorian Navy with specialization in National Maritime interests and marine sciences such as Hydrography.

David Vélez

I am a naval officer of the Ecuadorian Navy specialized in Maritime Conventions. It was a real pleasure to contribute to this diary; and I really think that this course was a great experience in both the professional and personal fields.

Eduardo Cavalcanti de Mello Filho

I am a law student at the Federal University of Paraíba, in João Pessoa, Brazil, also known as the eastern point of (continental) Americas. I really had fun taking notes and writing this diary. It also reminds me that somehow I contributed to the Academy.

Wipada Lalitpattarakit

I was really glad when I heard I would be in the Diary Team. It was my honor to record the memories of the 2018 Class. By the way, I am not in the law field, my background education is marine science. Now I am working as a research assistant at Chulalongkorn University, where my project concerns management and policy of Thailand's marine interests. (*Editor's note: Wipada also contributed with hundreds of photos, for which we thank her effusively*)

Zainaba Abdallah Bachirou

Je suis originaire de l'Union des Comores et chef du Service Juridique à l'agence nationale des Affaires Maritime.

This Diary was written on a daily basis during the 2018 IFLOS Summer Academy, which took place on 22 July - 17 August. It is divided in three parts. First, a description of our curricular activities. Then, the highlights of our extra-curricular events. And, finally, the graduation ceremony.

We would like beforehand to thank the lecturers, the ITLOS, the II Sole friends, and all the supporters!

A special thanks must be, however, devoted to the IFLOS Team, namely, Jo, Manfred, Tilo W., Thilo S., Nele, Doris, and for the sake of fairness, Liv and Maurice.

We also wish you to have tons of fun reading it!

- The Diary Team



David, Zainaba, Eduardo, Wipada, Aurélio



The Welcome Reception



On 22nd July 2018, the 12th Class met for the first time on the premises of the International Tribunal for the Law of the Sea. Following the issuing of our materials, it was high time we started talking to each other. It was also the beginning of many long-lasting friendships.

The Ceremony was succinct, marked by Judge Attard and Professor Matz-Lück's speeches, and preceded a (very good) feast. By no means should the power of an IFLOS Welcome Reception be underestimated! The pleasant atmosphere, of course, was no coincidence, nor could it be. The

Summer Academy has some characteristics that reflect its uniqueness, and we experienced it for the first time on this day.

Firstly, it is surprisingly diverse; personalities from 29 countries were represented at the Academy. Secondly, collegiality is also one of its most remarkable aspects: one always feels at ease. Finally, as you may expect, academic excellence is more than evident!

Firstweek



Prior to the lectures *de facto*, Mr. Kafui Gaba explained how security in ITLOS works, requiring from us certain commitment and attention.

The first part of our Journey was inspiring and set high expectations. Former Judge Gudmundur Eiriksson from Iceland delivered a true masterpiece in the Law of the Sea: his very own experiences. He combined the topic (The Roots of the Tribunal) with his experiences as member of the Icelandic delegation at the Third Conference, as Legal Advisor at the Ministry of Foreign Affairs of Iceland and as Judge of ITLOS. Montesquieu would find it strange, to say the least.

On Monday in the afternoon, the selected one of dealing with us was Ms. Ximena Oyarce, Deputy-registrar at the Tribunal. It was a necessary and thorough lecture on Part XV: if there was something obscure, she clarified it. Definitely, having Part XV with its current trends and challenges in mind enabled us to understand all the other presentations.

The next day was unique for a specific reason and we hope you understand why. First lecture of the day, by Mr. Philippe Gautier, Registrar of the Tribunal, was on the rules of ITLOS. We confess our thought was “it is going to be necessary, but unavoidably boring”. However, we are happy to have been proven wrong. He detailed under a practical and very interesting perspective the “life of a case”, even before any application is made.

Judge Jesus presented on Prompt Release, Provisional Measures and Advisory Opinions. These, even though not merit cases, are way more complicated than it seems. Changing and political decisions, votes or opinions constitute the beauty of it. He is one of the seniors of the Tribunal (only Judge Ndiaye is there for longer) and does not agree with every

decision issued by the Tribunal. These observations can explain how were captured by his lectures.

