

# INDO-PACIFIC MARITIME SECURITY

EXPERT WORKING GROUP



## INAUGURAL WORKSHOP

Nov. 13, 2019

Hilton Waikiki Beach Hotel

Honolulu, Hawaii, USA

## PUBLIC DIALOGUE

Nov. 14, 2019, 10:00-13:00

Asia Room

Imin Conference Center

East-West Center

Honolulu, Hawaii, USA

PACIFIC FORUM

# AGENDA

WEDNESDAY, NOVEMBER 13, 2019

HILTON WAIKIKI BEACH HOTEL

9:00 – 9:10

## **Opening Remarks**

Carl W. Baker, Pacific Forum

*Workshop Chair*

9:10 – 10:30

## **Opening Session: Rule of Law - Meaning and Purpose**

Julian Ku, Maurice A. Deane School of Law, Hofstra University

Kyoko Hatakeyama, Kansai Gaidai University

In the capitals around the region, leaders and policymakers emphasize “resolving disputes in accordance with international law.” Yet, such statements have become devoid of substance due to the lack of consensus on the meaning of the “rule of law” and alternative interpretations of binding international legal instruments. This session will discuss how and why international law seems to have been distorted in the context of maritime security in Asia, propose better ways to legally deal with gray zone scenarios, identify peaceful dispute resolution mechanisms available to states, and explore approaches to developing a common conception of the rule of law.

10:40 – 12:00

## **Session II: Rule of Law and Freedom of the Seas in the Indo-Pacific**

Sam Bateman, Australian National Centre for Ocean Resources and Security

University of Wollongong

Freedom of navigation has been identified as a maritime security priority of the United States in the Indo-Pacific region and freedom of navigation operations (FONOPs) have been the standard response by Washington to perceived violations of international law and disruption to maritime security in the region. However, there is a lack of uniformity in the interpretation of passage rights and freedom of navigation provisions of the UN Convention on the Law of the Sea (UNCLOS). A separate issue is that many countries in Asia do not share the US concern with freedom of navigation. This session will examine legal interpretations of navigational rights and freedoms under international law, and discuss ways to bridge US priorities with the perceived security threats of regional states (e.g. access to economic entitlements).

12:00 – 13:20

LUNCH

13:30 – 15:00

## **Session III: History vs the Rule of Law in Maritime Asia?**

Chris Chung, University of Toronto

Akari Takeuchi, Sojo University

This session will assess the legitimacy of the various sovereignty claims and access to resource claims in the region. Is it relevant to examine pre-21st century evidence of historic rights over the maritime spaces? Is there a contradiction between history and modern international law that make it impossible to resolve maritime disputes in the region? Are there mechanisms available for resolving these types of disputes?

15:10 – 16:20

## **Session IV: Promoting Free and Open Indo-Pacific through ASEAN Processes**

Jane Chan, S. Rajaratnam School of International Studies (RSIS)

ASEAN centrality has been recognized by all major powers in the Indo-Pacific as critical to the regional security architecture. What is meant by ASEAN centrality? This session will discuss ASEAN-led processes that can advance the idea of free and open Indo-Pacific, including confidence-building measures and other means that can support to promote a rules-based maritime security order in the region.

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# AGENDA

16:30 – 18:00

## **Session V: US-Japan Alliance and Maritime Security in the Indo-Pacific**

Kazumine Akimoto, Ocean Policy Research Institute – SPF  
Wade Turvold, DKI-Asia-Pacific Center for Security Studies

The Japan-US alliance remains important to regional stability. The concluding session will discuss how alliance mechanisms can further promote a rules-based order in the Indo-Pacific region through multilateral partnerships, coordination of approaches to maritime security threats, and the strengthening of the rule of law in maritime Asia.

