TABLE OF CONTENTS

Preface .................................................................................................................. xiii
Acknowledgements ............................................................................................... xxi

University of Virginia Distinguished Lecture
The Law of the Sea and Ethical Maritime Order in Southeast Asia ... 3
Dr. N. Hasan Wirajuda
Former Minister for Foreign Affairs, Republic of Indonesia,
and Adhyanti S. Wirajuda Suryana

PART I
“United States Interests in Prompt Adherence
to the Law of the Sea Convention”

Keynote Addresses
Statement on the UN Law of the Sea Convention ............................... 17
Hillary Rodham Clinton, US Secretary of State

US Interests in Prompt Adherence to the Law of the Sea
Convention ............................................................................................................. 18
Lisa Murkowski, US Senator (R-Alaska)

Remarks on the Law of the Sea Treaty ............................................................... 24
Lawrence Eagleburger, Former US Secretary of State

Remarks on the UN Law of the Sea Convention ........................................... 26
ADM Gary Roughead, Chief of Naval Operations, USN

The Sky is Falling or Is It? Dissection of the Gulf of Mexico
“Macondo” Oil Spill .............................................................................................. 30
Quenton Dokken, President/CEO Gulf of Mexico Foundation

Panel I: UNCLOS – The Stakes for America ................................................... 41
Ambassador Mary Beth West, Moderator
Contents

UNCLOS: The Stakes for America ............................................. 44
Ambassador David A. Balton

UNCLOS: The Stakes for America ............................................. 48
ADM Paul A. Yost, Jr., USCG (Ret.)

UNCLOS: The Stakes for America ............................................. 51
Margaret F. Spring

UNCLOS: The Stakes for America ............................................. 54
Andrew Keller

UNCLOS: The Stakes for America ............................................. 57
Michael J. Mattler

Panel II: Energy and Economic Development ............................ 63
Paul L. Kelly, Moderator

Energy and Economic Development ........................................ 67
ADM James D. Watkins, USN (Ret.)

US LOS Ratification: A Potential Resource Bonanza for
US Industry ................................................................. 72
R. Bruce Josten

PowerPoint Presentation Links: ............................................. 76

PowerPoint: The National Ocean Industry and the Law of
the Sea Treaty
Randall Luthi

PowerPoint: Law of the Sea Resource Frontiers
Brian T. Petty

PowerPoint: Non-Living Resources of the Continental Shelf
Beyond 200 Nautical Miles: Speculations on the Implications
of Article 82 of UNCLOS
Paul L. Kelly
Panel III: Submarine Cables — Critical Infrastructure  
*Douglas R. Burnett, Moderator*

PowerPoint Presentation Links: ........................................... 79

- PowerPoint: Submarine Cables: Critical Infrastructure  
  *Douglas R. Burnett*

- PowerPoint: Undersea Cables and International Telecommunications Resiliency: Important to the Evolution of Global Financial Services  
  *Stephen R. Malphrus*

- PowerPoint: Submarine Cables: Critical Infrastructure — Cable Owners’ Perspective  
  *Robert Wargo*

- PowerPoint: Submarine Cables: Critical Infrastructure — Cable Suppliers’ Perspective  
  *Ronald J. Rapp*

Panel IV: Protecting and Enhancing US National Security  
*Edwin D. Williamson, Moderator*

- Protecting and Enhancing US National Security .......................... 83  
  *VADM Bruce W. Clingan, USN*

- Protecting and Enhancing US National Security: The Reality of the Operational Aspects of UNCLOS ........................................... 86  
  *RADM William Schachte, JAGC, USN (Ret.)*

- Protecting and Enhancing US National Security .......................... 93  
  *RADM Nanette DeRenzi, JAGC, USN*

*Thomas R. Pickering, Moderator*

- Pro: John Norton Moore, Director, Center for Oceans Law & Policy .... 100

- Con: Steven Groves, Fellow, The Heritage Foundation .................. 105
PART II

