ASEAN LAW & INTEGRATION CENTER (ALIC)

INSTITUTIONAL REPORT:
COURSES, PUBLICATIONS, PROGRAM ACTIVITIES, INTERNATIONAL PROJECTS
Co-Directors Prof. Dr. David Cohen and Prof. Dr. Diane Desierto
https://www.law.hawaii.edu/asean-law-integration-center-alic
University of Hawaii William S. Richardson School of Law (UHWSRL)

Report Overview

This Institutional Report enumerates different aspects of ALIC programming since its inception from 1 January 2014 to 1 April 2016, to implement ALIC’s Institutional Mission:

“The ASEAN Law & Integration Center (ALIC) at the University of Hawaii William S. Richardson School of Law (UH Richardson Law) responds to the urgent need for continuous top-tier research and capacity building on legal, regulatory, and policy reforms involved in all aspects of ASEAN integration. It is the only institution in the United States legal academy to date that is specifically dedicated to supporting the analysis, assessment, development, and innovation by the ASEAN Member States in the process of creating and establishing “ASEAN Law”, “ASEAN jurisprudence”, and “ASEAN institutions” for the Southeast Asian single market.”

In the 28 months since ALIC’s inception, ALIC Co-Directors have built the implementation of their Institutional Mission around four Core Focus Areas:

1) Teaching: development and offering of new courses on ASEAN law and its relationship with US law and international law;

2) Scholarship: publishing new research in academic and institutional forums;

3) Program Activities: organizing program activities and events at the Law School to engage law students, Hawaii communities, governmental, private, and nongovernmental institutions, enabling a platform to widen Richardson law student career options, as well as for establishing the Law School’s leadership in this new area of legal and cooperative engagement for Hawaii/the United States, and the ten Member States of ASEAN; and

4) International Projects: undertaking grant-funded, consultancy-based, or participation-driven international projects for technical assistance, law reform, and capacity-building with US institutions, the ASEAN Secretariat and ASEAN Pillar
Communities (ASEAN Political–Security Community, ASEAN Economic Community, and ASEAN Socio–Economic Community), ASEAN Member States, and related international development entities.

This Institutional Report discusses milestones for each of the foregoing four Core Focus Areas, and identifies projects, programs, courses, and research under incubation or planning phases.

**TAUGHT COURSES ON ASEAN LAW**


• **ASEAN Law Seminar (LWPA 575S) [first opened Spring 2015 Semester]**

  *Course description and objectives:*

  The ASEAN Law Seminar introduces scholars and future US legal practitioners to the emerging body of regional law and the regional governance system for ten countries of Southeast Asia (Indonesia, Malaysia, Singapore, Thailand, the Philippines, Brunei Darussalam, Cambodia, Myanmar/Burma, Laos, and Viet Nam) now undergoing the process of regional integration under a Charter-based Association of Southeast Asian Nations (ASEAN). Students will also be introduced to key treaties and international agreements affecting political, economic, and developmental relations with ASEAN’s foremost External Partners, such as the ASEAN +3 (China, Japan, Korea), US, Canada, the European Union, Australia, New Zealand, India, among others. The seminar is designed to initiate students to the study of ASEAN law in the Southeast Asian political, sociological, and historical context. We will examine the integration process as functional mandates unfold and evolve for the new regional administrative regulatory structures spearheaded under the ASEAN Summit and the three ASEAN pillars (the ASEAN Political–Security Community, the ASEAN Economic Community, and the ASEAN Socio–Cultural Community), particularly questions of economic, political, security, rule of law, human rights and enforcement significance after the 31 December 2015 formal declaration of the start of the ASEAN Economic Community as Asia’s only integrated “single market and production base”. Students will also have the opportunity to directly engage in specifically-focused practical legal problem analysis in live simulations/class
exercises, in relation to ongoing ALIC capacity-building assistance projects. This seminar seeks to enable students to understand their ethical responsibilities as American lawyers and public citizens recognizing their global connectedness, particularly to the Asia-Pacific region. The methods employed in this seminar are designed to 1) ensure that students understand the theory, philosophy, role, and ramifications of law and its evolving institutions within the ASEAN setting; 2) help students develop proficiency in legal analysis, problem solving, communications, and research, by deepening critical thinking skills; 3) master the intricacies of the substantive law involved; and 4) foster understanding and respect for law as a social institution in the context of diversity, history, importance in the US’ relationship with ASEAN.

