

Oceans and the Law

Breakfast Roundtable Seminar Series

The Oceans are a continuous body of salt water that cover more than 70 percent of the Earth's surface. They hold about 1.34 billion cubic kilometres of water, which is roughly 97 percent of Earth's water supply. Oceans currents govern the world's weather and contain a kaleidoscope of life—from tiny single-celled organisms to the gargantuan blue whale, the planet's largest living animal. Despite having been explored since the beginning of time, more than 80 percent of the oceans are unmapped and unexplored.

In a three-part breakfast roundtable seminar series expert will explore different legal aspects as they pertain to the oceans: from maritime boundaries, to the impact of climate change and environmental degradation on the oceans, and lastly the oceans as important facilitators of trade.

This series has been organised by the New Zealand Branch of the International Association of Law, the Institute of Small and Micro States, the New Zealand Association of Comparative Law, and the New Zealand Centre of International Economic Law.



Maritime boundaries

8 – 9.30 am, Tuesday 15 June 2021

Where: Socrates Room and via Zoom

Clearly defined maritime boundaries are essential for good international relations and effective ocean management, yet many coastal states have not agreed to all of their maritime boundaries with their neighbours. This seminar will discuss pertinent issues that have arisen in regard to maritime boundaries.

Chair

Joanna Mossop is Associate Professor at Te Herenga Waka—Victoria University of Wellington. Joanna's research interests lie in public international law, particularly the law of the sea. Joanna joined the Faculty of Law from Columbia Law School, where she obtained her Master of Law in international law and taught courses in legal research and writing and appellate advocacy. She has practiced law at the Crown Law Office and at Buddle Findlay. Joanna is on the advisory board of several journals and has participated in a variety of international governmental and track two meetings on law of the sea, including maritime security and governance of marine biodiversity in areas beyond national jurisdiction. Her book, *The Continental Shelf Beyond 200 Nautical Miles: Rights and Responsibilities*, was the joint winner of the JF Northey Memorial Book Award, presented by the New Zealand Legal Research Foundation for the best book by a New Zealand-based author published in 2016. In 2019 the New Zealand government nominated her to the list of arbitrators and conciliators under the United Nations Convention on the Law of the Sea.



Panellists

Robert Volterra is partner at Volterra Fietta in the United Kingdom. He advises and represents governments, international organisations and private clients on a wide range of contentious and non-contentious public international law and international dispute resolution issues, including international boundaries, transboundary resources and bilateral investment treaties. He regularly acts as co-agent, counsel and advocate before the International Court of Justice and ad hoc international arbitration tribunals. He also regularly sits as an arbitrator on international tribunals. Robert is a Visiting Professor of International Law at University College London and a Visiting Senior Lecturer at King's College, University of London, where he teaches the international law of foreign investment and the international law of boundary disputes. He is on a number of advisory boards and expert panels related to his areas of expertise.



Dr Martins Paparinskis is reader in public international law at University College London. He describes himself as a generalist public international lawyer with a variety of specialist interests. He has published and spoken on foundational topics of public international law, such as sources of international law, law of treaties, State responsibility, international dispute settlement, and territorial title, as well as on topics in the subfields of international investment law, international human rights law, international environmental law, and international law of the sea. Martins has published with the American Journal of International Law, the British Year Book of International Law, the European Journal of International Law, and the Modern Law Review, for his monograph with Oxford Monograph Series in International Law, and is the author on State responsibility in the forthcoming 10th edition of Oppenheim: Peace. His writings are regularly and globally cited on issues of international law.



Sujiro Seam joined the French Ministry of Foreign Affairs in 1998. In 2001, he moved to Brussels, working as a national expert in the World Trade Organisation Dispute Settlement Unit of the Directorate General for Trade in the European Commission. In 2004, he joined the Permanent Representation of France to the European Union, as Counsellor in charge of fisheries, regional policy, outermost regions, overseas countries and territories and maritime affairs. In 2009, he returned to the Ministry of Foreign Affairs in Paris, where he served as Deputy Assistant Secretary for food security and economic development. He was promoted Principal Deputy Assistant Secretary for Global Public Goods in 2011, and then for Development and Global Public Goods in 2013. During these years in the Headquarters, he was in charge of the preparation of the Ministerial Conference of the 6th World Water Forum in Marseille in 2012 and led the French Delegation to the Development Working Group of the G20. After diplomatic posts in Houston and Fiji, he was appointed as the European Ambassador to the Pacific Islands in 2019.



