



*International
Foundation for the
Law of the Sea*



13th IFLOS Summer Academy

Promoting Ocean Governance and the Peaceful Settlement of
Disputes

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The Course Diary

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First and Foremost: A Sweet Thought



After 13 years of hard work to get this academy as esteemed and prestigious as it is today, Mr. **Joachim (Jo) König** story with IFLOS came to end and he is going to a stage of **rewarding** himself after the wonderful work he put into the academy since 2007.

“We would like to express our deepest gratitude to you Sir”

With the focus on “Promoting Ocean Governance and Peaceful Settlement of Disputes”, we sailed through a variety of more than 30 lectures and workshops in the Law of the Sea module in the first 2 weeks and Maritime Law in the other 2 weeks and we had the honor to meet and learn from a splendid faculty of 21 current and former Members of the Tribunal, professors, practitioners and professionals from the law of the sea and maritime fields.

“We would like to thank you all for sharing your fine knowledge and experience with us”

History of the Diary

The course diary idea started in 2013 at the 7th session of IFLOS Summer Academy after the foundation decision that the usual resolution had run its course after 6 consecutive years. The first diary writer was Ms. LE Phuong Lan (Vietnam), not being a trained lawyer, was the first participant who did not take part in the Moot Court of the Summer Academy and instead wrote a course diary.

From IFLOS 13 to IFLOS 7

“Thank you Ms. Le Phuong Lan for your inspiration”

Not being a law background participants, lead to being a diary writer which was honestly rewarding. That’s simply the story behind Abdulaziz Alblooshi (Director of Land & Maritime Boundaries Department-United Arab Emirates,) Luisa Piart (social anthropologist-France), Bo Ma (political scientist-China) who tried to keep track of the activities and extensive program we had. In this course diary, we decided to present some lectures and extra social -curricular activities we particularly enjoyed.



This year, we were 41 participants from 28 countries with different backgrounds from Law, technical advice in maritime delimitation, foreign affairs, hydrography, research, coast guard, LLM and PHD students and port authorities. The following map shows the geographical distribution (Coastal States, Island States and Land-Locked State) of the participants. It shows the interest we had for IFLOS academy

and how important is this academy for people working in the fields to join and gain the essential knowledge.



Villa reception

It was a Sunday afternoon, when we were warmly received by the foundation managing directors Mr. Joachim (Jo) König and Mr. Manfred Lohmann who were with us for the whole period of the academy making everything work smoothly for the participants and the lecturers alike from the beginning to the end of the Academy.. On that first evening we had the honor to be welcomed by the ITLOS President Jin-Hyun Paik, the Vice President David Joseph Attard, Prof. Dr. Doris König (Deputy Chair), Prof. Dr. Alexander Proelß (Member of IFLOS Board of Directors), Mr. Philippe Gautier (ITLOS Registrar until 31st July) and Ms. Ximena Oyarce (ITLOS Registrar from 1st of August). We also met many other members and friends of the Foundation and the Tribunal.

The Summer Academy welcome party at the Villa Schröder started with networking and social media activities: we will certainly maintain these bounds as a reward to IFLOS 2019 class! Unfortunately some of us were missing this event because we reached Hamburg at that night so I thought I had to add their photos.



The 1st Quarter

After a short security briefing, we were then escorted to the Tribunal lobby where everyone was delighted to take a picture of the flags of her or his own country.

Our first lecture was then held by Former **Judge Gudmundur Eiriksson** from Iceland. Being a legal advisor of Iceland Ministry of Foreign Affairs and a member of Icelandic delegation to the 3rd Conference of the Law of the Sea which took place from 1973-1982, he shared his experience about this conference that witnessed the birth of the convention.