Wednesday was a tiring but rewarding day. In the morning, Vice-President David Attard delivered us an atypical presentation on Maritime Spaces. Yes. Atypical. His approach was not a descriptive teaching of the Convention using the clichés we all know. He started by reminding us that the preamble provides that the problems of the sea are interrelated and should be dealt with as a whole and that, at the same time, the Convention presents a strict zonal management approach. It was a provocative and “outside the box” lecture.

Dr. Robin Cleverly had our eyes on him for the whole afternoon: his topics were mineral and oil resources. Wonderful job by Robin. The evening was the beginning of one of the most amusing moments of the whole Summer Academy: the Delimitation Workshop.



We drew baselines, territorial sea and delimited opposite, adjacent and even adjacent and opposite coasts. Robin was not alone in this mission: Mr. John Brown also did wonderful. As a matter of fact, we did not only learn to draw lines: we dealt with the legal issues lawyers and scientists face

in maritime delimitation disputes. We also had to present maritime delimitation claims before the class, justifying every line and every turning point.



Always smiling, Bin Zhao, from China, presented his team's maritime delimitation claim.

The first week kept the high standard on Friday. Norman Martínez presented clearly and comprehensively on Marine Scientific Research, highlighting its historicity and its importance for the Law of the Sea as a whole and explaining the most important provisions in UNCLOS.



In the afternoon, at the Port Authority, Kai-Dieter Classen offered thirsty students beverages

and presented us an important part of our host city: its port. Since 1189, when German Emperor Barbarossa founded it, until today. It had a nice closure discussing law of the sea and international maritime law topics ports face and all the concerned relevant factors.

Second Week



Not to say the “keep the high standard” thing again, please allow us to (hopefully) surprise you!

Dear friends, Monday’s topics provoked passions, doubts, discussions and everything a good lecture is made of. And actually for quite similar reasons: in the morning, Andrew Murdoch delivered us a best-among-the-best explanation on Duties and Rights of Flag States and Criminal Jurisdiction on the High Seas, whereas, in the afternoon, always gentle Judge Heidar provided us with a comprehensive explanation of Fisheries in both UNCLOS and UNFSA, mainly.



These subjects represent systems that are not easy to understand at first sight (at least, for us). They deal with various international institutions and programs, (sometimes concurrent) jurisdiction, definition issues, enforcement difficulties and practical aspects, for example. Mr. Murdoch

was brilliant in making it all clear, mentioning various cases and explaining everything under a practical perspective.

As for Icelandic Judge Heidar, his method of explaining how fishery is governed by UNCLOS and UNFSA (consequently by RFMOs *et cetera*) is amazing. If it were possible, he should patent it, seriously. There was also some discussion on recent trends, such as the Central Arctic Ocean Fisheries Agreement and the relation between BBNJ and fisheries, for instance

Tuesday was Former Judge Tullio Treves' and Peter Ehlers' turn. Not by coincidence, we suppose, both lectures were complementary: Treves on Marine Environmental Protection and Ehlers on the making of marine environmental law.

Mr. Treves lectured not only on Part XI of UNCLOS, but on all the provisions somehow related to the marine environment. He went further by highlighting jurisprudential references to Part XI and by analyzing thoroughly Case 17, occasion on which he was President of the Seabed Disputes Chamber. For those with a scientific or non-legal background, the approach may diverge, but it helps to understand how lawyers cope with the relevant issues.

In the afternoon, the workshop was on How to make Marine Environmental International Law. Mr. Ehlers gave us the problem: underwater noise pollution. He guided us since the specification of the problem (vessel-born, in our case) until what institution should host it (or based solely on a diplomatic conference) and how enforcement was due.

On Wednesday, friendly and smiley Nele Matz-Lück and Carolina Romero lectured. Something to highlight on their presentations is surely how methodologically student-friendly they were. Nele Matz-Lück exposed on the challenges beyond UNCLOS.

She clearly defined, for instance, issues that were unknown or even inexistent at the time (e.g. marine genetic resources, climate change) and problems that were known, but happened in a much smaller scale (e.g. plastic debris pollution). Everything also contributed to show how the law of the sea is science-driven.

Ms. Romero lectured on Ocean Governance, defining the main terms and suggesting the consideration of a tripartite structure: legal, institutional and policy frameworks. The concepts learned are indeed extremely useful for any stakeholder concerned with maritime affairs.

