

## CENTRE FOR INTERNATIONAL LAW

**CIL**

### **CIL Workshop on International Maritime Crimes: Legal Issues and Prospects for Cooperation in ASEAN**

**Grand Copthorne Waterfront Hotel, Singapore  
17<sup>th</sup> and 18<sup>th</sup> January 2011**

#### **General Information:**

The Workshop is organized by the Centre for International Law (CIL), National University of Singapore.

It will be held on the 17<sup>th</sup> and 18<sup>th</sup> of January 2011 (Monday and Tuesday) at the Grand Copthorne Waterfront Hotel, Singapore.

There will be a Welcome Reception and Dinner on the 17<sup>th</sup> of January 2011 (Monday).

#### **Objective of the Workshop:**

ASEAN States have always been concerned about serious international maritime crimes such as piracy, ship-hijacking, hostage-taking of crew and maritime terrorism and have taken a range of measures to combat such crime. However, the absence of an effective legal framework to apprehend, prosecute and punish persons who commit such crimes can greatly hamper suppression efforts as demonstrated by the problems faced by naval forces and regional States in the Horn of Africa.

The objective of the Workshop is to examine whether ASEAN States can better combat serious international maritime crimes if they ratify and effectively implement relevant global and regional conventions. Legal experts from the governments of ASEAN States who are responsible for counter-terrorism conventions and maritime security will have the opportunity to discuss with academics, other relevant international experts and each other the issues and problems faced by their countries in the ratification and implementation of these global and regional conventions.

The conventions which will be discussed include:

1. 1982 United Nations Convention on the Law of the Sea
2. 1979 International Convention against the Taking of Hostages

3. 1988 Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation
4. 1999 International Convention for the Suppression of the Financing of Terrorism
5. 2000 United Nations Convention on Transnational Organized Crime
6. 2005 SUA Protocol to 1988 SUA.
7. 2004 Treaty on Mutual Legal Assistance in Criminal Matters
8. 2007 ASEAN Convention on Counter Terrorism

### Organization of the Workshop:

The Workshop will be organized as 8 sessions of 90 minutes each on Monday, 17<sup>th</sup> of January 2011 and Tuesday, 18<sup>th</sup> January 2011.

### Paper Authors and Panelists

One major paper will be commissioned for each of the eight sessions. The paper will be written either by a single individual or co-authored by person(s) with relevant expertise (**Paper Author**). The Paper Author will be the main presenter in each session.

Two or three panelists will then be given 5-7 minutes each to make comments and raise questions (**Panelists**). The Chairman will then open the session for questions and discussion. Therefore, for at least half of each 90-minute session participants will have the opportunity to interact with the Paper Author and the Panelists by raising questions and making comments.

We are pleased to announce that the following experts will be either Paper Authors or Panelists:

- **Dr. Sam BATEMAN**, Senior Research Fellow, Maritime Security Programme, S. Rajaratnam School of International Studies (RSIS)
- **Robert BECKMAN**, Director, Centre for International Law
- **Henry Sicad BENSURTO Jr.**, Secretary-General of the Commission on Maritime and Ocean Affairs (CMOA) Secretariat, Department of Foreign Affairs, Philippines
- **Neil BOISTER**, Professor, School of Law, University of Canterbury
- **Dr Termsak CHALERMPALANUPAP**, Director, Political and Security Cooperation, ASEAN Secretariat
- **CHEAH Wui Ling**, Assistant Professor, National University of Singapore
- **Karsten von HOESSLIN**, Senior Analyst, Risk Intelligence
- **Dr. Marie JACOBSEN**, Principal Legal Adviser on International Law, Ministry for Foreign Affairs, Sweden
- **Mathew JOSEPH**, Deputy Director-General, International Affairs Division, Attorney-General's Chambers, Singapore
- **Ajit JOY**, Country Manager, UN Office on Drugs and Crime
- **Saiful KARIM**, Lecturer, Macquarie Law School, Sydney
- **Ambassador Kriangsak KITTICHAISAREE**, Thailand's Ambassador to Australia
- **Datuk Azailiza bt. Mohd AHAD**, Head, International Affairs Division, Attorney General's Chambers, Malaysia
- **ONG Chin Heng**, Deputy Senior State Counsel, International Affairs Division, Attorney-General's Chambers, Singapore
- **Dr. Nikos PASSAS**, Professor, Northeastern University, School of Criminology and Criminal Justice