18:00 – 18:15

## **Concluding Remarks**

Carl W. Baker, Pacific Forum

THURSDAY, NOVEMBER 14, 2019

EAST-WEST CENTER (IMIN CONFERENCE CENTER)

10:00 – 13:00

## **Honolulu International Forum (Luncheon)**

*Panel Session with*

**Julian Ku**

Maurice A. Deane School of Law, Hofstra University  
New York, USA

**Kyoko Hatakeyama**

Kansai Gaidai University  
Osaka, Japan

**Sam Bateman**

Australian National Centre for Ocean Resources and Security,  
University of Wollongong  
Wollongong, Australia

**Chris Chung**

University of Toronto  
Toronto, Canada

**Akari Takeuchi**

Sojo University  
Kumamoto, Japan

**Jane Chan**

S. Rajaratnam School of International Studies (RSIS)  
Singapore

**Kazumine Akimoto**

Ocean Policy Research Institute – Sasakawa Peace Foundation  
Tokyo, Japan

**Wade Turvold**

DKI-Asia-Pacific Center for Security Studies  
Honolulu, HI, USA



# INDO-PACIFIC MARITIME SECURITY EXPERT WORKING GROUP

Current approaches to maritime and territorial disputes in Asia have been insufficient in substantially improving the prospects for long-term peace and stability in the region's maritime commons. A richer array of tools employed in a coordinated manner by like-minded states are needed for existing rules and norms to persist. In this context, Pacific Forum, in cooperation with the Government of Japan, organized the Indo-Pacific Maritime Security Expert Working Group. Initially composed of select recognized experts on maritime law, international security, and the marine environment based in Japan, North America, Australia and Southeast Asia, the Working Group aims to seek consensus on actionable policy prescriptions that Japan and the United States could take, jointly and individually to boost cooperation and manage maritime tensions in the Indo-Pacific.

From Washington to Tokyo, and from Canberra to the capitals of Southeast Asia, political leaders and policymakers often emphasize “resolving disputes in accordance with international law.” Yet, such statements have become mere diplomatic talking points, devoid of substance due to the lack of consensus on the meaning of the “rule of law” and alternative interpretations of binding international legal instruments. This inaugural meeting in Honolulu focuses on the rule of law in the context of maritime security in the Indo-Pacific.

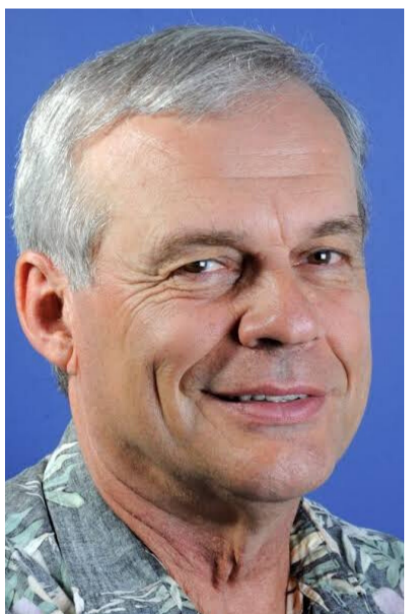
## PROFILES



### **Akimoto Kazumine**

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Rear Admiral Kazumine Akimoto is a graduate of the Chiba Institute of Technology. His service career began in 1967, when he joined the Japan Maritime Self-Defense Force (JMSDF). After completing the Command and Staff Course at the Maritime Staff College, he held several positions in the Maritime Staff Office (MSO) and the Operation Evaluation Office. Positions held include: Liaison staff with Patrol and Reconnaissance Force US 7th Fleet; Head, Flight Research and Development Division VX 51; Chief, Intelligence Section of the MSO Intelligence Department; Chief of Staff, Fleet Air Wing. RADM Akimoto became a senior researcher at the National Institute for Defense Studies at the Japan Defense Agency (Ministry of Defense) in 1995. He retired from JMSDF and resigned from the National Institute for Defense Studies in 2000. Rear Admiral Kazumine Akimoto's field of study is maritime security and naval strategy. He has written numerous articles related to maritime security and naval strategy. Some of his publications are “Sea Power Renaissance”, “Paradigm Shift of the Sea Power”, “A Sinister Shadow Lurking in the Sea Lane”, and “Structural Weakness and Threat in the Sea Lanes.”



