

6th Asia Maritime Security Forum

**NEW DEVELOPMENT OF OCEANS  
LAW AND POLICY IN ASIA-PACIFIC  
AND THE ARCTIC**

November 15-16, 2018 | Haikou, China

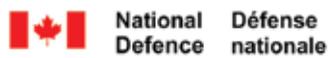
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## Your Accommodation & Travel

Dear participants,

We are delighted to have you for the 6th Asia Maritime Security Forum, which will be hosted on 15-16 November 2018, in the National Institute for South China Sea Studies (NISCSS), Haikou, China. Please find below a brief summary of the logistics.

### HOTEL ACCOMMODATION

We have arranged accommodation for you at the Hilton Haikou Meilan. The room is reserved under your name. Breakfast and internet access are included. The NISCSS will cover accommodation rate and taxes. You are only expected to bear incidental expenses (laundry, telephone, etc.) if there is such.

### HILTON HAIKOU MEILAN

Address: No.2 Qiongsan Avenue, Meilan District, Haikou, Hainan Province P. R. China, Postal code: 571126

Tel: +86-898-36398888

Fax: +86-898-36607777

Website: <http://www.hilton.com.cn/zh-cn/hotel/haikou/hilton-haikou-HAKMEHI/index.html>

Check-in time: 02:00pm

Check-out time: 12:00pm

Should you require a late check-out, please inform the organizer. We will do our best to accommodate your need. Should you also decide to stay longer, the organizer, unfortunately, will not be providing for such stay, and the accommodation is to be arranged on a personal expense at our conference special rate.

### VENUE & TRANSPORT

The conference will be held in the NISCSS, Classroom C211, 5 JiangdongYiheng Road, Meilan District, Haikou, Hainan. NISCSS is 15 mins walk away from the hotel. For 15&16 November, **please arrive at the hotel lobby at 8:30am.**

### MEALS

BUFFET	AVAILABLE TIME	LOCATION & DATE
Breakfast	6:30am – 11:00am	Plantation, Ground Floor Hilton Haikou Meilan hotel Nov. 15, 16, 17
Lunch	12:30pm – 2:00pm	NISCSS canteen Nov. 15
Lunch	12:00pm	NISCSS canteen Nov. 16
Dinner	5:30pm – 9:00pm	TBD Nov. 15
Dinner	6:00pm – 7:00pm	TBD Nov. 14, 16

*\*Please show hotel staff your conference pass for dinner at Hilton.*



## REGISTRATION

Registration table will be set up at the Hilton hotel lobby on November 14.

## AIRPORT-HOTEL-AIRPORT TRANSFER

The NISCSS will arrange hotel-to-airport transfer for departure. Please arrive at the hotel lobby **2.5 hours** before departure time.

## DRESS CODE

For symposium: business or office attire

For dinner: smart casual

## RULES OF PROCEEDING

1. Each speaker has no more than 15 minutes to present the paper.
2. Please send your PPT file to Mr. Zhang Anning (zhanganning@nanhai.org.cn) before the conference if you need to use slide show.

## SAFETY ISSUES

Outdoor swimming pools in the hotel are open daily during 09:00 am – 09:00 pm, which is free for hotel guests.

Guests are not advised to use the swimming pool when it is unattended beyond its office hours, nor swim in the sea at any time.

## QUERIES

Dr. Hong Nong (agenda)

email: hongnong@nanhai.org.cn

Ms. Zhang Xinyue (conference coordinator)

email: zhangxinyue@nanhai.org.cn

mobile: +86 13637590024

Mr. Zhang Anning (logistic issues)

email: zhanganning@nanhai.org.cn

mobile: +86 15595829768

Thursday, November 15, 2018

Venue: C211, NISCSS Campus

- 9:00 **WELCOMING REMARKS**  
 Organizers: **WU Shicun** *President, National Institute for South China Sea Studies*  
**Gordon HOULDEN** *Director, China Institute, University of Alberta*
- PANEL 1: REVIEWING REGIONAL MARITIME SECURITY: CURRENT GEOPOLITICS AND BEYOND**  
 Moderator: **WU Shicun** *National Institute for South China Sea Studies*  
 Speakers: **YANG Li** *National Institute for the South China Sea Studies*  
 Topic: Peace, Stability And Rules-Making In The South China Sea: Challenges And Opportunities
- 9:15 **MASAFUMI Iida** *National Institute for Defense Studies, Japan*  
 Topic: Security Environment in the East China Sea
- Ja Ian CHONG** *National University of Singapore*  
 Topic: Common Aversions, Uncommon Cooperation, and ASEAN's South China Sea Test
- James BOUTILLIER** *Royal Canadian Navy Maritime Force Headquarters*  
 Topic: Sino-Russian Collaboration in the High North
- 10:45 **COFFEE BREAK**
- PANEL 2: REVIEWING THE LAW OF THE SEA: RECENT DEVELOPMENT IN GLOBAL AND REGIONAL CONTEXT**  
 Moderator: **Ted MCDORMAN** *University of Victoria*  
 Speakers: **Phillip SAUNDERS** *University of Dalhousie*  
 Topic: Resolution of Marine Jurisdiction Entitlements in the Arctic: The LOS 1982 Regime and Patterns of Conflict and Cooperation
- 11:00 **Michael Sheng-ti GAU** *Hainan University*  
 Topic: The Limits of the Continental Shelf Established Not on the Basis of the Recommendations of the CLCS: A Case Study
- Leonardo BERNARD** *Wollongong University*  
 Topic: Recent Precedents of Maritime Boundary Cases and Their Impact to East China Sea Maritime Disputes
- HONG Nong** *Institute for China-America Studies / China Institute, University of Alberta*  
 Topic: BBNJ Negotiation in the Context of the South China Sea: with a Focus on Area-based Management Practice
- 12:30 **LUNCHEON**