- **Ashley J ROACH**, Captain, JAGC, USN (ret.), Office of the Legal Adviser, U.S. Department of State (retired)
- **Serguei TARASSENKO**, Director, UN Division for Ocean Affairs and Law of the Sea
- **Nicholas TEO**, Deputy Director, Information Sharing Centre, Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP ISC)

### Country Reporters

As one of the main aims of the Workshop is to examine the problems and issues that States face in the implementation of the relevant global and regional conventions, CIL has also invited academics from selected countries to prepare Country Reports (**Country Reporters**) discussing the implementation of these conventions into their national law. The Country Reports will provide the basis for discussion particularly during Sessions 7 and 8 of the Workshop. Country Reporters will also be Resource Persons for the Workshop.

We are pleased to announce the participation of the following Country Reporters:

- **Australia: Sanjay PALA KRISHNAN**, Graduate Student, LL.M (NYU@NUS), Faculty of Law
- **China: Professor ZOU Keyuan**, Harris Chair in International Law, Lancashire Law School, University of Central Lancashire
- **Indonesia: Ranyta YUSRAN**, Research Associate, Centre for International Law
- **Korea: Professor Seokwoo LEE**, Inha University Law School
- **Malaysia: Siti Aliza Binti ALIAS**, Lecturer, Private Law Department, International Islamic University, Malaysia
- **Netherlands: Professor Alfred SOONS**, Director and **Jessica SCHECHINGER**, Research Assistant, Netherlands Institute of the Law of the Sea, Utrecht University
- **New Zealand: Joanna MOSSOP** Senior Lecturer, Victoria University of Wellington and **Alison HAMILTON**, Summer Scholar, Victoria University of Wellington
- **Philippines: Mayla IBANEZ**, Research Associate, Centre for International Law
- **Singapore: Tara DAVENPORT**, Research Associate, Centre for International Law
- **Thailand: Ambassador Kriangsak KITTICHAISAREE**, Thailand's Ambassador to Australia
- **Viet Nam: Dr NGUYEN Thi Lan Anh**, Vice Dean, Diplomatic Academy of Viet Nam

## Draft Agenda – Panelists subject to Change

DAY 1:	GLOBAL PERSPECTIVES ON INTERNATIONAL MARITIME CRIMES
8:30	<b>Registration</b>
9:00	<b>Welcome Address</b> <b>Workshop Overview</b>
9:15	<p><b>Session 1: The UNCLOS Legal Regime</b> – The provisions on piracy in the 1982 United Nations Convention on the Law of the Sea, and the practice of States in implementing the provisions into their national law</p> <p><b>Paper Author:</b> <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p> <p><b>Panelists:</b> <b>Serguei Tarassenko</b>, Director, UN Division for Ocean Affairs and the Law of the Sea <b>Professor Zou Keyuan</b>, Harris Chair in International Law, Lancashire Law School, University of Central Lancashire</p>
10:30	<b>Tea Break</b>
11:00	<p><b>Session 2: International Legal Co-operation to Combat Piracy in the Horn of Africa</b> – The cooperative measures which have been taken by the international community to combat piracy in the Horn of Africa, including the problems which have arisen in arresting, prosecuting and punishing persons who attack ships in the Horn of Africa</p> <p><b>Paper Author:</b> <b>Dr. Marie Jacobsson</b>, Principal Legal Adviser on International Law, Ministry for Foreign Affairs, Sweden</p> <p><b>Panelists:</b> <b>Saiful Karim</b>, Lecturer, Macquarie Law School, Sydney <b>Ashley J Roach</b>, Captain, JAGC, USN (ret.), Office of the Legal Adviser, U.S. Department of State (retired)</p>
12:30	<b>Lunch Break</b>
14:00	<p><b>Session 3: Global Conventions on Piracy, Ship-Hijacking, Hostage-Taking and Maritime Terrorism</b> – The UN counter-terrorism conventions which can be used to combat piracy and other serious international maritime crimes such as ship hijacking, the taking of crew members hostage for ransom, and maritime terrorism, namely, the 1979 International Convention Against the Taking of Hostages (Hostages Convention 1979), the 1988 Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988) and the 2005 SUA Protocol</p> <p><b>Paper Author:</b> <b>Ashley J Roach</b>, Captain, JAGC, USN (ret.), Office of the Legal Adviser, U.S. Department of State (retired)</p> <p><b>Panelists:</b> <b>Ambassador Kriangsak Kittichaisaree</b>, Thailand’s Ambassador to Australia <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p>
15:30	<b>Tea Break</b>
16:00	<p><b>Session 4: Global Conventions Applicable to Organizers, Financiers and Accomplices</b> - The global conventions which may be used to arrest and prosecute the accomplices of persons who commit serious international maritime crimes, as well as those who organize and finance such crimes, namely, the 1999 International Convention for the Suppression of the Financing of Terrorism (1999 Terrorism Financing Convention) and the 2000 United Nations Convention on Transnational Organized Crime (UNTOC 2000).</p> <p><b>Paper Author:</b> <b>Dr. Nikos Passas</b>, Professor, Northeastern University, School of Criminology and Criminal Justice</p> <p><b>Panelists:</b> <b>Ajit Joy</b>, Country Manager, UN Office on Drugs and Crime, Indonesia <b>Ashley J Roach</b>, Captain, JAGC, USN (ret.), Office of the Legal Adviser, U.S. Department of State (retired)</p>
17:30	<b>End of Day One</b>