Ms. Ximena Oyarce talked about ITLOS Inauguration, its Jurisprudence, and how Part XV (of UNCLOS) frames a comprehensive system for the settlement of disputes concerning the interpretation or application of the Convention, as well as the challenges. This equipped us with a solid ground understanding for the coming lectures. She also went through some Merits (Judgments) of the Tribunal verifying from arresting of vessels, fisheries and maritime delimitation. **Mr. Philippe Gautier** presented the rules of ITLOS and took us on an interesting trip following the “life of a case”. He also went through the cases looked before the tribunal since its inauguration.

Ocean Governance and its manifold dimensions is one of the core topics of the academy and was covered by **Dr. Carolina Romero** from the World Maritime University in her lecture. She started with defining and dividing the ocean space, and presented the three important dimensions of ocean governance: policy, legal and institutional considerations. She insisted on the current challenges of ocean governance, such as large marine ecosystems and climate change. Finally a workshop with group activities and short presentations helped us understand the main issues at stake in this field.

ITLOS **Judge, Professor David Attard**, covered the topic of maritime zones which has a very specific sensitivity and was delivered in a very interesting way. Prof.

Attard's way of conveying his message was out of the box technique, which provided us with an easy understating of how the law of the sea could be a tool used by states to maintain their interest.

Judge Rudiger Wolfrum, covered the international jurisdiction on delineation and delimitation of maritime areas. He explained the relevant provisions provided by UNCLOS that regulate the delineation and delimitations of maritime boundaries. In addition, he went through some of the cases of delineation and delimitations from different parts of the world. The issues of agreed land boundary terminus (LBT) and prior agreements were discussed. The lecture was concluded with the role of the jurisprudence.

Professor Norman Martinez defined Marine Scientific Research (MSR), its purpose and the various areas of applications. He also highlighted where does MSR stands today from (no regulation from the first part of the twentieth century) to 1958 conventions all the way to UNCLOS provisions that regulate MSR well. He provided a great details the legal status of MSR in different maritime zones all the way to the area which is regulated and control by International Seabed Authority for the benefit of mankind as a whole. Prof. Martines ended his session presenting with challenges facing MSR in regards to regulations, implementations and knowledge exchange.

Hamburg Port Visit

First week ended with visiting Hamburg port and boat trip throughout its unique terminals. Dr. Kai-Dieter Classen presentation was on the history of the port and its importance as a backbone of Hamburg economy and the role it plays both regionally and internationally.



City Bus tour

The bus tour was a fine opportunity to explore the city of Hamburg from different angle and ended with a nice photo.

The 2nd Quarter

Freedom of Navigation (FON)

The freedom of navigation is one of the most contentious issues at sea. Andrew Murdoch addressed it in his lecture on piracy. He focused on the rights and duties of flag states, as well as coastal states. He explained the situation pre and post UNCLOS. He also touched on the challenges arising in this field on how to apply UNCLOS articles and when they are applicable. He also gave examples of cases before the Tribunal (Australian – Toothfish cases (Viarsa), The MV Saiga Case). Finally, he gave us a case study on Piracy off Somalia and how it operates which was very interesting.

Fisheries

Judge (ITLOS) Tomas Heidar, is known to combine his lectures with a hiking tour. He thus first introduced to fisheries at the Tribunal. Based on his experience as the President of the Chamber for Fisheries Disputes, Judge Heider dove into the oceans and gave us an overview of the fish stocks. Then as being the Director, Law of the Sea



Institute of Iceland, he sailed through UNCLOS articles related to fisheries. His impressive knowledge provided us with a complete and healthy repast of information which was very easy to digest after the hiking trip.

Marine Environmental Law Making

Peter Ehlers was proactive during his lecture and made us interact and discuss to understand the issues of Marine Environment Law MEL. The questions discussed and answered were 1) why do we need marine environmental law? And 2) who is

the law maker, is it National legislation or International agreements and regulations, and what are their implications and applications? And 3) where UNCLOS is involved in this topic? Examples of international conventions were included with an emphasis on The Helsinki Convention 1992.