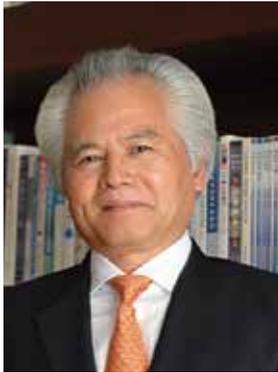
# Agenda

- PANEL 3: MARITIME OPERATIONS AND THE LAW**  
Moderator: **Gordon HOULDEN** *China Institute, University of Alberta*  
Speakers: **Ted MCDORMAN** *University of Victoria*  
Topic: The Safety of Navigation in the Arctic Ocean and the Role of Coasts Guards
- 14:00 **Sukjoon YOON** *Korea Institute for Military Affairs, South Korea*  
Topic: Issues and Resolution of Maritime disputes in Northeast Asia?
- David N. GRIFFITHS** *International Ocean Institute-Canada*  
Topic: Incident Management Among Maritime Law Enforcement Agencies
- LIU Xiaobo** *National Institute for the South China Sea Studies*  
Topic: China's Maritime Law Enforcement: Role of China's Coast Guards & Other Actors
- 15:30 **COFFEE BREAK**
- PANEL 4: EXPLORING MARITIME COOPERATION: WITH AND BEYOND NATIONAL JURISDICTION**  
Moderator: **Jia WANG** *China Institute, University of Alberta*  
Speakers: **David VANDERZWAAG** *Dalhousie University*  
Topic: Marine Cooperation in the Arctic: Edging Forward in a Sea of Challenges
- 15:45 **NGUYEN Truong Giang** *Diplomatic Academy of Vietnam*  
Topic: Cooperation between ASEAN and China on Maritime Issues on the South China Sea
- Rommel C. BANLAOI** *Philippine Institute for Peace, Violence and Terrorism Research*  
Topic: Philippines-China Planned Joint Exploration Of Oil And Gas In The South China Sea: Building Blocks And Roadblocks In Maritime Cooperation
- SHI Yubing** *Xiamen University*  
Topic: Regulating Low-Carbon Shipping for Climate Change Mitigation: Opportunities for Cooperation between China and the Arctic States

Friday, November 16, 2018

Venue: C211, NISCSS Campus

- 9:15 **ROUNDTABLE DISCUSSION: POLICY PROPOSALS OF ENSURING MARITIME SECURITY IN ASIA PACIFIC AND THE ARCTIC AND REGIONAL COOPERATION**  
Moderators: **WU Shicun** *President, National Institute for South China Sea Studies*  
**Gordon HOULDEN** *Director, China Institute, University of Alberta*
- 11:15 **CONCLUDING REMARKS**  
Organizers: **Gordon HOULDEN** *Director, China Institute, University of Alberta*  
**WU Shicun** *President, National Institute for South China Sea Studies*
- 12:00 **WORKING LUNCH**



## SHICUN WU

PRESIDENT

NATIONAL INSTITUTE FOR SOUTH CHINA SEA STUDIES

Wu Shicun has a PhD in history and is president and senior research fellow of China's National Institute for South China Sea Studies, chairman of board of directors of China-Southeast Asia Research Center on the South China Sea, vice president of China Institute of Free Trade Ports of Chinese Characteristics, deputy director of the Collaborative Innovation Center of South China Sea Studies, Nanjing University.

Dr Wu's research interests cover the history and geography of the South China Sea, maritime delimitation, maritime economy, international relations and regional security strategy. His main single-authored books include *What One Needs to Know about the South China Sea* (Current Affairs Press, 2016), *What One Needs to Know about the Disputes between China and the Philippines* (Current Affairs Press, 2014), *Solving Disputes for Regional Cooperation and Development in the South China Sea: A Chinese perspective* (Chandos Publishing, 2013). His main edited books include: *South China Sea Lawfare: Post-Arbitration Policy Options and Future Prospects* (South China Sea Think Tank / Taiwan Center for Security Studies, 2017), *Arbitration Concerning the South China Sea: Philippines versus China* (Ashgate, 2016), *UN Convention on the Law of the Sea and the South China Sea* (Ashgate, 2015), *Non-Traditional Security Issues and the South China Sea-Shaping a New Framework for Cooperation* (Ashgate, 2014), *Recent Developments in the South China Sea Dispute: The Prospect of a Joint Development Regime* (Routledge, 2014), *Securing the Safety of Navigation in East Asia—Legal and Political Dimensions* (Chandos Publishing, 2013). Dr Wu has published widely in academic journals and been the subject of frequent media interviews as a senior commentator on the South China Sea, regional security issues, the Belt & Road Initiative and the development of Hainan Province.



**CHINA  
INSTITUTE**

阿尔伯塔大学中国学院

### GORDON HOULDEN

DIRECTOR

CHINA INSTITUTE, UNIVERSITY OF ALBERTA

Professor Houlden is the Director of the China Institute, Professor of Political Science and Adjunct Professor of the Alberta School of Business at the University of Alberta. He is also a Member of the International Development Research Centre's (IDRC) Board of Governors. He attended the University of Calgary where he received his B.A., and subsequently did graduate work at Carleton University in Ottawa, and at the University Nacional in Lima, Peru.

Professor Houlden joined the Canadian Foreign Service in 1976, and served in Ottawa in the East Asian, China, Caribbean, Latin American and Defence Relations units. Abroad he has been posted to Havana, Hong Kong (twice), Warsaw, Beijing (twice - most recently as Minister 2001-2004), and as Executive Director of the Canadian Trade Office in Taipei (2004-2006). Twenty-two of his years in the Canadian Foreign Service were spent working on Chinese economic, trade and political affairs for the Government of Canada. His last assignment before joining the University of Alberta in 2008 was as Director General of the East Asian Bureau of the Department of Foreign Affairs and International Trade, responsible for Greater China, Japan, the Koreas and Mongolia.

Under Professor Houlden's leadership, the China Institute has focused on contemporary China studies, with an emphasis on Canada's trade, investment and energy linkages with the People's Republic of China, as well as regional security issues, including maritime issues involving the Canadian Arctic and the South China Sea.

## Panel I

# Reviewing Regional Maritime Security: Current Geopolitics and Beyond



*Moderator*

## SHICUN WU

NATIONAL INSTITUTE FOR SOUTH CHINA SEA STUDIES

Wu Shicun has a PhD in history and is president and senior research fellow of China's National Institute for South China Sea Studies, chairman of board of directors of China-Southeast Asia Research Center on the South China Sea, vice president of China Institute of Free Trade Ports of Chinese Characteristics, deputy director of the Collaborative Innovation Center of South China Sea Studies, Nanjing University.