Course Highlights:

ASEAN Law Seminar students were able to work on a live Project for the ASEAN Secretariat (ASEC)/ASEAN Coordinating Committee on Investment (ASEAN CCI), scrutinizing the investment protection regulatory framework and sustainable development frameworks of the ASEAN Economic Community. Students were able to identify the legal harmonization and law reform issues arising from the simultaneous operation of 644 bilateral investment treaties of all ten ASEAN Member States, alongside ASEAN’s regional investment program. The 720-page report is in the process of submission for book publication with Martinus Nijhoff.

Several ASEAN Law Seminar students decided to allocate their spring break, on their own expense, in Jakarta. At the request of these students, the ALIC Co-Directors were able to arrange meetings for these students with the ASEC Legal Affairs Division at the ASEC Headquarters, the Human Rights Resource Centre in ASEAN, and the Indonesia National Arbitration Board (BANI). On behalf of their classmates, the attending Seminar students discussed their Project for ASEC and ASEAN CCI with the ASEAN officials.

• International Humanitarian and Human Rights Law in ASEAN (LWPA 575S) [first opened Fall 2015 Semester]

Course description and objectives:

Our course examines central aspects of the development of International Humanitarian Law (IHL) from foundational developments in the aftermath of WWII to its role in contemporary conflicts in the ASEAN region. The course will be built around examination of a series of judgments, international conventions, and case studies. The first half of the course will provide a foundation in the basic structure of IHL and some of its key legal doctrinal applications in prosecutions for war crimes. The second half of the course will take up a series of case studies from the ASEAN region which raise important questions about the application of IHL in internal and international armed conflicts in the contemporary era.
Course Highlights:

In the week of October 12-15, 2015, students will have an opportunity to discuss the judicial application of IHL with one of the most prominent judges, Judge Alphonse Orie, of the International Criminal Tribunal for the former Yugoslavia (ICTY) who has served and is serving now as Presiding Judge in some of the most important trials of high level military, security, and political officials charged with war crimes. Judge Orie will spend several days with us at UH Law. He will lead our class discussion for two sessions and participate in an IHL roundtable workshop with JAG lawyers, the International Committee of the Red Cross legal counsels, as well as delivering a public lecture at the law school. The class will participate in: the 12 October ALIC Roundtable (Judge Orie, LtCol Christopher Brannen of Navy JAG Corps, and ICRC Legal Counsel Federico Barillas Schwank); a 12 October evening session with the ICRC Legal Counsel; the 13 October double class session led by Judge Orie; and the 14 October Law School Public Lecture by Judge Orie.

- Seminar Course (Spring Term 2016, 1 credit): **Hawaii–ASEAN International Symposium**

The Hawaii–ASEAN International Symposium seminar course introduces Richardson law students to the emerging body of regional law and embedded governance frameworks unique to the Association of Southeast Asian Nations (ASEAN) – the Charter-based intergovernmental organization comprised of ten Member States of Southeast Asia (Brunei Darussalam, Cambodia, Burma/Myanmar, Indonesia, Laos PDR, Malaysia, the Philippines, Singapore, Thailand, and Viet Nam) – with a focus on the official start of ASEAN Economic Community integration on 1 January 2016. This course will analyze and anticipate the legal developments and impacts of ASEAN integration on the US–ASEAN partnership, including its implications for the United States’ leadership of the Trans-Pacific Partnership (TPP), where several ASEAN Member States are TPP parties (Brunei Darussalam, Malaysia, Singapore and Viet Nam) and others have expressed interest to join (Indonesia, the Philippines, and Thailand). Most critically, this course will examine the potential renewed role for Hawaii in catalyzing the US–ASEAN partnership for cross-border aspects of public interest as well as private sector collaboration between the United States and ASEAN Member States.