<b>DAY 2:</b>	<b>REGIONAL AND NATIONAL PERSPECTIVES ON INTERNATIONAL MARITIME CRIMES</b>
9:00	<p><b>Session 5: International Maritime Crimes in the ASEAN Region: Incidents and Trends</b> – The threats of piracy and other serious international maritime crimes in Southeast Asia, including the possibility that organized criminal groups in this region may adopt some of the practices of the pirate gangs operating in the Gulf of Aden</p> <p><b>Paper Author:</b> Karsten von Hoesslin, Senior Analyst, Risk Intelligence</p> <p><b>Panelists:</b>  <b>Dr. Sam Bateman</b>, Senior Research Fellow, Maritime Security Programme, RSIS  <b>Nicholas Teo</b>, Deputy Director, ReCAAP ISC</p>
10:30	<b>Tea Break</b>
11:00	<p><b>Session 6: Regional Co-operation to Combat International Maritime Crimes</b> – ASEAN and other regional measures to combat piracy and international maritime crimes, including the 2007 ASEAN Convention on Counter-Terrorism and the 2004 regional Treaty on Mutual Legal Assistance in Criminal Matters</p> <p><b>Paper Author:</b>  <b>Dr Termsak Chalermphanupap</b>, Director, Political Security Directorate, ASEAN Secretariat</p> <p><b>Panelists:</b>  <b>Datuk Azailiza bt. Mohd Ahad</b>, Head, International Affairs Division, Attorney General’s Chambers, Malaysia</p>
12:30	<b>Lunch</b>
14:00	<p><b>Session 7: Problems of Ratification and Implementation of Global and Regional Conventions</b>– The problems and issues relating to the ratification and implementation of the various global and regional conventions, including the status of international treaties in national legal systems and the need to enact implementing legislation</p> <p><b>Presenter:</b>  <b>Robert Beckman</b>, Director, Centre for International Law</p> <p><b>Panelists:</b>  <b>Ambassador Kriangsak Kittichaisaree</b>, Thailand’s Ambassador to Australia  <b>Ajit Joy</b>, Country Manager, UN Office on Drugs and Crime, Indonesia  <b>Ong Chin Heng</b>, Deputy Senior State Counsel, International Affairs Division, Attorney-General’s Chambers, Singapore  <b>Henry Sicad Bensusurto Jr.</b>, Secretary-General of the Commission on Maritime and Ocean Affairs (CMOA) Secretariat, Department of Foreign Affairs, Philippines</p>
15:30	<p><b>Session 8: Extradition and Mutual Legal Assistance under Global and Regional Conventions</b> – The practical issues relating to the investigation, prosecution and extradition of offenders and other issues of mutual legal assistance under the relevant global and regional conventions</p> <p><b>Paper Authors:</b>  <b>Cheah Wui Ling</b>, Assistant Professor, National University of Singapore</p> <p><b>Panelists:</b>  <b>Mathew Joseph</b>, Deputy Director-General, International Affairs Division, Attorney-General’s Chambers, Singapore  <b>Neil Boister</b>, Professor, School of Law, University of Canterbury</p>
17:00	<b>Closing Remarks</b>
17:30	<b>End of Workshop</b>