"Globalization and the Law of the Sea"

Opening Remarks ................................................................. 129
Hak-So KIM, President, Korea Maritime Institute

Keynote Addresses
Post-Crisis Global Rebalancing .............................................. 133
Barry Bosworth, Senior Fellow, Brookings Institution

The UN’s Role in Combatting Piracy and Terrorism at Sea .............. 143
Sergey Tarasenko, Director, UN Division of Ocean Affairs and the Law of the Sea

The Role of ITLOS in the Settlement of Law of the Sea Disputes .... 154
José Luis Jesus, President, International Tribunal for the Law of the Sea

Some Reflections on the First Request to the Seabed Disputes Chamber for an Advisory Opinion .................................. 165
Michael W. Lodge, Legal Counsel, International Seabed Authority

Panel I: Global Trends in Commercial Shipping
Keun-Gwan LEE, Moderator

Impact of Surging Ship-owners’ Liability and Compensation on P & I Insurance [PowerPoint only] ......................................... 177
Beom Shik PARK

New Developments in the Arctic: Protecting the Marine Environment from Increased Shipping ........................................... 178
Erik Franckx and Laura Boone

Climate Change and Shipping: Problems of Regime Compatibility ..... 206
Nilufer Oral

Panel II: Piracy and Terrorism
John Norton Moore, Moderator

Maritime Terrorism and the Law of the Sea: Basic Principles and New Challenges ................................................................. 229
Robert Beckman and Tara Davenport
Brandishing “Legal Tools” in the Fight Against Maritime Piracy  
CDR James Kraska, JAGC, USN  
258

Predicting Piracy: Can We Anticipate the Future of Maritime 
Crime?  
Samuel Pyeatt Menefee  
291

Panel III: Islands and Rocks  
Alex Oude Elferink, Moderator

Islands and Rocks in the Modern Law of the Sea  
David Anderson  
307

Islands or Rocks, Is that the Real Question? The Treatment of 
Islands in the Delimitation of Maritime Boundaries  
Clive Schofield  
322

How Much Can a Rock Get? A Reflection from the 
Okinotorishima Rocks  
Guifang (Julia) Xue  
341

Panel IV: Safety and Navigational Freedom  
Jin-Hyun PAIK, Moderator

Policing the Sea and the Proportionality Principle  
Kuen-chen FU  
371

Recent Developments in Enhancing Safe Navigation in the Arctic  
Capt. J. Ashley Roach, JAGC, USN (Ret.)  
382

National Measures for the Safety of Navigation in Arctic Waters: 
NORDREG, Article 234 and Canada  
Ted L. McDorman  
409

Panel V: Marine Scientific Research  
Alfred H.A. Soons, Moderator

Marine Scientific Research [PowerPoint only]  
Capt. Javier A. Valladares (Argentina, Ret.)  
427

Regulating Marine Scientific Research in the European Union: 
It Takes More than Two to Tango:  
Ronán Long  
428
xii  Contents

The Law and Practice Relating to Marine Scientific Research in Northeast Asia ................................................................. 492
  Ki-Jun YOU

Panel VI: Emerging Global Ocean Policy Issues
  Myron H. Nordquist, Moderator

Emerging Oceans Policy Issues ................................................. 505
  VADM James W. Houck, JAGC, USN

Deepwater Horizon and the Arctic: Is There a Need for International Regulation? ...................................................... 512
  Larry A. Mayer, Capt. J. Ashley Roach (Ret.), and Betsy Baker

Panel VII: Commentary and Review of the Conference
  Jin-Hyun PAIK, Moderator

The Particularly Sensitive Sea Area (PSSA): History and Development ................................................................. 529
  Haryo Budi Nugroho

  Teoman Uykur

  Fernanda Millicay

Globalization and the Law of the Sea: A Brief Overview ............... 573
  Vita Onwuasoanya