The class uses three experiential and problem-based interactive formats. First, seminar discussions introduce Richardson law students to ASEAN law and the US–ASEAN partnership, focusing on four broad thematic areas (Regional Governance and Political Security (including regional security, human rights, political disputes, and the rule of law; Economic Integration and Development (including trade, foreign investment, competition, financial systems; Human Impacts of Integration (including environmental
sustainability, income inequality amid wealth creation, social strife and social inclusion); Hawai’i and the US–ASEAN Strategic Partnership).

The second format involves class participation in convening the ALIC–APLPJ International Symposium (Hawai’i: Catalyzing the US–ASEAN Partnership) on 16 April 2016. Before and during this Symposium, students will work in four different teams (covering each of the four thematic areas in the seminar discussions), and will get to liaise with and exchange views - virtually and in person - with the Symposium expert speakers corresponding to the respective four broad thematic areas covered in the classroom sessions.

The third format engages students’ collective insights and exchanges from the first and second formats outlined above, to explore their legal and policy thinking on the possible role(s) of Hawai’i in furthering the US–ASEAN partnership. The class will produce a maximum 25-page, double spaced, legal and policy brief to be transmitted to the legislature, executive, and judicial branches of the State of Hawai’i, detailing prospects, observed limitations, and policy reform suggestions for Hawai’i to concretely build upon the synergies of the US–ASEAN partnership, in light of the start of integration for the ASEAN Economic Community and the recent conclusion of the Trans-Pacific Partnership Agreement. The legal and policy brief will be due on the last day of the Spring Term 2016 exam period. The legal and policy brief will be published online, and made available to all policy, practice, academic, and community stakeholders in Hawai’i.

This seminar seeks to enable Richardson Law students to understand their ethical responsibilities as lawyers and public citizens, recognizing their global connectedness, particularly to the Asia-Pacific region. The methods employed in this seminar are designed to: 1) ensure that students understand the theory, philosophy, role, and ramifications of law and its evolving institutions within the ASEAN setting; 2) help students develop proficiency in legal and policy analysis, problem solving, communications, and research, by deepening critical thinking skills; 3) master the intricacies of the substantive law involved; and 4) foster understanding and respect for law as a social institution in the context of diversity, history, and importance in the US partnership with ASEAN.

• Proposed ALIC Legal Clinic (pending)

In Fall 2015, the ALIC Co-Directors submitted a proposal to the Law School administration to start an ALIC Legal Clinic, which will engage students in a variety of international law projects in the ASEAN region, for clients in Government, Civil Society, Law Schools, and International Organizations, as well as with private clients. The ALIC Clinic will provide students with practical experience, combining clinical coursework at UH
and internships abroad. Participating in the ALIC Clinic will enable law students to gain
the work experience they need to compete for jobs after law school and will also broaden
the international profile of the school and track record for development donor grants.

ALIC Clinic Subject Areas include: international arbitration, transitional justice, rule
of law, judicial reform, civil society (CSO) advocacy, legal education, legal aid, human
rights, anti-corruption, development cooperation (trade, investment, and finance).

SCHOLARSHIP: ALIC Co-Directors’ Publications
since ALIC’s inception from 1 January 2014 to 1 April 2016

For complete listing of all of the ALIC Co-Directors’ scholarship, please see
attached CVs.

A. Published

1. Prof. Dr. David Cohen

   • (co-authored with Penelope Van Tuyl and Melanie Hyde), A Well-
     Reasoned Opinion: Report on the Trial and Judgment in Case 002/1, the Trial of the
     Senior Khmer Rouge Leaders at the ECCC/KRT, (approx. 100 pages in print, EWC
     Publications).

   • (co-authored with Leigh-Ashley Lipscomb), Justice at the Crossroads:
     Judicial Reform in Timor Leste (published by the Institute for Policy
     Analysis of Conflict).

   • Editor, Toward Improved Human Trafficking Prevalence Measures:
     Progress and Remaining Challenges to Data Collection in ASEAN States, (Editor, for
     ASEAN Secretariat and ASEAN Human Rights Institutions).