## YANG LI

### NATIONAL INSTITUTE FOR THE SOUTH CHINA SEA STUDIES

Li Yang is a senior research fellow at the National Institute for South China Sea Studies. He is also the Deputy-Director of the NISCS Research Center for Oceans Law and Policy. He graduated from the Law School of Wuhan University and got his Master's Degree in Law in 1996. Then he became a diplomat in the Ministry of Foreign Affairs of China, working in the Dept. of Treaties & Law and the Dept. of Boundary & Ocean Affairs successively. Most of his jobs in the MFA were focused on issues relating to the Law of the Sea as well as to the territorial and maritime jurisdiction disputes in the South China Sea and the East China Sea. His overseas posts include a Counselor of China's Permanent Mission to the United Nations. He joined the NISCS in 2017.

## ABSTRACT

### PEACE, STABILITY AND RULES-MAKING IN THE SOUTH CHINA SEA: CHALLENGES AND OPPORTUNITIES

Territorial and maritime boundary delimitation disputes in the South China Sea are not to be completely resolved in the foreseeable future. How to manage the disputes and maintain peace and stability in the South China Sea is the primary concern for the regional players. Building a rules-based order is part of the regional efforts in achieving this goal. China and ASEAN states are negotiating a code of conduct and tangible progress has been made. This is essentially a process of confidence building and both legal and political considerations shall be involved. An absolute legalistic approach might not help its early conclusion. In the meantime, the tranquility of the South China Sea also depends upon a positive and constructive interaction between coastal and non-coastal states.



## MASAFUMI IIDA

NATIONAL INSTITUTE FOR DEFENSE STUDIES, JAPAN

Senior Research Fellow, China Division, Regional Studies Department, National Institute for Defense Studies (NIDS)

Professor Masafumi Iida holds a B.A. in Policy Management and M.A. in Media and Governance from Keio University, in addition to an M.A. in East Asian Studies from Stanford University. He has held various positions within NIDS, and most recently was assigned as Senior Staff to the Defense Policy Bureau within the Japanese Ministry of Defense (MOD). Additionally, he has completed a term as a Visiting Scholar with the Center for East Asian Studies at Stanford University in 2011 and with the China Maritime Studies Institute at U.S. Naval War College in 2014. Professor Iida has focused his research primarily on China's foreign and security policies and in particular, the growing maritime implications of this relationship within East Asia.

### ABSTRACT

#### SECURITY ENVIRONMENT IN THE EAST CHINA SEA

Military presence of the People's Liberation Army (PLA) has been steadily increasing in the East China Sea (ECS). Chinese warships, including aircraft carrier Liaoning, have conducted exercises not only in the ECS but in the western Pacific beyond the first islands chain. PLA jet fighters continuously fly over the ECS and bombers frequently advance into the western Pacific through Miyako Strait. Increased operations by the PLA around the ECS stimulate Japan to enhance defense capabilities of the Self Defense Forces (SDF) to protect Japanese security in the area. The United States, now regarding China as a revisionist power, tends to strengthen its military presence in and around the ECS for countering China's A2/AD capabilities. The ECS may become one of the fields of strategic competition between China and the US.



## JA IAN CHONG

NATIONAL UNIVERSITY OF SINGAPORE

Ja Ian Chong is associate professor of political science at the National University of Singapore. He previously worked at the Centre for Strategic and International Studies in Washington, D.C. and the Institute of Defence and Strategic Studies in Singapore and was a Princeton-Harvard China and the World Program fellow. Dr. Chong's work crosses the fields of international relations, comparative politics, and political sociology, with a focus on security issues relating to Asia, China, and the United States. He has particular interest in security cooperation and major power rivalry. Additionally, Dr. Chong follows the interplay of social movements, politics, and foreign policy in Asia closely.

### ABSTRACT

#### COMMON AVERSIONS, UNCOMMON COOPERATION, AND ASEAN'S SOUTH CHINA SEA TEST

To ASEAN and its members, the contemporary South China Sea is more than just a set of overlapping disputes that carry a potential for conflict. Maritime traffic on and overflights above the waters are key commercial links for ASEAN members to each other and locations beyond. Commercial fishing in the South China Sea is a major source of protein for much of Southeast Asia and is an activity that pollution and overfishing threatens. Hydrocarbon deposits under the seabed are a potential source of wealth, while fiberoptic cables running along the sea floor connect Northeast Asia, South Asia, Oceania, Europe, and the Americas. The waters of the South China Sea can also be home to pirates, smugglers, and human traffickers, as well as a medium for refugee flows historically. The above presents ASEAN and its members with an array of coordination and collective action problems over the South China Sea.



## JAMES BOUTILLIER

### ROYAL CANADIAN NAVY MARITIME FORCE HEADQUARTERS

Dr. James Boutillier is the Special Advisor (Policy) at Canada's Maritime Forces Pacific Headquarters in Esquimalt, British Columbia. He is responsible for advising the Commander of Maritime Forces Pacific on matters of defence and foreign policy and maritime security in the Asia-Pacific region. Prior to his appointment at MARPAC, Dr. Boutillier spent twenty-four years on staff at the Royal Roads Military College in Victoria as Head of the History Department and then as Dean of Arts. During his time at RRMCC, he was instrumental in establishing the military and strategic studies degree program at the college and taught courses on naval history, contemporary Asia, the history of the Pacific, and strategic issues.

## ABSTRACT

## SINO-RUSSIAN COLLABORATION IN THE HIGH NORTH

While there are enduring Arctic verities, much is changing in the high North, particularly along Russia's northern flank. Under President Putin, Russia has staked much of its future on developing the resources of regions like the Yamal Peninsula. Putin's plans dovetail neatly with the interests of the other Eurasian giant, China, which is energy hungry and is dedicated to diversifying its sources of oil and gas. At the same time, larger geostrategic forces have driven China and Russia together in what is an alignment, not an alliance. For its part, Russia finds itself increasingly isolated, as following the Russian invasion of Crimea in July 2014, Moscow became the subject of a wide-ranging and increasingly punitive programme of sanctions. Accordingly, Moscow is eager to attract Chinese investment; a situation reinforced by economic pressures that the United States is applying to both states.