### **Carl W. Baker**

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Carl Baker is executive director of Pacific Forum in Honolulu, Hawaii. Mr. Baker is coeditor of *Comparative Connections*, Pacific Forum's triannual journal. He is a member of the Council for Security Cooperation in the Asia-Pacific (CSCAP) and engaged in promoting security cooperation in the Asia-Pacific region as a participant in several CSCAP Study Groups. Current focus areas include preventive diplomacy, multilateral security architecture, maritime security and nuclear policy. Previously, he was on the faculty at the Asia-Pacific Center for Security Studies and an adjunct professor at Hawaii Pacific University. Publications include articles and book chapters on U.S. alliances and political developments in South Korea and the Philippines. A retired U.S. Air Force officer, he has extensive experience in Korea, Japan, the Philippines, and Guam. A graduate of the U.S. Air War College, he also holds an M.A. in public administration from the University of Oklahoma and a B.A. in anthropology from the University of Iowa.



### **Sam Bateman**

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Dr. Sam Bateman retired from the Royal Australian Navy as a Commodore (one-star) and is now a Professorial Research Fellow at the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong, and until recently, was an Adviser to the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS) of the Nanyang Technological University in Singapore. His naval service included two long postings in Papua New Guinea and four ship commands ranging from a patrol boat to guided-missile destroyer, as well as several senior postings in the Department of Defence in Canberra. Dr. Bateman has written extensively on defence and maritime issues in Australia, the Asia-Pacific and Indian Ocean, and was awarded his PhD from the University of NSW for a dissertation on “The Strategic and Political Aspects of the Law of the Sea in East Asian Seas”. He recently co-chaired a working group of the ASEAN Regional Forum (ARF) Expert and Eminent Persons' (EEPs) that conducted a study of lessons learnt and best practice with regard to preventing and managing incidents at sea in the Asia-Pacific region. His book *Freedoms of Navigation in the Asia-Pacific region – Strategic, Political and Legal Factors* has just been published by Routledge.

# PROFILES



## Jane Chan

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Jane CHAN is a Senior Fellow and Coordinator of the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS) in Nanyang Technological University (NTU), Singapore. Her main research interests include maritime security issues in Southeast Asia, law and order at sea, regional maritime cooperation and confidence-building measures, and regional boundary delimitation and territorial disputes. She is also an affiliated faculty at the Singapore Armed Forces (SAF)-NTU Academy (SNA).



## Chris Chung

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Chris Chung is a PhD Candidate in History at the University of Toronto. His research examines how late imperial and modern Chinese notions of maritime sovereignty, territory, history, and the nation intersected and developed in the South China Sea islands dispute. His article from the academic journal *Modern China*, titled "Drawing the U-Shaped Line: China's Claim in the South China Sea, 1946–1974," analyzes the creation, original meaning, and early usage of China's U-shaped line claim in the South China Sea. It has been extensively cited in both academic literature and non-academic circles. The latter includes the Permanent Court of Arbitration at The Hague and in US Congressional Testimony.



## Robert Girrier

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Bob Girrier joined Pacific Forum as President in 2018. With over 30 years of maritime experience and an extensive background in the Indo-Pacific, building high-level partner relationships and capacity, he brings operations, strategy development, crisis-response and negotiation skills to Pacific Forum activities. Girrier's 30-year career with the United States Navy included serving as deputy commander of the Pacific Fleet and as director of operations for the U.S. Pacific Command, overseeing military activities throughout the Indo-Pacific region. Earlier, he commanded two strike groups, Destroyer Squadron 15, a destroyer and a mine countermeasure ship. He also served as the USN's first director of unmanned warfare systems. He has co-authored several professional naval texts including, *Fleet Tactics and Naval Operations*, 3rd ed. (2018), and *Command at Sea*.