   • Editor, Keeping the Faith: Freedom of Religion, Thought, and Conscience
     in ASEAN (co-editor, Kevin Tan, published by the Human Rights Resource Center for
     ASEAN Jakarta 2015)

   • “韦伯战争罪判决草案——东京审判判决的另一视角” (“An Alternative Tokyo
     Judgment: The Draft “President’s Judgment” of Sir William Webb at the IMTFE”) in
     2013东京审判学术讨论会论文集 (Shanghai, 上海交通大学出版社 2014).


2. Prof. Dr. Diane Desierto


• ASEAN’s Regional Investment Treaty Programme, Regional Investment Institutions, and Investment Disputes, in DAVID J. COHEN AND DIANE A. DESIERTO (Eds.), ASEAN LAW AND REGIONAL INTEGRATION: GOVERNANCE AND THE RULE OF LAW IN SOUTHEAST ASIA’S SINGLE MARKET (Routledge, 2016).

• (Co-authored with Susan Rose-Ackerman), The ASEAN Administrative Model for the ASEAN Single Market, in DAVID J. COHEN AND DIANE A. DESIERTO (Eds.), ASEAN LAW AND REGIONAL INTEGRATION: GOVERNANCE AND THE RULE OF LAW IN SOUTHEAST ASIA’S SINGLE MARKET (Routledge, 2015).

• Monitoring and Implementing AEC Investment Policy in ASEAN’s Regional Treaties (77 p.), United States Agency for International Development (USAID) ASEAN Connectivity through Trade and Investment, August 2015.

• PUBLIC POLICY IN INTERNATIONAL ECONOMIC LAW: THE ICESCR IN TRADE, FINANCE, AND INVESTMENT (Oxford University Press, 2015).

• (Editor), INTERNATIONAL COMMERCIAL ARBITRATION AND PHILIPPINE LAW: JURISDICTION AND ARBITRABILITY, VOL. I (University of the Philippines Institute of International Legal Studies, 2015).


• The International Court of Justice in the Settlement of International Investment Disputes, 1 Journal of Dispute Prevention and Resolution (2014), pp. 1–50.
B. Book

ALIC Co-Directors are in the process of co-editing a book under contract with Routledge/Taylor& Francis, for 2016 production:

**DAVID J. COHEN AND DIANE A. DESIERTO (EDS.), ASEAN LAW AND REGIONAL INTEGRATION: GOVERNANCE AND THE RULE OF LAW IN SOUTHEAST ASIA’S SINGLE MARKET (Routledge, October 2016).**

The authors of the chapters of this book were the attending experts of the ASEAN Integration Workshop hosted by the ALIC Co-Directors for the East-West Center on 27 September 2014 in Jakarta, Indonesia.

**PROGRAM ACTIVITIES**

A. Events in Hawaii (Academic Year Fall 2014 to Fall 2015)

1. **ALIC Seminar Series, 29 August 2014, Roundtable on ASEAN Integration and Impacts for the CMLV (Cambodia, Myanmar, Laos, Viet Nam) Member States, 12 noon – 1.30 pm, UHWSRL Moot Court Room**

   Speaker: PROF. MICHAEL EWING–CHOW, Deputy Director, National University of Singapore Centre for International Law (NUS CIL), Co-Editor, NUS ASEAN Integration Through Law Project
   Discussants: ALIC Co-Directors Prof. David Cohen and Prof. Diane Desierto

   How will the impending December 2015 integration of the Association of Southeast Asian Nations into a single market under regional governance affect the CMLV States (Cambodia, Myanmar, Laos, Vietnam), which bear different development levels from the other six ASEAN Member States (Indonesia, Singapore, Malaysia, the Philippines, Thailand, and Brunei Darussalam)? What are the fundamental differences between ASEAN integration and integration under the European Union, and how will these differences impact the regulatory frameworks on trade, investment, environment, labor, and human rights in Southeast Asia, particularly the CMLV countries which face greater developmental and governance challenges?
2. ALIC Seminar Series, 7 January 2015, The Recent Rise of New Niche International Dispute Resolution Hubs: Miami, Mauritius, and Prospects for Hawaii, 4.30 pm – 6 pm, Hawaii Supreme Court