When we look at the Arctic in 2018, the real focus of activity is in the central region of northern Russia, while the rest of the Arctic is relatively benign. Shipping and

resource extraction are the two activities that need our greatest attention. These activities are intimately connected and Russia, buttressed by Chinese investment and technology, is in a league of its own. There are a half-dozen reasons why this is so. First, the advance of climate change is such that Arctic sea ice is disappearing first along Russia's Northern Sea Route. Second, Russia has - by global standards - a super-abundance of icebreakers. Third, the nature of Arctic shipping is deeply antithetical to the just-in-time delivery system facilitated by more conventional routes. Fourth, the United States has been largely absent in the Arctic under the Trump administration. Fifth, Russia has been remarkably successful in striking oil and gas in the Arctic - the Yamal Peninsula contains the world's largest proven gas reserves. Sixth, as Canadian Arctic expert Adam Lajeunesse has noted, "the Arctic is probably the future of Russian oil and gas production, [which] ... is a requirement for the continued existence of the Russian state."

## Panel II

# Reviewing the Law of the Sea: Recent Development in Global and Regional Context



*Moderator*

### TED MCDORMAN

UNIVERSITY OF VICTORIA

Ted L. McDorman is a Professor at the Faculty of Law, University of Victoria, Victoria, British Columbia, Canada. He has written widely on ocean law and policy issues having published over 120 articles, chapters in books, etc. Since 2000, he has been editor-in-chief of *Ocean Development and International Law*. From 2002-2004 and again from 2011 to 2013, Professor McDorman was “academic-in-residence” in the Legal Affairs Branch of the Canadian Department of Foreign Affairs and International Trade (now Global Affairs Canada) where he was involved in a number of Arctic law of the sea and environmental matters, worked on Canada’s submission to the CLCS and represented Canada at several international forums. From January-May 2007, he was the Fulbright Visiting Chair in Canada-U.S. Relations at the Woodrow Wilson International Center for Scholars in Washington D.C.

Professor McDorman has been a long-time observer of events in the South China Sea. From 1984 to 2002, he was part of the CIDA/IDRC funded Southeast Project on Ocean Law, Policy and Management (SEAPOL) centered in Bangkok, Thailand. Through this project, Professor McDorman was involved in the early years of the track-two South China Sea Workshop Process led by Indonesian Ambassador Hasjim Djalal.



## PHILLIP SAUNDERS

UNIVERSITY OF DALHOUSIE

Director of the Marine and Environmental Law Institute. Dean of Law and Weldon Professor of Law, 2005-2010. Research Fellow at the Centre for Foreign Policy Studies. Teaching and research interests in international marine and environmental law, maritime boundary delimitation, tort law, and international fisheries law. Professor Saunders was formerly with the International Centre for Ocean Development, as Senior Policy Advisor and Field Representative, South Pacific, delivering ocean development programmes in the South Pacific, Caribbean and Indian Ocean. He has advised states law of the sea in the South Pacific, the Caribbean, the Indian Ocean, Southern Africa, Southeast Asia, South Asia, Central America and Russia, including the negotiation of maritime boundary agreements and the drafting of oil and gas legislation.

### ABSTRACT

#### RESOLUTION OF MARINE JURISDICTIONAL ENTITLEMENTS IN THE ARCTIC: THE LOS 1982 REGIME AND PATTERNS OF CONFLICT AND COOPERATION

The 1982 Law of the Sea Convention provides a relatively comprehensive (though not complete) regime for the definition of jurisdictional zones and the resolution of spatial claims, whether through the determination of outer limits of the extended continental shelf, or the delimitation of boundaries between and among overlapping claims. This presentation will: i) review existing claims to marine zones in the region, and their compatibility with UNCLOS norms; ii) summarize progress and cooperative activities in the establishment of ECS jurisdiction; and iii) consider outstanding delimitation and sovereignty disputes, and the prospects for peaceful solution within the structure of the LOS 1982. It will be suggested that experience to date with the establishment and resolution of maritime claims validates the approach taken in the 2008 Ilulissat Declaration, in that the 1982 LOS regime has generally proven to be robust and effective in this regard.



## MICHAEL SHENG-TI GAU

HAINAN UNIVERSITY

Prof. Michael Sheng-ti Gau has degrees of LL.M. (Cambridge), LL.M. (King's College London), and Ph.D. (Leiden) all specialized in public international law. He taught at National Taiwan Kaohsiung University (2000-2005), Soochow Law School (2005-2010) and the Institute of Law of the Sea of National Taiwan Ocean University (2010-2017). Since August 2017 he is professor of public international law at Hainan University Law School and director of the Research Institute for International Justice and Arbitration at Hainan University. For the past 18 years professor Gau has been working on the legal issues of Intergovernmental Organizations (e.g. ICAO, WHO, OIE), law of the sea, Regional Fisheries Management Organizations like ICCAT, SPRFMO and WCPFC, as well as WTO fishery subsidies negotiations.

### ABSTRACT

## THE LIMITS OF CONTINENTAL SHELF ESTABLISHED NOT ON THE BASIS OF THE RECOMMENDATIONS OF THE CLCS: A CASE STUDY

On 1 October 2014, Japan's Cabinet Order No. 302 concerning the limits of Japan's continental shelf beyond 200 nautical miles (nm) to the north of the Oki-no-Tori Shima (the Area 302) took effect. Located in the middle of Western Pacific Ocean, Oki-no-Tori Shima is a protrusion of coral reef as tiny as two king-size beds above sea water and obviously incapable of sustaining human habitation and economic life of its own. Its legal incapability of generating EEZ, continental shelf, and outer continental shelf has been voiced in the CLCS between 2009 and 2012 when processing Japan's submission of information on the limits of the outer continental shelf. Finally the CLCS in its recommendations of 2012 for Japan's submission did not adopt the recommendations prepared by the sub-commission concerning the outer continental shelf to the

south of Oki-no-Tori Shima, namely, the Southern Kyushu-Palau Ridge Region (the KPR Region). Such an omission may imply that the CLCS did not endorse the legal status of Oki-no-Tori Shima as a fully entitled island under Article 121 of UNCLOS, as alleged by Japan. For Shikoku Basin Region (the SKB Region) that is to the north of Oki-no-Tori Shima, the CLCS' recommendations specified an area of extended continental shelf smaller than what Japan initially submitted. This paper discusses the fact that the northern and southern parts of the Area 302 went beyond the recommendations of the CLCS and the ensuing legal issues of whether Japan violated Article 76(8) of UNCLOS by establishing the limits of its outer continental shelf not on the basis of the recommendations.