## Hasegawa Hiroki

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CDR Hiroki Hasegawa is currently Liaison Officer of the Japan Maritime Self-Defense Force (JMSDF) in Honolulu, Hawaii, USA. Previous positions include VP-9, VP-5, Okinawa; Commander, Fleet Air Wing Four, Atsugi; Commander Fleet Air Force, Atsugi; Air Training Squadron 202, Tokushima; and officer at the Public Affair Section, Maritime Staff Office, Tokyo



## Hatakeyama Kyoko

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Dr. Kyoko Hatakeyama is Associate Professor at Kansai Gaidai University in Japan. She obtained M.A. and Ph.D. from Macquarie University in Australia. Prior to this position, she served as Research Analyst in charge of security situations in Asia and Europe at the Ministry of Foreign Affairs of Japan. Her research interests include Japan's foreign policy, maritime policy, peacekeeping policy and international relations theory. Her current project focuses on maritime security and order in Asia. Recent publications include "Middle Power's Roles in Shaping East Asian Security Order: Analysis of Japan's Engagement from a Normative Perspective", *Australian Journal of Politics and History* (2019, vol.65, No3).



## Chen-Sheng Hong

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Chen-Sheng HONG is a Resident WSD-Handa Fellow at the Pacific Forum. His research focuses on Southeast Asia, especially the Mekong region and its relations with the US, China, and Japan. Before starting his fellowship, he was a research associate at Taiwan-ASEAN Studies Center in Chung-Hua Institution for Economic Research, a research scholar at the Stimson Center in Washington DC, and a research intern at the Stockholm Environment Institute Asia Center in Bangkok. He earned his MA in International Studies and Diplomacy from SOAS, University of London; and BA in Political Science from National Cheng-Chi University in Taiwan.

# PROFILES



## Julian Ku

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Professor Julian Ku's primary research interest is the relationship of international law to constitutional law. He has also conducted academic research on a wide range of topics including international dispute resolution, international criminal law, and China's relationship with international law. He is a member of the American Law Institute and the New York Bar. He is a graduate of Yale College and Yale Law School. He is the co-author, with John Yoo, of *Taming Globalization: International Law, the U.S. Constitution, and the New World Order* (Oxford University Press 2012). He also has published more than 40 law review articles, book chapters, symposia contributions, and essays. He has given dozens of academic lectures and workshops at major universities and conferences in the United States, Europe and Asia.



## Kim McCann

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Captain Kim McCann is a licensed attorney with the U.S. Navy. She has a Master of Laws in National Security Law from Georgetown University. Her operational assignments include U.S. Indo-Pacific Command; Special Operations Command Pacific; and Carrier Strike Group Seven. She is currently assigned as a Military Professor at the Daniel K. Inouye Asia-Pacific Center for Security Studies.



## Jim McMullin

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Jim McMullin manages the Comprehensive Maritime Security Cooperation Course at the DKI Asia-Pacific Center for Security Studies. He has worked in Taiwan for the U.S. Government. CAPT McMullin's civilian education includes a Bachelor's in Ocean Engineering from the U.S. Naval Academy, a Master's in Security Studies (Far East, Southeast Asia, and the Pacific) from the Naval Postgraduate School, and a Master's in Business Administration from Auburn University.



## Nagata Yosuke

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Yosuke Nagata is Consul for Defense Affairs, Consulate General of Japan in Honolulu. He joined the Government of Japan as the civilian officer of Ministry of Defense. He previously worked for the Space Policy and Ballistic Missile Defense Policy. He also engaged in the Security Legislation Reform in 2015.



## Jeffrey Ordaniel

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Dr. Jeffrey Ordaniel is Assistant Professor of International Security Studies at Tokyo International University (TIU) in Japan, and adjunct fellow with the Pacific Forum. He is also a fellow at TIU's Institute for International Strategy, working on research projects mainly related to maritime security in Asia, but also ASEAN regionalism, and broadly, US alliances and engagements in the Indo-Pacific. From 2016 to 2019, he was the holder of the endowed Admiral Joe Vasey Fellowship at the Pacific Forum. While in Hawaii, his work centered on the Forum's Security Cooperation Program, aimed at stimulating cooperative policies in the region through rigorous research, analyses and dialogues. He holds a PhD in International Relations and specializes in the study of offshore territorial and maritime entitlement disputes in Asia.



## Linda M B Paul

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Linda Paul is a Senior Associate with the Pacific Forum. She has authored research papers and reports, taught courses in and given presentations on ocean law and maritime security issues, international environmental law and marine resource conservation and management. She is a lawyer and a member of the U.S. delegation to the Western and Central Pacific Fisheries Commission.