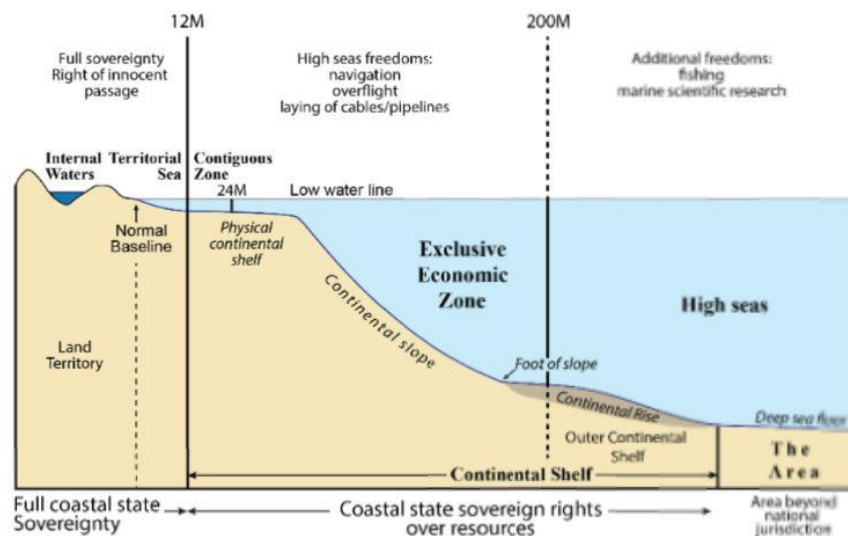
Offshore Resources

Dr. Robin Cleverly founded Marbdy Consulting Ltd. in March 2015 to supply expert technical advice in the field of maritime boundary determination particularly dispute resolution, principally to governments and law firms. He introduced offshore resources and divided them into minerals, oil & gas. In order to convey his message, he introduced a figure that helped understand the difference between sovereignty and sovereign rights of coastal states at sea, Territorial sea, EEZ and area beyond 200NM.

He supported that with articles from UNCLOS such as Articles 56, 77, 82, 137(a), it was important for us to know about these issues in order to understand what was coming next. Robin went through details of offshore mineral resources deposits and went back to millions of years on how the oil was formed, We were also very interested in the topic because it was an introduction to the delimitation session lead by **Mr. John Brown** (a Consultant in the Law of the Sea at Cooley Ltd and former Head of the

Law of the Sea Group at the UK Hydrographic Office).

Offshore resources play a very critical role in delimiting the maritime boundaries and that is why states



try to use the most suitable and favorable methods to delimit their boundaries in order to preserve and extend their water and any change can lead to loss of valuable resources.

Delimitation Workshop

After presenting the principles of Maritime Limits and Boundaries, **John Brown** went through the importance of drawing baselines in generating maritime zones, enforcing national jurisdiction and therefore calculating boundaries. UNCLOS articles were highlighted and different methods were introduced as well as the importance of special and relevant circumstances. John Brown took us on a journey through cases from the Bay of Bengal to the Black Sea, from the North Sea to the Caribbean Sea, from the Pacific to the Atlantic Ocean: this was simply a comprehensive lecture in maritime delimitation. . We were divided into 6 groups and started the hands on experience through different practical sessions. Finally, Boundary Scenario: Tasmania vs Victoria handouts were distributed and we started working on the case according to what we had learned and we were supervised by both Robin and John. The workshop was a highlight of the Summer Academy as we learned many techniques of delimitation.





The New Challenges in the Law of the Sea

This topic was presented by IFLOS alumni Moon Court winner 2014 **Eric Van Doorn**, who talked about issues that were not covered by the convention, or not covered enough. We got the chance to express our concerns and thoughts of the challenges we are facing in real life. The convention was short in areas delimitation, marine environment protection, fisheries, marine scientific research, the regulation of oil and gas extraction which brings lots of arguments in the present days and such arguments will increase in future. We were very excited about the lecture and asking many questions.

