



CENTRE FOR INTERNATIONAL LAW  
National University of Singapore

CONFERENCE

# Climate Change and Law of the Sea

## Adapting the Law of the Sea to Address the Challenges of Climate Change

13-14 March 2018, Singapore

Chatham House Rule Applies



12.5 PUBLIC CPD  
POINTS

12.5 Public CPD Points (To be confirmed)  
Practice Area: Others  
Training Category: General

**SILE Attendance Policy** Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

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Academics / Students	S\$400nett per participant
All Government Officials	S\$550nett per participant
Standard Rate	S\$750nett per participant

REGISTRATION (<https://cil.nus.edu.sg/registration-cil-conference-climate-change-law-sea/>)

VENUE Four Points by Sheraton, 382 Havelock Rd, Singapore 169629

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## **BACKGROUND AND OBJECTIVES**

The effects of climate change on the marine environment are numerous and deeply concerning. They include rising sea levels, warming ocean temperatures, ocean acidification, change in ocean circulation and deep ocean changes. These effects are having significant impacts on the marine environment, marine biological diversity and marine and maritime activities. They are predicted to increase in coming years; having markedly different regional impacts across the globe.

These developments were not anticipated during the establishment of the fundamentals of the legal framework to govern the oceans. Consequently, they pose unprecedented challenges for the law of the sea at the global as well as regional and local levels. Significant concern surrounds the ability of the law of the sea to deal with the threat of disappearing islands, effects on baselines and impacts on the marine environment including fisheries, coral reefs, and the deep ocean, for example.

This conference will bring together leading legal and scientific experts to discuss the impacts of climate change on ocean activities, the challenges they pose for existing law of the sea frameworks and how the law of the sea could be used to respond to these impacts and support mitigation or adaption measures. It will explore mechanisms through which the legal framework could address or be adapted to meet these needs. The potential role of regional cooperation mechanisms, emerging obligations, increased regulation, dispute settlement methods and new legal instruments in addressing these challenges will also be explored.

## PROGRAMME

<b>TUESDAY 13 MARCH 2018</b>	
08:30–09:00	Registration and coffee
09:00–09:30	<b>Welcome &amp; Introduction</b>
	<ul style="list-style-type: none"><li>– <b>Welcome : Professor Lucy Reed</b></li><li>– <b>Opening address: Professor Tommy Koh</b></li></ul>
09:30–11:00	<b>Panel 1: Fundamentals: Science and law</b> Moderator: <ul style="list-style-type: none"><li>– <b>Youna Lyons, Centre for International Law, NUS</b></li></ul>
	<b>Session 1: Fundamentals of climate change science</b> <ul style="list-style-type: none"><li>• Direct and indirect effects of climate change, including sea level rise, ocean acidification, ocean warming, ocean deoxygenation, coastal erosion, deep ocean changes, changes in ocean circulation and extreme weather events</li><li>• Impact of these processes on marine systems, shallow and deep</li><li>• Gaps in knowledge and understanding and values of modelling and predictions</li></ul> Speaker: <ul style="list-style-type: none"><li>– <b>Lisa Levin, Scripps Institution of Oceanography</b></li></ul> <b>Session 2: Legal frameworks and institutions</b> <ul style="list-style-type: none"><li>• Overview of the current legal framework and challenges that are generated by climate change impacts</li><li>• Relevant institutions with responsibilities for addressing the challenges of climate change and law of the sea</li></ul> Speaker: <ul style="list-style-type: none"><li>– <b>Daniel Bodansky, Arizona State University</b></li></ul> <b>Q &amp; A Session</b>
11:00–11:30	Coffee Break & Panellists' Group Photograph
11:30–13:00	<b>Panel 2: Regional perspectives</b> Moderator: <ul style="list-style-type: none"><li>– <b>Aldo Chircop, Dalhousie University</b></li></ul>

	<p><b>Session 1: Pacific perspectives</b></p> <ul style="list-style-type: none"><li>• Experience of current and predicted impacts of climate change in Pacific islands</li><li>• Small Island Developing State practice in responding to the impacts of climate change</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>- <b>Clement Yow Mulalap, Consultant</b></li></ul> <p><b>Session 2: South East Asian perspectives</b></p> <ul style="list-style-type: none"><li>• Impacts of climate change on marine ecosystems in Southeast Asia</li><li>• Historical change and climate impacts on coral reefs</li><li>• Recommended response from a scientific perspective</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>- <b>Danwei Huang, Department of Biological Science, NUS</b></li></ul> <p><b>Q &amp; A Session</b></p>
13:00–14:00	Lunch
14:00–15:30	<p><b>Panel 3: Climate change: Impacts on baselines and maritime boundaries</b></p> <p>Moderator:</p> <ul style="list-style-type: none"><li>- <b>Davor Vidas, Fridtjof Nansen Institute</b></li></ul>
	<p><b>Session 1: Geographic aspects of shifting baselines</b></p> <ul style="list-style-type: none"><li>• Impacts of rising sea levels and coastal erosion on land use vs. baselines</li><li>• Description of the processes involved as well as geographic variations and time scales</li><li>• Effects of disappearing basepoints on maritime claims</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>- <b>Clive Schofield, University of Wollongong</b></li></ul> <p><b>Session 2: Legal aspects: impacts on baselines and maritime boundary agreements</b></p> <ul style="list-style-type: none"><li>• Mechanisms under law of the sea</li><li>• Legal consequences of changing baselines on maritime boundaries</li><li>• Impact on agreed maritime boundaries</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>- <b>David Freestone, Sargasso Sea Commission</b></li></ul> <p><b>Q &amp; A Session</b></p>
15:30–16:00	Coffee Break
16:00–17:30	<p><b>Panel 4: Climate Change: Status and Entitlement of Offshore Features</b></p> <p>Moderator:</p> <ul style="list-style-type: none"><li>- <b>Clive Schofield, University of Wollongong</b></li></ul>