# PROFILES



## Ariel Stenek

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Ariel Stenek is director of the Young Leaders Program at Pacific Forum, an initiative that provides career-development opportunities to a global network of over 1,500 young professionals working in foreign policy. Prior to Pacific Forum she was in the Regional Security Studies Program at the Daniel K. Inouye Asia-Pacific Center for Security Studies. She holds an M.A. in International Relations from Queen Mary, University of London (Paris campus) and her dissertation, “Four Cases Examining the Role of Maritime Militias in China’s Maritime Strategy,” won the J. Ann Tickner Prize for Best Masters Dissertation. She worked at UNESCO in the division of Social and Human Sciences on The Silk Roads Online Platform, a digital archive of research that seeks to build peace between Silk Roads communities by highlighting their shared histories and cultures. Ariel holds a B.A. in Global Politics and Societies with a minor in European Studies from the University of San Francisco. Her research interests include maritime issues and the impacts of climate change on geopolitics.



## Takeuchi Akari

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Prof. Takeuchi Akari is an Associate Professor at Sojo University, Japan. She is an expert of International Law of the Sea and Gender Studies. Professor Takeuchi also has extensive working experience at a research institutions (Ocean Research Policy Foundation), Japanese Government (Ministry of Foreign Affairs of Japan and Cabinet Office of Japan), as well as teaching experience at several universities. She has several publications related to the United Nations Convention of the Law of the Sea.



## Wade Turvold

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Prof. Wade Turvold joined the Asia-Pacific Center for Security Studies in June 2019 after a 30-year career in the U.S. Navy. He was privileged to serve in two educational assignments during this time, as the U.S. Navy Senior Service Representative and Director National Security Studies at the U.S. Army War College, and the U.S. Navy Exchange Directing Staff at the Joint Services Command and Staff College, Defence Academy of the United Kingdom in Shrivenham, England. He served as a Naval Flight Officer during his career and has extensive experience flying P-3C and P-8A aircraft. Mr. Turvold commanded Patrol Squadron FOUR in Kaneohe Bay, Hawaii, and commanded Air Test and Evaluation Squadron ONE in Patuxent River, Maryland. He served in an additional five flying tours in various squadrons. His staff assignments were as Air Anti Submarine Operations Officer on the United States SIXTH Fleet staff embarked in USS LASALLE in Gaeta, Italy, and as Deputy Chief of Staff for Operations at Patrol and Reconnaissance Force, United States SEVENTH Fleet in Misawa, Japan. Mr. Turvold graduated with Merit from the U.S. Naval Academy in Annapolis, Maryland, in 1989 where he earned a Bachelor of Science Degree. He graduated with Distinction from the U.S. Naval War College in Newport, Rhode Island, in 2000 where he earned a Master of Arts degree.

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## PACIFIC FORUM

*Timely, informative, and innovative analysis of political, security, and strategic developments in the Indo-Pacific region.*

Founded in 1975, the Pacific Forum is an independent, non-profit, foreign policy research institute based in Honolulu, in the US State of Hawaii. The Forum’s programs encompass current and emerging political, security, economic and business issues and work to help stimulate cooperative policies in the Indo-Pacific through analyses and dialogues undertaken with the region’s leaders in the academic, government, and corporate areas. The Forum collaborates with a network of more than 30 research institutes around the Pacific Rim, drawing on Asian perspectives and disseminating its projects’ findings and recommendations to opinion leaders, governments, and publics throughout the region. We regularly cosponsor conferences with institutes throughout Asia to facilitate nongovernmental institution building as well as to foster cross-fertilization of ideas.

*To help sustain the work of, and grow, the Indo-Pacific Maritime Security Expert Working Group, please get in touch with Pacific Forum's Director of Grants and Institutional Support, Brooke Mizuno at [brooke@pacforum.org](mailto:brooke@pacforum.org). To know more about the Expert Working Group, please contact Project In-Charge, Jeffrey Ordaniel at [jeffrey@pacforum.org](mailto:jeffrey@pacforum.org).*




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