ITLOS Library

The afternoon session was an introduction by **Ms. Elzbieta Mizerska** in the Tribunal specialized library which has a comprehensive collection on the law of the sea and related subjects. She explained how to use



the borrowing and research services and we took a very nice photo with her in the lower part of the building.

Moot Court Formation

Finally, the members of the four moot court groups were made public. We could see the excitement from the faces of these ambitious lawyers and we could very well imagine them before the Tribunal working in real LOS and/or maritime cases.

BBNJ

Ms. Liesbeth Lijzaad then introduced the marine biodiversity area beyond national jurisdiction and what is done so far on this important issue. She explained and shared the rationales behind states to take their stand in terms of regulation and implementation. She also shared the conservation and sustainable use of BBNJ and how 15 years of discussion led to the preparation of the current treaty. We participated in a BBNJ workshop to quickly challenge our learning cycle which was even more interesting than the lecture itself.

LOS Module Ends

We had to say goodbye to 3 of our IFLOS 2019 friends (Yaqoub -UAE, Warren-UK (the man who started bringing cookies to our coffee break-many thanks to you my friend) and Eleanor (the British Diplomat) as they were to attend the Law of the Sea Module only.



Meeting ITLOS President

During that afternoon we also attended a special event: **ITLOS president Prof. Jin-Hyun Paik** gave a speech at the Tribunal. He addressed the contribution of the International Tribunal for the Law of the Sea towards the Development of International Law and how it is helping to resolve disputes between states.



Lübeck visit

The academy arranged a visit to Lübeck on the Baltic Sea ended with a very nice Launch.



Thanks Mr. & Mrs.
Konig for accompanying
us in this trip

The 3rd Quarter

Maritime Law Module

Introduction to the Shipping Industry

This week we finally started the maritime law module with a presentation from **Dr. John Doviak**, the Managing Director of the Cambridge Academy of Transport. He started with an introduction to the shipping industry and its current perspectives on world trade and shipping. He highlighted the major owners of the world along with historical growth of merchant fleet.

Maritime Law

We then started maritime (Shipping) law for extensive 3 days with **John Hare** the professor of shipping law from the University of Cape Town. Prof. Hare emphasized the limitation of the shippers' liabilities and the importance of insurance. He described the sources and the instruments of modern law governing maritime law.

Wrecks and the Law

Wednesday started with a beautiful rainy weather and **John Hare** addressed on the topic of Wrecks and the law. We went through the issues of private, public and insurance laws dealing with such topic. Some of the famous wrecks were introduced such as The Titanic, The Central America, the Costa Concordia and some others.

Carriage in Context

Filippo Lorenzon passionately explained Carriage of Goods by Sea (1 & 2), Charter parties and Bills of Lading. It was very lazy afternoon after a delicious launch, but thankfully Filippo made very enthusiastic examples of how the products are moved around the globe (the story of how the PET bottle is manufactured) he

got our full attention. He also explained the complexity of the shipping industry and contracts involved.

Salvage and Towage

We started with the differentiation between the two terms then their history and their applicable law. Both topics were covered then in term of their general principles, elements and other related details.

The next morning **John Hare** started the rules of Hague- Visby and how it's the main resource of maritime law nowadays. He went briefly through other rules such as Hamburg and Rotterdam rules. He also touched upon the shortcomings of Hague Visby. Marine insurance principles and practices was the last topic covered by John, when he presented the main players in the world of shipping.

Oil Pollution

Finally Friday of the 3rd week, a step away to the excursion to the capital of Germany Berlin, **Prof. Måns Jacobsson** (who has been teaching at the Academy since 2007), covered the issue of oil pollution starting from how the super tanker Torrey Canyon incident led to the 1969 CLC (Civil Liability Convention) and 1971 Fund Convention and since then there has been many discussion, issues and challenges and consequently new conventions. He covered in details the liabilities, limitation and compensation. An emphasis was given to the International Group of P & I clubs and their role in the process.

