

# Science, Technology, and New Challenges to Ocean Law

October 11-12, 2013

Venue: Claremont Hotel, Berkeley, California

A CONFERENCE CO-SPONSORED BY



## PRINCIPAL CONFERENCE ORGANIZERS

Harry N. Scheiber  
Moon Sang Kwon

## ADDITIONAL ORGANIZING COMMITTEE MEMBERS

Holly Doremus  
Seokwoo Lee  
Richard McLaughlin  
Peter Prows

## LAW OF THE SEA INSTITUTE

Karen Chin, Administrator  
Jordan Diamond, Academic Coordinator  
Toni Mendicino, Assistant

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National University of Ireland, Galway  
University of Victoria (Canada)

## THURSDAY, OCTOBER 10

Alumni Room (lobby level), Claremont Hotel

7:00 PM

**RECEPTION**

## FRIDAY, OCTOBER 11

Mendocino Room (mezzanine level), Claremont Hotel

8:45 AM

**CONTINENTAL BREAKFAST**

9:15 AM

**WELCOME**

**Gillian Lester**, Acting Dean, Morrison Professor of Law, and Wolfen Research Professor, UC Berkeley School of Law (Berkeley Law)

**Harry N. Scheiber**, Director, Law of the Sea Institute (LOSI), Chancellor's Professor, and Riesenfeld Professor of Law and History (Emeritus), Berkeley Law

**Moon Sang Kwon**, Director General, Ocean Policy Institute, Korea Institute of Ocean Science and Technology (KIOST)

9:30 AM

**KEYNOTE 1**

**Tullio Treves**, Professor of Law, University of Milan; former judge, International Tribunal for the Law of the Sea

“Law and Science in the Jurisprudence of the International Tribunal for the Law of the Sea”

10:10 AM

**KEYNOTE 2**

**Chair and Commentator: Glenn Sulmasy**, Captain, US Coast Guard; Chair, Department of Humanities, US Coast Guard Academy

**James Kraska**, Commander, US Navy (ret.); Mary Derrickson McCurdy Visiting Research Scholar, Duke University

“From HMS Challenger to Space Shuttle Challenger: Maritime Power, Marine Science, and the Law of the Sea”

10:50 AM

Break

11:00 AM

**SESSION 1: FISHERIES, PART I**

**Chair: Holly Doremus**, Associate Director, LOSI, and Professor of Environmental Regulation, Berkeley Law

**David VanderZwaag**, Professor and Canada Research Chair in Ocean Law and Governance, Marine and Environmental Law Institute, Dalhousie University

“Sustaining Atlantic Marine Species at Risk: Scientific and Legal Coordinates, Sea of Governance Challenges”

**Ruth Davis**,\* Lecturer in Law, Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong; and **Quentin Hanich**, Fisheries Governance Programme Leader, ANCORS  
“Developing an Equitable and Ecosystem Based Approach to Fisheries Management”

12:00 PM

**SESSION 2: FISHERIES, PART II**

**Chair: Peter Prows**, Partner, Briscoe Ivester & Bazel LLP

**Ryan Kelly**,\* Assistant Professor, School of Marine and Environmental Affairs, University of Washington  
“More, Better, and Cheaper Monitoring to Improve Ocean Management”