Oceans and the Environment

8 – 9.30 am, Tuesday 6 July 2021

Where: Socrates Room and via Zoom

The impact of climate change, pollution and other environmental wrongs on the oceans will be discussed in the second seminar. The panellists will canvass inter alia the impact on fisheries, the importance of a binding instrument on the conservation and use of marine biodiversity in Areas Beyond National Jurisdiction, and the use of blockchain to allow the revenue of greenhouse gas emissions trading schemes to be distributed to small (island) states to allow them to adapt and to mitigate the impact of climate change.

Chair

Dr Petra Butler is a professor of law at Te Herenga Waka—Victoria University of Wellington, and the director of the Institute of Small and Micro States. She specialises in domestic and international human rights, public and private comparative law, international commercial law, and small states research. She has published extensively in those areas and regularly is invited to speak at conferences, workshops and seminars. Petra has particular expertise in law reform. For example, she leads the Commonwealth Secretariat study into international commercial arbitration and currently a study exploring “Indigenous Solutions: Enabling Cultural, Religious and Legal Approaches to prevent and redress domestic and family violence in Samoa.”

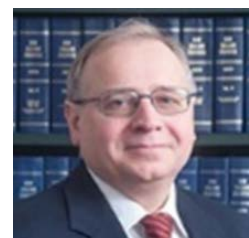


Panellists

Eden Charles is a former Ambassador Extraordinary and Plenipotentiary and Deputy Permanent Representative of Trinidad and Tobago to the United Nations. He has expertise and experience in bilateral and multilateral negotiations, public international law, the law of the sea, international criminal law and multilateral diplomacy. He was appointed by the Conference of Heads of State and Government as Lead Negotiator for the Member States of the Caribbean Community, for the United Nations Diplomatic Conference on the Arms Trade Treaty (ATT), where he also served as Lead Negotiator for that Conference on the Scope of the ATT. He was elected Chairman of the Sixth Committee (Legal Affairs) of the United Nations General Assembly for its 70th Session, and was appointed by the President of the United Nations General Assembly as the first Chairman of the Preparatory Committee for the conclusion of a new international legally binding agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.



Alberto Costi is a professor of law at Te Herenga Waka—Victoria University of Wellington. His research interests relate to public international law, including climate change. He has published extensively, spoken at conferences, commented in the media and before parliamentary committees, and provided advice to governments and other organisations. He is the Secretary-General of the ILA New Zealand Branch and President of the New Zealand Association for Comparative Law. Formerly a Lecturer in Law at Keele University and Assistant Professor of Law at the Central European University (Budapest), Alberto has also acted as Visiting Professor in Canada, China, Hong Kong, Kyrgyzstan, Montenegro and the United States, and he was a Visiting Fellow at St-Antony's College, Oxford. He is the editor of the first ever textbook on international law from a New Zealand perspective and he



currently is working on a book (funded by the New Zealand Law Foundation) on climate change impacts on statehood for small atoll nations.

Dr Johanne Fischer holds a PhD in zoology and ecology from the University of Hamburg, Germany. For a decade, Johanne worked as a scientist investigating various aspects of freshwater and marine fish ecology and fisheries in Nicaragua, Germany, and Canada. Since 1998, Johanne occupied senior positions within international organisations, first as Deputy Director of the European Global Ocean Observing System (EuroGOOS, at the time based in Southampton, UK), followed by the role of coordinator of the European Directory of the Initial Ocean Observing System (EDIOS, University of Hamburg, Germany); then, from 2003, as Executive Secretary of the Northwest Atlantic Fisheries Organization (NAFO) in Canada (Halifax, Nova Scotia); from 2009 as Senior Fishery Resources Officer at the United Nations Food and Agriculture Organisation (FAO) in Italy (Rome), and finally, from 2014 to 2018 as Executive Secretary at the South Pacific Regional Fisheries Management Organisation (SPRFMO) in New Zealand (Wellington). Johanne now works as a freelance consultant and coach from Berlin, Germany.



Dr Bjørn-Oliver Magsig joined the Faculty of Law of Victoria University of Wellington from University College Cork (Ireland), where he was a Lecturer in Law and the Director of the Master of Law programme in Marine and Maritime Law. Prior to this, he was a Research Fellow at the Helmholtz Centre for Environmental Research (Leipzig, Germany) where his work focused on international and comparative environmental law, environmental diplomacy, and the links between natural resources and international security—often from an interdisciplinary perspective. Bjørn-Oliver teaches Climate Change Law and Policy, Law of Freshwater Resources, and Property Law. He has led various interdisciplinary projects revolving around the socio-legal challenges of managing transboundary natural resources, serves on the Managing Board of the European Environmental Law Forum, and is a member of the IUCN World Commission on Environmental Law.