Special Remarks

We would like to thank our German colleague Maurus (an ambitious undergraduate Lawyer and fine barista to make our everyday coffee)



The German Capital (Berlin) Excursion



The 4th Quarter

Time passed very quickly and we reached the last week of the academy, adrenaline is there for the young moot court participants when reaching the due date to submit their pleadings. After a very hot start of the Summer Academy, this week was cold, windy and rainy (unusual as per our German colleague's opinion). However, it was very enjoyable especially for our friends from the Arabian Gulf Countries (UAE (Me), Bahrain and Oman) where temperature was reaching 50 °C.

The Role of Classification Societies

We started the last week with the Senior Vice President **Gesa Heinacher** (DNV-GL one of the fine classification society). She went through the history and development of classification societies and how it started from 1696 with Edward Lloyd began publishing a weekly shipping newsletter from his coffeehouse in London, which evolved into a center of marine insurance. Gesa also expressed the important role of classification in ship safety and environmental protection and how they will benefit from statutory limitations of liabilities. It was also essential to show some clarification of the role of classification societies in the maritime industries as well as the challenges occurring in this industry.

SALE & PURCHASE, REGISTRATION AND FINANCE OF SHIPS

Dr. Christian Finnern (a lawyer from Watson Farley & Williams LLP) closed the topic of Maritime Law module with a detailed presentation on the Sale & Purchase, Registration and Finance of Ships. He went through great efforts in explaining the shipping contracts.

We were also thrilled to be addressed by **Dr. Cleopatra Dombia-Henry**, the first female president of the WMU from a developing country. She gave a lecture on the origins, adoption, implementation and impacts of the Maritime Labour convention 2006 (MLC, 2006) as revised. She expressed her delight and pride

about the theme of the 2019 World Maritime Day: Empowering Women in the Maritime Community!

Moot Court Day

It was a beautiful Thursday morning cool and rainy. While I was enjoying my early morning coffee in this fantastic weather, our colleagues were dressing up for the moot court and getting ready for the pleadings before the court. I found them balanced and armed with courage and knowledge they had and gained from this fine academy. The case was challenging and very similar to a real one, but with fictional state names. Of course, the judges were tough, challenged the teams with many questions. In spite of such a short time window, the teams were able to swiftly re-arrange and amend their arguments and defend their state. There proved to be very smart and strong lawyers and it was extremely hard for the judges to choose the winning team, but eventually they had to choose one team as well as one individual person (Rocky Guzman from Philippines) for the best performance. Let your eyes reward themselves seeing those winners below.



Farewell Dinner

We had mixed feelings at the farewell dinner, on the one side excited to wind up the academy and go back to see our families, and on the other side, it was a challenge to say good bye to all these fantastic and splendid group of people with whom we literally lived with for a month. I guess we all realized, that **Life goes**

on-as in the Titanic! Right on the top floor of the Hafen Hotel with a wonderful panoramic view of Hamburg, we had our last delicious buffet which was especially rewarding.

I also had to get the attention straight after the dessert (I think many people were waiting for this) and say a few words on behalf of my colleagues to thank Mr. Joachim (Jo) König as he was going to a rewarding stage of his life.



Graduation Ceremony

Every good moment has an end with ongoing spectacular memories and hoping to meet some day somewhere definitely. Friday 16th of August 2019, was a story of graduation ceremony at the city hall of Hanseatic city of Hamburg. We were well received and addressed by Dr. Till Steffen (German politician of Alliance 90/The Greens). The importance of Tribunal to the city of Hamburg was emphasized. We also had the privilege to listen to what Ms. Ximena Hinrichs Oyarce (ITLOS Registrar) and Prof. Dr. Nele Matz-Lück (IFLOS Chair) had to say about ITLOS, IFLOS, Hamburg City and the sponsors. Appreciation was shown to those individuals also. Finally, the time came to receive our certificates and have that group photo at this fine and esteemed place of Hamburg city hall.



Enjoy & Reward

Abdul & Luisa & Bo