Thursday was simply amazing. Former President of ITLOS Rüdiger Wolfrum taught on Maritime Delimitation. It was a dialectic lesson. Questions and answers (not always though!), provocations *et cetera*. His valuable historic and case-law knowledge were a fabulous asset to the lecture.

In the afternoon, ITLOS's Library was kindly presented by Elzbieta Mizerska-Dyba. It was very convenient, since shortly thereafter we would be introduced to the Moot Case. Unfortunately, however, still on Thursday, we knew that five of our companions would leave the course earlier, as they would only attend the law of the sea module.



Bin Jiang, Saif, Anemoon, Margaret, and Béatrice.

On Friday, we faced the hot weather and wore our best attires to the IFLOS Open Event. It was a great conference with the topic "IMO - Latest Achievements, Current Issues and Challenges" imparted by Frederick Kenney, currently Director of Legal and External Affairs of the International Maritime Organization.

He dealt with three main issues : the reactive-proactive shift in IMO's *modus operandi*, the aspects of the technology-driven instruments adopted by it, and the problems related to implementation and enforcement in domestic order. Not to break the tradition, we had a nice cocktail afterwards. It was time for eating, drinking, networking, and meeting some of the supporters of the Summer Academy.



Third Week



Not rarely people propose clear definitions of the Law of the Sea, (International) Maritime Law, and Shipping Law. In despite of the teaching purposes of these definitions, one cannot deny that the System is unavoidably interconnected. The third week was on maritime law and each person has indeed a different background. However, it was not an issue for the lectures though - they made it fruitful for everybody.

On Monday, we were properly introduced to the (wide) Shipping Industry by Martin Stopford. On the next day, we started Shipping Law *de facto*. Professor John Hare made an absolutely wonderful job, as he covered the Introduction to Shipping Law, Salvage and Wreck Law, Hague-Visby, Hamburg and Rotterdam Rules and Marine Insurance. We could not be more grateful.



John, Filippo and us.

Professor Filippo Lorenzon, on the other hand, brought a very practical bias to the discussion on Charterparties and Bill of Lading. We would define this approach as an “economics/business” one. Although he covered more contractual issues related to the carriage of goods by the Sea, his way of analyzing the Industry was utterly useful for the other lectures. In the evening, our Mooties also had a coach on mock trial sessions with Johannes Fuchs.

Already on Thursday, in the afternoon, Volker Lücke lectured on the arrest of ships. His approach was also a practitioner’s one, from which we benefited immensely. He provided us with an ontological and legal understanding of the arrest of ships.

Friday was Måns Jacobsson’s day. His lectures were on Civil Liability for Oil Pollution, encompassing cargo and bunker oil and pollution by Hazard and Noxious Substances. He is a former Director of one of the relevant Funds (among the 1971, the 1992 and the 2003 Funds). He explained the whole functioning of the system, bringing in the activities of the Funds, P&I Clubs, and of national courts. At the end, his exposition was on the challenges of the system.

Fourth Week



By the time the fourth week came, we knew that our daily meetings would soon come to an end. However, this by no means prevented us from making the best of it!

The first lecture was delivered by Christian Finnern. It approached the purchase and the financing of ships. There was an initial explanation on how the sale of ships works, step by step, and then we analyzed a BIMCO model of Memorandum of Agreement, exploring the functionality of the clauses and the possibilities of variation.

In the afternoon, we had two excellent lecturers, Gesa Heinacher-Lindemann and Sigrid Wettwer, on the role of classification societies in the Shipping Industry. By presenting the historical evolution and the concept of class societies, they made us understand the role played by these companies. Moreover, they also covered class societies' responsibility for major disasters in landmark cases, such as the Erika and the Pr  stige.

On the next day, we visited Kiel, where is the seat of GEOMAR, an institute devoted to marine scientific research. There, we not only got in touch with the result of their work, but also were introduced to some of their technology, like their research vessels, autonomous underwater



vehicles and remotely operated vehicles.

On the last lecture-day of the course, lovely Laura Carballo Piñero presented the background and the principles of the 2006 Maritime Labour Convention. She exposed the many issues that may arise concerning seafarers and labour law. By an all-encompassing approach, she covered the roles of flag, port and labour supplier States under the Convention. Ms. Laura did great!