<p><b>Session 1: Legal aspects of the status and entitlement of offshore features</b></p> <ul style="list-style-type: none"><li>• Disappearing, appearing and unstable islands</li><li>• Changes of legal status under the Law of the Sea as a result of natural vs. man-made processes</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>– <b>Rosemary Rayfuse, University of New South Wales</b></li></ul> <p><b>Session 2: Responses and adaptation to climate change impacts to offshore features</b></p> <ul style="list-style-type: none"><li>• International law frameworks to mitigate the impacts of climate change on islands and other offshore features</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>– <b>Nilufer Oral, Istanbul Bilgi University</b></li></ul> <p><b>Q &amp; A Session</b></p>	
18:00	Conference BBQ Dinner
<b>WEDNESDAY 14 MARCH 2018</b>	
09:00–10:30	<p><b>Panel 5: Shipping and Climate Change</b></p> <p>Moderator:</p> <ul style="list-style-type: none"><li>– <b>J Ashley Roach, Centre for International Law, NUS</b></li></ul>
<p><b>Session 1: The regulation of greenhouse gas emissions</b></p> <ul style="list-style-type: none"><li>• Status and prospects of the IMO initial strategy for greenhouse gas emissions and MARPOL Annex VI greenhouse gas regulation</li><li>• Other mechanisms to regulate greenhouse gas emissions from shipping</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>– <b>Aldo Chircop, Dalhousie University</b></li></ul> <p><b>Session 2: Arctic shipping</b></p> <ul style="list-style-type: none"><li>• Challenges faced by Arctic shipping</li><li>• Polar Code: progress and prospects</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>– <b>Zhen Sun, Centre for International Law, NUS</b></li></ul> <p><b>Q &amp; A Session</b></p>	
10:30–11:00	Coffee Break
11:00–12:30	<p><b>Panel 6: Living marine resources, marine environment and climate change</b></p> <p>Moderator:</p> <ul style="list-style-type: none"><li>– <b>David Freestone, Sargasso Sea Commission</b></li></ul>

**Session 1: Due diligence in the protection of the marine environment**

- Content of the obligation of due diligence to protect and preserve
- Does it create an obligation to mitigate adverse impacts of climate change on the marine environment?
- Restoration, rehabilitation, reinstatement

Speaker:

- **Ronan Long, World Maritime University**

**Session 2: Managing fisheries amidst climate change impacts**

- Impacts of climate change on fish stocks and fisheries management in the Tropical Pacific and Southeast Asia
- Programmes and mechanisms developed to address them

Speaker:

- **Johann Bell, Conservation International and ANCORS, University of Wollongong**

**Session 3: Protection of coral reefs from climate change effects**

- Mechanisms for coral reefs vs deep ocean changes
- Threatened, fragile, vulnerable ecosystem and habitat
- Ecologically or Biologically Sensitive Areas
- Resilience and representativeness

Speaker:

- **Youna Lyons, Centre for International Law, NUS**

**Q & A Session**

12:30–13:30

Lunch

13:30–15:00

**Panel 7: Development and Adaptation of UNCLOS to address the impacts of climate change**

Moderator:

- **Nilufer Oral, Bilgi University**

**Session 1: Possibilities for addressing climate change impacts through UNCLOS Part XV dispute settlement mechanisms**

- Using dispute settlement mechanisms under Part XV of UNCLOS to address climate change impacts on oceans
- Other dispute settlement mechanisms

Speaker:

- **Alan Boyle, Essex Court Chambers**

**Session 2: Innovative approaches to adapting and updating UNCLOS to address climate change impacts**

- Mechanisms available to interpret, adapt, update, change the Law of the Sea to address the impacts of climate change
- Prospects of new implementing agreements, UN General Assembly resolutions, the International Law Commission, multilateral environmental agreements or others

Speaker:

- **Catherine Redgwell, Oxford University**

**Q & A Session**

**WORKING DRAFT (as at 22 December 2017)**

15:00–15:30	Coffee Break
15:30–17:00	<p><b>Panel 8: Regional cooperation as a pathway forward</b></p> <p>Moderator:</p> <ul style="list-style-type: none"><li>- <b>Associate Professor Beckman, Centre for International Law, NUS</b></li></ul>
	<p><b>Session 1: Regional cooperation initiatives in the Pacific</b></p> <ul style="list-style-type: none"><li>• Climate change impacts of main concern in the Pacific</li><li>• Cooperation mechanisms and programmes developed in the Pacific to manage and adapt to climate change impacts</li></ul> <p>Speaker:</p> <ul style="list-style-type: none"><li>- <b>Clark Peteru, Secretariat of the Pacific Regional Environment Programme</b></li></ul> <p><b>Session 2: Topic and speaker TBC</b></p> <p><b>Q &amp; A Session</b></p>
17:00	Conference close

\*Chatham House rules apply to all discussions