Oceans and Trade

8 – 9.30 am, Tuesday 13 July 2021

Where: Socrates Room and via Zoom

The last breakfast roundtable seminar in the Oceans and the Law series is dedicated to trade and will discuss matters relating to international sales and business transaction as well as focusing on international rules and policies. This will include force majeure and hardship in business to business contracts, the law as it relates to the carriage of goods on the oceans, the UNCITRAL texts in implementing the e-commerce chapters of CPTPP and RCEP and the Digital Economy Agreements, and PACER Plus.

Chair

Dr Michelle Q Zang holds the Bachelor in Law from Fudan University in, Shanghai, a Master of Law in European Legal Studies (Distinction) from Durham University, UK, and a PhD in European Law and WTO Law from Durham University, UK. Michelle specialises, publishes and teaches in international economic law and European law. Before joining Victoria University of Wellington, she completed post-doctoral research respectively as Emile Noël Fellow at Jean Monnet Center, NYU Law School (2010 - 2011) and at PluriCourts- Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order, University of Oslo (2014 - 2018). She also worked for the Appellate Body Secretariat of the WTO (2011) and King & Wood Mallesons, Beijing (2012 - 2013).



Panellists

Associate Professor Pierre-Jean Bordahandy joined the University of the South Pacific in July 2015 where he teaches courses on Law of the Sea, Maritime Law, Fisheries Law and International Environmental Law. Before joining the University, he held a post-doctoral appointment in Brazil where he conducted research on petroleum exploration and production at sea as well as container demurrage issues. Prior to this, he was a Senior Lecturer at the University of South Australia and the University of Adelaide for nine years, where he taught business law, contract law, comparative law and international export trade and transport law. Pierre-Jean practiced as an in-house counsel in France and in Australia with Gadens Lawyers. He has occasionally been engaged as a Consultant by Blake Dawson and Waldron in Australia, the UN World Food Programme in Fiji and the Micronesian Centre for Sustainable Transport.



Dr Luca Castellani is a legal officer in the Secretariat of the United Nations Commission on International Trade Law (UNCITRAL). After graduating in law from the University of Torino, he received a doctoral degree in comparative law from the University of Trieste and a master in international law from New York University. He joined the Office of Legal Affairs of the secretariat of the United Nations in 2001 and the UNCITRAL secretariat in 2004, where he works in the areas of international sales and of electronic commerce. As secretary of UNCITRAL Working Group IV (Electronic Commerce), he oversaw the preparation of the UNCITRAL Model Law on Electronic Transferable Records. He is also active in the field of paperless trade facilitation and has contributed to drafting the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific. From March 2012 to November 2013 he was assigned as first Head of the UNCITRAL Regional Centre for Asia and the Pacific, located in Incheon, Republic of Korea.



Dr Edwini Kessie is the Director, Agriculture and Commodities Division, at the World Trade Organization. He has a Doctorate Degree in Law from the University of Technology, Sydney, and Master's Degrees in Law from the University of Toronto, and the University of Brussels, and a Bachelor's Degree in Law from the University of Ghana. He is admitted as a solicitor of the Supreme Court of England and Wales, New South Wales, Australia and Ghana. He has practiced Corporate and Commercial Law in Sydney, Australia and International Trade Law and European Community Law in Brussels, Belgium. Edwini has been a staff member of the World Trade Organization since January 1995. Between June 2012 and May 2017, Edwini took leave from the WTO to become the Chief Trade Adviser of the Pacific Island Countries and Chief Executive Officer of the Office of the Chief Trade Adviser located in Port Vila, Vanuatu. In his capacity, he provided technical advice on a broad range of trade and investment issues to the Pacific Island countries and supported them in the free trade negotiations (PACER Plus) with Australia and New Zealand.



Dr Stefan Kröll is Professor for International Dispute Resolution and Director of the Center for International Business Resolution at Bucerius Law School. In addition, he is a visiting professor at the School of International Arbitration at CCLS (Queen Mary University of London) and has acted as an advisor and consultant for the relevant organizations of the German Government (GIZ, IRZ) and USAID in various countries. UNCITRAL has retained him as one of the three experts to prepare the Digest on the Model Law on International Commercial Arbitration. Stefan has been a Visiting Fellow at NYU School of Law, and Cambridge University. He is an internationally operating arbitrator in all areas of national and international business law including the involvement of state parties. Stefan's publications include several internationally renowned monographs, treatises and commentaries, as well as a considerable number of articles in international journals.