## LEONARDO BERNARD

WOLLONGONG UNIVERSITY

Leonardo BERNARD was a Research Fellow with the Centre for International Law (CIL), National University of Singapore (NUS), where he focused on international law and maritime boundaries disputes. Leo has researched and written extensively on the maritime disputes in the South China Sea and on the application of historic rights under international law. His paper on 'The Effect of Fisheries on Maritime Boundary Delimitation' was awarded the Law of the Sea Institute (LOSI) Research Competition Award for Early Career Researchers in 2012. He has been invited to present his research on the South China Sea and maritime boundary disputes not only in Singapore, but also in the USA, Australia, Japan, Malaysia, Indonesia, South Korea and China. Leo was also involved in the editing of the books 'Beyond Territorial Disputes in the South China Sea: Legal Framework for the Joint Development of Hydrocarbon Resources' and 'The South China Sea Disputes and the Law of the Sea', both are part of the CIL International Law book series. He is currently a PhD candidate at the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong, Australia.

### ABSTRACT

## RECENT PRECEDENTS OF MARITIME BOUNDARY CASES AND THEIR IMPACT TO EAST CHINA SEA MARITIME DISPUTES

In the past couple of years, there have been a few major developments by international courts and tribunals on maritime delimitation cases that might have a wider impact beyond the parties involved. On 17 March 2016, the International Court of Justice (ICJ) issued its decision on the preliminary objections of Colombia to the admissibility of Nicaragua's request for the ICJ to delimit the continental shelf boundary between the two countries. By the President's casting vote, the ICJ rejected Colombia's objections and decided that Nicaragua's application is admissible. Then, on 23 September 2017, the Special Chamber of ITLOS delivered a judgment fixing

the course of a single, 'all-purpose' maritime boundary between the Republic of Ghana and the Republic of Côte d'Ivoire – both within and beyond 200 nautical miles (M) from the two countries' coastlines. Finally, earlier this year the Compulsory Conciliation Commission between Timor-Leste and Australia on the Timor Sea issued its Report on 9 May 2018, a process which led to an agreement between Australia and Timor-Leste establishing their maritime boundaries in the Timor Sea. This paper seeks to analyse the impact of each of the above developments, especially to the maritime situation in the East China Sea.



## HONG NONG

INSTITUTE FOR CHINA-AMERICA STUDIES AND  
CHINA INSTITUTE, UNIVERSITY OF ALBERTA

Dr. HONG Nong is Executive Director and Senior Fellow of Institute for China–America Studies. She holds a PhD of interdisciplinary study of international law and international relations from the University of Alberta, Canada and held a Postdoctoral Fellowship in the University’s China Institute. She was ITLOS-Nippon Fellow for International Dispute Settlement (2008-2009), and Visiting Fellow at the Center of Oceans Law and Policy, University of Virginia (2009) and at the Max Planck Institute for Comparative Public Law and International Law (2007). She is concurrently a research fellow with China Institute, University of Alberta, Canada, and the National Institute for South China Sea Studies, China. Her research takes an interdisciplinary approach to examining international relations and international law, with focus on International Relations and Comparative Politics in general; ocean governance in East Asia and the Arctic; law of the sea; international security, particularly non-traditional security; and international dispute settlement and conflict resolution.

### ABSTRACT

## BBNJ NEGOTIATION IN THE CONTEXT OF THE SOUTH CHINA SEA: WITH A FOCUS ON AREA-BASED MANAGEMENT PRACTICE

The package of elements agreed at 2011 UN BBNJ Working Group embraces marine genetic resources (MGRs), including benefit-sharing questions, measures such as area-based management tools, including marine protected areas (MPAs), environmental impact assessments (EIAs), capacity building and the transfer of marine technology.

This paper discusses the conceptual models of area-based management tools (ABM) and existing efforts towards ABM, and analyzes the legal framework governing ABMs. Two approaches of the models, namely cross-

sectoral approach (such as marine protected areas), and sectoral approach (such as marine environmental protection) will be applied to elaborate the regional and state practices of ABM in the South China Sea. The paper also highlights the challenges to ABM in areas beyond national jurisdiction and within national jurisdiction in the South China Sea, and explores the future perspective of ABMs in this region, in the context of global trend, regional governance framework and political will.

## Panel III

# Maritime Operations and the Law



*Moderator*

## GORDON HOULDEN

CHINA INSTITUTE, UNIVERSITY OF ALBERTA

Professor Houlden is the Director of the China Institute, Professor of Political Science and Adjunct Professor of the Alberta School of Business at the University of Alberta. He is also a Member of the International Development Research Centre's (IDRC) Board of Governors. He attended the University of Calgary where he received his B.A., and subsequently did graduate work at Carleton University in Ottawa, and at the University Nacional in Lima, Peru.





## TED MCDORMAN

UNIVERSITY OF VICTORIA

Ted L. McDorman is a Professor at the Faculty of Law, University of Victoria, Victoria, British Columbia, Canada. He has written widely on ocean law and policy issues having published over 120 articles, chapters in books, etc. Since 2000, he has been editor-in-chief of *Ocean Development and International Law*. From 2002-2004 and again from 2011 to 2013, Professor McDorman was “academic-in-residence” in the Legal Affairs Branch of the Canadian Department of Foreign Affairs and International Trade (now Global Affairs Canada) where he was involved in a number of Arctic law of the sea and environmental matters, worked on Canada’s submission to the CLCS and represented Canada at several international forums. From January-May 2007, he was the Fulbright Visiting Chair in Canada-U.S. Relations at the Woodrow Wilson International Center for Scholars in Washington D.C.

### ABSTRACT

## THE SAFETY OF NAVIGATION IN THE ARCTIC OCEAN AND THE ROLE OF COAST GUARDS

Much of the coordination and cooperation of vessel activities in the Arctic involve the coast guards of the five littoral States (Russia, Canada, United States, Denmark (Greenland) and Norway) but as well includes the coast guards of Iceland, Denmark and Sweden which together are the Arctic Council States. In 2015 the eight States created the Arctic Coast Guard Forum with the objective of “strengthening multi-lateral cooperation and coordination of Coast Guard activities between the eight member states within the Arctic domain.” This presentation will focus on the role, purpose and activities of the (ACGF). As well, some recent developments in Canada (and elsewhere) respecting coast guards will be noted.