**Comment: Chris Carr**, Partner, Morrison & Foerster  
“Issues of Assessment, Monitoring, and Compliance”

12:30 PM	<b>LUNCH</b> Location: Meritage Lounge (lobby level), Claremont Hotel
2:00 PM	<b>KEYNOTE 3</b>  <b>Ronán Long</b> , Professor and Jean Monnet Chair of European Law, National University of Ireland, Galway “A European Law Perspective: Science, Technology, and New Challenges to Ocean Law”
2:45 PM	<b>SESSION 3: BIODIVERSITY</b> <b>Chair: Kate O’Neill</b> , Associate Professor, Department of Environmental Science, Policy, and Management, UC Berkeley  <b>Justin Rose</b> , Senior Adjunct Research Fellow in Law, University of the South Pacific “Implementing the Nagoya Protocol in Pacific Island Countries”  <b>Biliana Cicin-Sain</b> , Director, Gerard J. Mangone Center for Marine Policy, University of Delaware; President, Global Ocean Forum “Challenges and Opportunities in the Implementation of the Rio+20 Ocean Outcomes”
3:45 PM	Break
4:00 PM	<b>SESSION 4: SEABED ISSUES</b> <b>Chair: Hyun-Soo Kim</b> , Professor of International Law, Inha University  <b>Woong-Seo Kim</b> , Principal Research Scientist, Deep Sea and Seabed Resources Division, KIOST “Korea’s Effort to Develop Deep Seabed Mineral Resources”  <b>Kathryn Mengerink</b> , Senior Attorney and Co-Director, Ocean Program, Environmental Law Institute “The Deep Ocean: Advancing Stewardship of the Earth’s Largest Living Space”  <b>Maria Gavouneli</b> , Assistant Professor of International Law, Faculty of Law, University of Athens “Energy at Sea: New Challenges Over Troubled Waters”
5:15 PM	<b>CLOSING</b>
6:30 PM	<b>DINNER</b> Location: Lanai 3 Room (Lobby Level), Claremont Hotel
<b>SATURDAY, OCTOBER 12</b> Location: Lanai 2 Room (lobby level), Claremont Hotel	
8:45 AM	<b>CONTINENTAL BREAKFAST</b>
9:15 AM	<b>SESSION 5: ENVIRONMENTAL AND LEGAL CHALLENGES DURING OPERATIONS AT SEA</b> <b>Chair: David VanderZwaag</b>  <b>Jason Levy</b> , Lieutenant Commander, US Navy; Judge Advocate General’s Corps “A Practical Look at the Balance Between National Security and Marine Mammal Protection”
9:45 AM	<b>SESSION 6: SURFACE AND SUBSURFACE STRUCTURES</b> <b>Chair: Karl Pister</b> , Dean and Carlson Chair Professor of Engineering (Emeritus), UC Berkeley; Chancellor Emeritus, UC Santa Cruz  <b>Richard McLaughlin</b> , Endowed Chair for Marine Policy and Law, Harte Research Institute for Gulf of Mexico Studies, Texas A&M University-Corpus Christi “‘Idle Iron’ versus ‘Rigs to Reefs’: Surviving Conflicting Policy Mandates in the Gulf of Mexico”  <b>Tara Davenport</b> ,* Global Associate, Center for International Law, National University of Singapore “Science and Submarine Communications Cables: A New Frontier for Ocean Governance”

10:50 AM	Break
11:00 AM	<p><b>SESSION 7: CURRENT LITIGATION ISSUES</b>  <b>Chair: Sherry Broder</b>, Attorney; Adjunct Professor of International and Ocean Law, University of Hawaii</p> <p><b>Seokwoo Lee</b>, Professor of Law, Inha University  “Case Concerning Whaling in the Antarctic”</p> <p><b>Nilufer Oral</b>, Deputy Director, Marine Research Center for the Law of the Sea, Istanbul Bilgi University  “ITLOS Advisory Opinion No. 2: Obligations and Liabilities for IUU Fishing”</p> <p><b>Harry N. Scheiber</b>  “Litigation in the U.S. Courts on Greenpeace and Japanese Whaling: A Brief Report”</p>
12:15 PM	<p><b>LUNCH</b>  Location: Lanai 3 Room (lobby level), Claremont Hotel</p> <p><b>Speaker: John Briscoe</b>, Distinguished Senior Visiting Scholar, Law of the Sea Institute, Berkeley Law; Partner, Briscoe Ivester &amp; Bazel LLP</p>
2:00 PM	<p><b>SESSION 8: REGIONAL ISSUES, PART I – THE BERING SEA AND THE ARCTIC</b>  <b>Chair: Elizabeth Elliot-Meisel</b>, Associate Professor of History, Creighton University</p> <p><b>Clive Schofield</b>, Professor, Director of Research, ANCORS  “When is a Straight Line Not a Straight Line? Delimiting the Bering Sea, Strait and Beyond”</p> <p><b>Ted McDorman</b>, Professor of Law, University of Victoria; Editor, <i>Ocean Development and International Law</i>  “The Bering Strait and Chukchi Sea: International Legal Issues and Policy Issues”</p> <p><b>Jordan Diamond</b>, Staff Attorney and Co-Director, Ocean Program, Environmental Law Institute; Academic Coordinator, LOSI, Berkeley Law  “The Role of Indigenous Peoples in Arctic Governance”</p>
3:15 PM	Break
3:30 PM	<p><b>SESSION 9: REGIONAL ISSUES, PART II – CHINA’S OCEAN POLICIES AND INTERNATIONAL LAW</b>  <b>Chair: Seokwoo Lee</b></p> <p><b>Jun Zhao</b>, Associate Professor of Law and Head of Research Institute of International Law, Zhejiang University  “China’s Growing Arctic Strategy”</p> <p><b>Isaac Kardon</b>,* Doctoral Candidate, Department of Government, Cornell University  “China’s U-Shaped Line in the South China Sea: An Analysis of Plausible Legal, Political, and Historical Meanings”</p> <p><b>Joel Coito</b>,* Lieutenant, US Coast Guard; Judge Advocate  “The Scarborough Shoal Controversy and the Viability of UNCLOS Dispute Resolution”</p>
4:30 PM	<p><b>SESSION 10: CLOSING DISCUSSION</b> – open microphone  <b>Moderator: Clive Schofield</b></p>
5:00 PM	<b>CLOSING</b>
6:45 PM	<p><b>SHUTTLE TO WOMEN’S FACULTY CLUB, UC BERKELEY</b>  Please meet in front of hotel</p>
7:00 PM	<b>DINNER AT WOMEN’S FACULTY CLUB</b>