Thursday was a day we were quite anxious to live. In the morning, there were the hearings for the Moot Court. Our colleagues presented Repulsio and Atacanta's claims before a respectable bench: former judge Helmut Türk and Professors Alexander Proelss, Doris König and Nele Matz-Lück.

By the evening, we would have our awaited Farewell Party at the Hafen Hotel.



Alex, from the Philippines, before the Tribunal

Extracurricular Activities



Dear reader, the course would not have been the same without the Extracurricular Activities. In a perfect balance, contemplating, on the one hand, our academic needs and, on the other, our leisure time, we could not feel more at ease and excited about everything. Neither the boredom nor the hellish heat together could ever beat us!

Our most important "extracurricular activity", by far, was lunch. Located a few meters away from the Tribunal, the restaurant Il Sole received us every day, always with kindness.



After Kai's lecture, on the first Friday, we went to our very first social event: a boat ride on the Elbe, under the light of Hamburg's sunset. Probably, the experience was different for everybody, each one enjoying on one's own way. Lots of photos, talking and beer.



On Saturday (28th July), we had a commitment at 10:00: Manfred, Jo and their crew had organized a bus. A very proud Hamburg guide introduced us to our host city's most important features. Don't worry! We are not giving any spoilers!

After classes on Wednesday(1st August), Ms. Liv guided all the way to Blockbräu, a bar in St. Pauli - we even took some two ferries to arrive there. Even with live music and excellent food, the bar's spotlight turned to its Beer, produced a few meters away from us and served from a generously big barrel.



Saif, from the UAE, even took some snaps.



The end of Week 2 had us on the road for Lübeck and Timmendorfer Strand (Beach). On a guided tour, we explored adorable Lübeck, once the capital of the Hanseatic League, throwing us back to medieval times. Timmendorfer Strand, on the other hand, is a beach region indeed, with nice restaurants and stores whose activities revolve around the wet sand of our destination.



Il Sole prepared a barbecue for us on 9th August, at the end of the day. As it was open-bar and open-food, one had to wisely decide one's priority. It was either way a bond-creating evening. Alex and Samuel had the floor and some of us even unleashed their inner party personalities. Too bad we cannot upload videos here!



Samuel holds the guitar and Alex smiles (left).



The last day of the third week was devoted to exploring the German Capital, Berlin. We met at Hamburg's Dammtor Bahnhof to take the train. At our destination, there was a bus waiting for us. We explored, on a guided tour, the history of Berlin and its districts, from Prussia to the 2000s. We also had our time at the Reichstag, where the Parliament sits.



Yes. This is a lift. 48 people limit.

On the last Monday, Leonhardt and Blumberg Shipowners, long-time supporter of the Summer Academy, received us in their conference room. After a very interesting lecture delivered by Mr. Frank Leonhardt approaching shipowners' perspectives on a series of topics, we had a Buffet of undoubted quality waiting for us.



Finally, it was time to celebrate - and mourn over - the completion of the course! The Farewell Party took place at the Hafen Hotel's penthouse, which has an enviable view to the Elbe. The judges of the Moot Court and President Paik joined us in the celebration. Such a nice feast with nice drinks! Upon Jo's request, Alex brought once again the guitar and had Samuel by his side one more time. The novelty was surely Former Judge Türk's participation: he proposed at least three songs and sang along.



After the Party, some were tired enough and others went from the *finesse* of Hotel Hafen Hamburg's penthouse to the Reeperbahn.

Graduation Ceremony



On 17th August 2018, we had our last commitment in the Summer Academy. The Graduation Ceremony took place at the Hamburg City Hall, a magnificent building in the heart of our, then, old friend and host, Hamburg. We all had reserved our best and traditional suits to this special occasion.

Many lecturers, sponsors, and friends were there to honor the closing of the XII IFLOS Summer Academy. At this point in time, probably you, reader, are tired of seeing group photos. And if you skimmed over other diaries, you probably realized some of them have the same background, same frame, same everything, except the participants!

So here goes a set of our best photos:



Beautiful Eli Berlan, from Croatia, holding a glass of white wine.



Always Stylish Kris, from Thailand, admiring his Certificate.



**Jieun, from Korea and Mary,
from Singapore.**

**Cláudia, Jeana, Raj,
Duong, and Valentin.**



Jo and some of his kids