## SUKJOON YOON

KOREA INSTITUTE FOR MILITARY AFFAIRS, SOUTH KOREA

Sukjoon Yoon is a Navy Captain, Republic of Korea Navy (retired), and is currently a senior fellow of the Korea Institute for Military Affairs (KIMA). Before joining KIMA, Captain Yoon's more than thirty years of commissioned service included thirteen years at sea as surface warfare officer and several command and staff appointments. He has been director of maritime strategy studies at the Naval War College, senior lecture, Naval Academy, commanding officer of the ROKS WONSAN, director of policy division, ROKN Headquarters and adjunct professor of the Center for Chinese Studies, IFANS, KNDA, MOFAT, Seoul, Korea. He is graduated of the Naval Academy class of 1976 and of the commander's course of the Naval War College in Korea. He holds a MA in Chinese politics from Fu Hsing Kang Institute of the National Defense University, Taiwan and a Ph. D in international politics from Bristol University, United Kingdom. At present, he is a senior research fellow of the Korea Institute for Military Affairs (KIMA) as well as a member of execute research committee of the SLOC Study Group-Korea, member of the CSCAP-Korea and a member of advisory committee of the Korea National Diplomatic Academy (KNDA).

### ABSTRACT

## ISSUES AND RESOLUTION OF MARITIME DISPUTES IN NORTHEAST ASIA

Northeast Asia is region of great economic and geopolitical significance, and preserving its maritime security is a complex challenge. There are two kinds of contentious issues: territorial disagreements concerning the sovereignty of various small islands, and maritime boundary delimitation disputes, upon which the exploitation of marine resources depends. The United Nations Convention on the Law of the Sea (UNCLOS) is the applicable legal framework, but the semi-enclosed character of Northeast Asian waters has resulted in different interpretations of UNCLOS, with each country using baselines chosen to suit its own interests. But adherence to the legal principles of UNCLOS, as well as other relevant international maritime treaties, is really

the only available and sensible course to pursue. The differences which currently exist among coastal states, and between coastal states and user states, can and should be narrowed by negotiations between the parties involved.

Both military maritime confidence-building measures and civil maritime law enforcement capacity-building measures are also needed to build mutual trust among the parties involved in the ongoing disputes and conflicts, so that none of them feels the need to escalate their existing positions, having confidence that their neighbors and potential adversaries also recognize the benefits of a stable and peaceful maritime security environment.



## DAVID N. GRIFFITHS

INTERNATIONAL OCEAN INSTITUTE-CANADA

A former Canadian naval officer, David spent 15 of his 31 years in uniform at sea in ships and submarines. His time ashore was spent in staff appointments that included personnel policy, project management, operational planning, and doctrine development for which he received a Maritime Commander's Commendation in 1996. In 1992/93 he was seconded to the European Community Monitoring Mission in the disintegrating Yugoslavia where he became head of the Coordination Centre responsible for operations in Eastern Herzegovina, Montenegro and the southern Dalmatian coast of Croatia. Between 1993 and 1996 his duties included serving as a naval advisor to the Middle East Peace Process.

### ABSTRACT

## INCIDENT MANAGEMENT AMONG MARITIME LAW ENFORCEMENT AGENCIES

The maritime environment is inherently complex. Professional mariners therefore recognize that when accidents and incidents occur, even between the closest of friends, the risks of unintended consequences are high. From a political perspective, unintended consequences are the very thing that governments strive to avoid. In today's highly interdependent world, we cannot afford the luxury of leaving the outcomes of such events to chance. They must be managed.

Responsible management requires robust mechanisms to prevent incidents at sea whenever possible; to mitigate the risk from those that cannot be prevented; to respond in a way that minimizes the risk of unintended consequences; and to have an effective post-incident process in place to bring the matter to a satisfactory conclusion.

There are many examples of incident management arrangements between navies around the world but, with some exceptions, these have rarely extended to non-naval vessels. Nonetheless, study of this rich body of experience suggests a number of principles and processes which apply equally well to maritime enforcement agencies and other non-naval bodies. Drawing on that experience to establish robust and resilient incident management arrangements is not only achievable; it should be a political and operational imperative.



## LIU XIAOBO

### NATIONAL INSTITUTE FOR THE SOUTH CHINA SEA STUDIES

Liu Xiaobo is an associate research fellow and Director of the World Navy Research Center at the National Institute for South China Sea Studies (NISCSS). His research focuses on maritime security policy and the law of the sea. In 2016, Mr. Liu published a monograph “Legal Status and Passage Rules of Straits”. Prior to joining the NISCSS, Mr. Liu has served in PLA Navy for 25 years and decommissioned at the rank of Navy Captain. He graduated from Dalian Naval Academy in 2000.

## ABSTRACT

### CHINA'S MARITIME LAW ENFORCEMENT: ROLE OF CHINA'S COAST GUARDS & OTHER ACTORS

Since January 1, 2018, the Chinese People's Armed Police Force (PAP) has been under the unified leadership of the CPC Central Committee (CPC) and the Central Military Commission (CMC), following a command chain of CMC-PAP-armed police units. The PAP falls under the organizational system led by the CMC instead, no longer associated to the State Council. On June 22, 2018, the Third Session of the Standing Committee of the 13th National People's Congress passed a decision to replace the China Coast Guard (CCG) under the command of the PAP and restructure the force into the new PAP Coast Guard Force, officially known as China Coast Guard Bureau, the unified authority for maritime rights protection and law enforcement. Therefore, the CCG now is also a force under the CMC. This presentation discusses whether the CCG is a military force or a government law enforcement force and explores the existing shortcomings and flaws in maritime law enforcement in the relevant domestic legislation in China.

## Panel IV

# Exploring Maritime Cooperation: With and Beyond National Jurisdiction



*Moderator*

### JIA WANG

CHINA INSTITUTE, UNIVERSITY OF ALBERTA

Jia Wang is the Deputy Director of the China Institute at the University of Alberta where she manages research, programs as well as government and media relations. The Institute's main areas of focus are contemporary China studies, with an emphasis on Canada's trade, investment and energy linkages with China, as well as maritime security issues involving the Canadian Arctic and the South China Sea. Jia also advises University senior leaders as well as public and private sector corporations on China related matters and provides frequent media commentary on political and economic affairs of China.

Prior to joining the China Institute, Jia worked as a television news reporter, anchor and producer covering major political, business and cultural affairs for OMNI TV network from 2008 to early 2011. She also worked as a business consultant for Enbridge Pipeline Inc. and a conference interpreter for various business, government and educational agencies.

Jia holds Bachelor of Laws (first class honours) from Peking University and pursued doctoral studies at the University of Toronto. She had written columns for the largest Chinese newspaper and taught business communication and cultural etiquette in Canada.



## DAVID VANDERZWAAG

DALHOUSIE UNIVERSITY

David VanderZwaag is Professor of Law and Canada Research Chair in Ocean Law and Governance at the Marine & Environmental Law Institute, Schulich School of Law, Dalhousie University. He teaches international environmental law and serves as the Associate Director of the Marine & Environmental Law Institute.

Professor VanderZwaag is a member of the International Council of Environmental Law as well as the IUCN World Commission on Environmental Law (WCEL). From 2004-2018, he co-chaired the WCEL's Specialist Group on Oceans, Coasts and Coral Reefs.

### ABSTRACT

## MARINE COOPERATION IN THE ARCTIC: EDGING FORWARD IN A SEA OF CHALLENGES

This presentation will provide an overview of how regional marine cooperation has fared in the Arctic through a three part format. First the various progressions in cooperation will be highlighted. They include the establishment of the Arctic Council in 1996 to serve as the main regional forum for fostering regional cooperation and the numerous marine- related studies and projects of the Council's six working groups. Cooperative efforts led by the five Arctic Ocean coastal States (Arctic 5) will also be reviewed with a focus on the successful conclusion in November 2017 of an Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean whereby the Arctic 5 along with China, Iceland, Japan, South Korea and the EU agree not to authorize high seas fishing until further scientific information is available and precautionary management measures are in place.

Key challenges in regional cooperation will then be summarized. Those challenges include: establishing a network of marine protected areas; reaching agreement

on what further measures should be taken through the International Maritime Organization to address Arctic shipping; deciding on how to strengthen future marine cooperation through the Arctic Council; and putting the new high seas fisheries agreement into practice.

The presentation will conclude by highlighting some of the main lessons that the Arctic offers in relation to regional marine cooperation. The powerful potentials for 'soft law' arrangements to facilitate regional cooperation will be emphasized as exemplified by the negotiation of three binding regional agreements through Arctic Council task forces. How regional cooperation may be enhanced by putting aside defence and security issues is a further lesson. The limits to regional cooperation will also be noted with many global and inter-regional issues needing to be addressed such as climate change, long-range transport of pollutants and the conservation of migratory seabirds.



## NGUYEN TRUONG GIANG

DIPLOMATIC ACADEMY OF VIETNAM

Nguyen Truong Giang is Director General of the East Sea Research Institute at Diplomatic Academy of Vietnam. He was Ambassador of Vietnam to Brunei from 2012 to 2016. From 2008 to 2013, He was Director-General of National Border Committee of the Ministry of Foreign Affairs of Vietnam.

### ABSTRACT

## COOPERATION BETWEEN ASEAN AND CHINA ON MARITIME ISSUES ON THE SOUTH CHINA SEA

The South China Sea region is facing a number of challenges: security instability; fishery depletion; marine environment and ecosystems degradation; piracy, terrorism, transboundary crimes; climate change and natural disasters etc. In that context, the cooperation between ASEAN and China to cope with these challenges is urgent.

There are reasons to believe that such cooperation could be enhanced, namely: the will to cooperate of ASEAN and China; the strategic partnership and close relations over the past years between ASEAN and China; the DOC and the Guidelines for the implementation of DOC; and the 1982 United Nations Convention on the Law of the Sea of which all members of ASEAN and China are party members.

In the coming years, proceeding from the current situation China and ASEAN should consider focusing their

cooperation in the following key areas such as reaching a final COC which are important for long-term peace and stability in the South China Sea; effective implementation of COC and its implementation guidelines; initiate cooperation in semi-enclosed sea among countries bordering the South China Sea; and consider regional regimes on maritime environmental protection and on conservation and management of fish resources in the South China Sea.

The cooperation between China and ASEAN plays an important role in effectively dealing with the above-mentioned challenges, contributing to turn the South China Sea into a region of peace, stability, cooperation and prosperity, for the benefit of all countries.



## ROMMEL C. BANLAOI

PHILIPPINE INSTITUTE FOR PEACE, VIOLENCE AND  
TERRORISM RESEARCH

Rommel C. Banlaoi, PhD, is the Chairman of the Board of the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR) and Director of its Center for Intelligence and National Security Studies (CINSS). He is currently a Professorial Lecturer at the Department of International Studies, Miriam College and the Vice President of the Philippine Association for Chinese Studies (PACS).

Dr. Banlaoi is a member of the International Panel of Expert of the Maritime Awareness Project (MAP) of the National Bureau of Asian Research (NBR) and the Sasakawa USA Foundation. He also serves as a member of the board of the China-Southeast Asia Research Center on the South China Sea (CSARC), and an Adjunct Research Professor at the National Institute for South China Sea Studies (NISCSS) based in Hainan, China.

### ABSTRACT

## PHILIPPINES-CHINA PLANNED JOINT EXPLORATION OF OIL AND GAS IN THE SOUTH CHINA SEA: BUILDING BLOCKS AND ROADBLOCKS IN MARITIME COOPERATION

As a result of warming up of bilateral relations under President Rodrigo R. Duterte (PRRD), the Philippines and China are now planning to pursue joint exploration of oil and gas in the South China Sea. This is a major breakthrough in both countries' bilateral ties in the aftermath of the decision of International Arbitral Tribunal on the case filed by the Philippines against China concerning maritime disputes in the South China Sea. The two countries are now discussing how to come out with a framework on the possible joint exploration in the South China Sea in order to promote cooperation rather than conflict in this highly contested maritime domain in Asia.

The Philippines and China are no longer strange to the idea of joint exploration in the South China Sea. Thus, there are exiting building blocks to pursue joint exploration considering the urgent needs of the Philippines to develop alternative sources of oil and gas with the expected depletion of Malampaya Gas Power Plant in 2030. However, there are also concomitant roadblocks that can prevent joint exploration to materialize. Unless the Philippines and China find ways to remove these roadblocks before the term of PRRD ends in 2022, joint exploration between the two countries will find it utterly difficult to achieve.



## SHI YUBING

XIAMEN UNIVERSITY

Dr. Yubing Shi is an Associate Professor at the Center for Oceans Law and the China Seas, Xiamen University. He is also an honorary fellow at Australian National Centre for Ocean Resources & Security (ANCORS), University of Wollongong (UOW), Australia. Dr Shi served as a lecturer at the Law School of UOW before he joined Xiamen University in 2015. His research interests include international law of the sea and the legal protection of the marine environment. To date he has published over 30 articles in world leading Journals. His article entitled “Greenhouse Gas Emissions from International Shipping: the Response from China’s Shipping Industry to the Regulatory Initiatives of the International Maritime Organization” was awarded the Gerard Mangone Prize for the best article in the International Journal of Marine and Coastal Law in 2014. He is the author of a monograph entitled “Climate Change and International Shipping: The Regulatory Framework for the Reduction of Greenhouse Gas Emissions” published by Brill Nijhoff in 2017.

### ABSTRACT

#### REGULATING LOW-CARBON SHIPPING FOR CLIMATE CHANGE MITIGATION: OPPORTUNITIES FOR COOPERATION BETWEEN CHINA AND THE ARCTIC STATES

As a global issue, climate change has become a common concern of mankind. Since greenhouse gases (GHGs) are main factors leading to global climate change, difference industries, including international shipping industry, have been reducing GHG emissions. Currently the international maritime organization (IMO) is the main international organization responsible for regulating GHG emissions from international shipping, and IMO has achieved some regulatory outcomes.

China is one of the potential users of Arctic route. The five coastal States of the Arctic and China are all members of IMO. Accordingly they have all committed to reducing GHG emissions from international shipping. However, they have differentiated positions and responses to the international regulation of GHG emissions from international shipping. Thus questions arise: given that China and five coastal States of the Arctic have different positions on global regulation of GHG emissions from international shipping, is that possible and to what extent that these countries could collaborate on this issue in the future? Will they conflict on this matter? This article aims to answer the questions.

# National Institute for South China Sea Studies



The National Institute for South China Sea Studies (NISCSS) is a leading think tank in China dedicated to the research of South China Sea issues. There are seven research programs within NISCSS, which cover an extensive portfolio of multi-disciplinary research on the South China Sea, on such subjects as history, geography, geopolitics, regional security, international law, marine economy, environmental and ecological protection, the 21st-Century Maritime Silk Road, laws and policies of Hainan pilot free trade Zone and free trade port, and regional cooperation.

NISCSS began its life as the Hainan Research Institute for South China Sea Studies (HRISCS) in 1996. In July 2004, HRISCS was upgraded and renamed as the National Institute for the South China Sea Studies. In 2013, NISCSS established its Beijing Office in order to promote the study of the South China Sea as well as to improve its network of academic and professional ties. In 2014, the Institute for China-America Studies (ICAS) was launched in Washington, D.C. with the support and sponsorship of NISCSS-affiliated Hainan Nanhai Research Foundation. ICAS is an independent think tank that serves as a bridge to facilitate the exchange of ideas and people between China and the United States. In 2016, China-Southeast Asia Research Center on the South China Sea (CSARC) was inaugurated at Boao. Initiated by the NISCSS,

the CSARC also incorporates influential think tanks in Southeast Asia. Based in China and facing Southeast Asia, the CSARC will convey peaceful and rational voices to the international community with the common vision of regional countries to maintain peace and stability, and seek for common prosperity of the greater South China Sea. In 2019, NISCSS and China Institute for Reform and Development (CIRD), along with Hainan University and Hainan Normal University, co-founded the Institute for Free Trade Ports with Chinese Characteristics, so as to facilitate the development goal of Hainan to be a free trade zone and free trade port.

After twenty years of development and growth, the NISCSS today enjoys more than a hundred established partnerships and academic exchanges with renowned think tanks from over twenty countries and regions of the world.





## China Institute University of Alberta



**CHINA  
INSTITUTE**

阿尔伯塔大学中国学院

The China Institute at the University of Alberta (CIUA) was established in the fall of 2005 with an endowment fund of C\$37 million from the Government of Alberta. The endowment matched the appraised value of The Mactaggart Art Collection, donated to the University of Alberta Museums by local philanthropists Sandy and Cécile Mactaggart, under an agreement by the University that the funds so obtained would be used to create the China Institute, dedicated to enhancing understanding between Canada and China.

CIUA's mission is to promote scholarship at the University of Alberta, to enhance and support new research and teaching activities between Canada and China, and to promote cultural, scientific, and business exchanges.

CIUA's vision is to become known in China and internationally as a unique Canadian enterprise that stimulates outstanding China-related teaching and research initiatives and interdisciplinary collaboration. Spanning a wide range of disciplines, the Institute

encourages the participation of undergraduate and graduate students, post-doctoral fellows, staff, and faculty from the University of Alberta and Chinese institutions.

CIUA works with its campus partners to promote China-related activities at the University of Alberta. Current research focus of the China Institute is on the rapidly evolving role of China in trade, energy, investment and foreign affairs in Canada, China, and in third countries. Particular focus is placed on Canada-China relations.

The major areas of activities include: seminars and lecture series on a variety of topics related to modern China's economics, diplomacy and history; scholarly exchange program; research on Chinese politics, economy, society and energy. Recent conferences organized by the China Institute include: the Public Policy Dimensions of Chinese Investment in Canada, Maritime Security Issues in the South China Sea and the Arctic and China and Canada in Africa.

# Institute for China-America Studies



The Institute for China-America Studies (ICAS) is an independent, non-profit academic institution launched by the Hainan Nanhai Research Foundation. As a think tank based in Washington D.C., ICAS aims to facilitate better interaction and exchange between China and the United States by carrying out academic research projects and activities and strengthening dialogue with American universities, research institutions and the media as well as private and governmental organizations. ICAS seeks to act as a bridge between China and the U.S. to enhance mutual understanding and communication as the two countries advance their relationship, contribute to the well-being of people from both countries, and promote peace and stability in the Asia-Pacific.

ICAS focuses on key issue areas in the U.S.-China relationship in need of greater mutual understanding. We identify promising areas for strengthening bilateral cooperation in the spheres of maritime security, Asia-Pacific economics, trade, strategic stability, international relations as well as global governance issues, and explore avenues for improving this critical bilateral relationship.