Speaker: MS. LUCY REED, Global Head of Arbitration, Freshfields Bruckhaus Deringer; former President of the American Society of International Law; ICC Court of Arbitration Paris, London Court of International Arbitration, Singapore International Arbitration Centre, International Centre for Settlement of Investment Disputes, Permanent Court of Arbitration.
Moderator: ALIC Co-Director Prof. Diane Desierto

The September 2014 New York Times article "Cities Compete to Be the Arena for Global Legal Disputes" reported that after the rise of Miami as the niche hub for US–Latin America international disputes, other US cities such as Atlanta, LA, San Francisco, Dallas, Houston, Chicago, and Washington now seek to follow suit as more niche–defined international dispute resolution centers. The June 2014 Global Legal Post article also reported on the establishment of similar centers for Africa–related disputes in the island nation of Mauritius (the London Court of International Arbitration–Mauritius International Arbitration Centre), the Cairo Regional Centre for International Commercial Arbitration in Egypt, and the Kigali International Arbitration Centre in Rwanda. This lecture will discuss the recent proliferation of niche international dispute resolution centers around the world and the operational, functional, technical, and informational infrastructure and resources behind their development, in order to give some context to any preliminary examination of the prospects for Hawaii as another potential hub for US–Asia–Pacific disputes, considering the increasing US private sector engagement with Asia through the forthcoming Trans–Pacific Partnership Agreement (between the US, Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Viet Nam) and deepening of US investment, trade, and business transactions with the ten members of the Association of Southeast Asian Nations (ASEAN) Economic Community (Brunei, Indonesia, Malaysia, the Philippines, Singapore, Thailand, Cambodia, Myanmar, Laos, Viet Nam) to be formally declared in January 2016.

3. ALIC Seminar Series, 6, January 2015, The Visible and Invisible World of International Claims, 11.30 am – 1 pm, UHWSRL Moot Court Room

Speaker: MS. LUCY REED, Global Head of Arbitration, Freshfields Bruckhaus Deringer; former President of the American Society of International Law; ICC Court of Arbitration Paris, London Court of International Arbitration, Singapore International Arbitration Centre, International Centre for Settlement of Investment Disputes, Permanent Court of Arbitration.
Moderator: ALIC Co-Director Prof. Diane Desierto
Recent years have seen the creation of many international claims tribunals, with some more ad hoc, some more well known that others, such as the Iran–US Claims Tribunal, the UN Compensation Commission, the Claims Resolution Tribunal for Dorman Accounts in Switzerland, the Bosnia–Herzegovina and Kosovo Real Property Commissions and the Eritrea–Ethiopia Claims Commission, and the claims process for victims under the Rome Status of the International Criminal Court. Ms. Reed will describe the origin, features, and performance of such tribunals, with emphasis on the ones with which she has been involved, and flag possible new career opportunities for young lawyers. The lecture will be followed by an informal Q&A for students to ask questions on careers in international law firm practice (international arbitration, international litigation, international transactions.

4. ThinkTechHawaii Broadcast Interview, 20 May 2015, 1-hour Interview by Jay Fidell of ALIC Co-Director Prof. Desierto, “ASEAN Economic Community with Diane Desierto”. Full footage available at https://www.youtube.com/watch?v=xRFQP06lbVE

5. ALIC Distinguished Jurist Lecture Series, Developments and Evidence in the Philippine arbitration against China on the West Philippine Sea/South China Sea, 17 September 2015, 11.30 am – 1 pm, UHWSRL Moot Court Room

Speaker: SENIOR ASSOCIATE JUSTICE ANTONIO T. CARPIO, PHILIPPINE SUPREME COURT
Welcome Remarks: Associate Dean Denise Antolini
Moderator: ALIC Co-Director Prof. Diane Desierto

Senior Associate Justice Antonio Carpio has served as the most distinguished senior Member of the Philippine Supreme Court since 26 October 2001, shaping the Court's jurisprudence with innumerable landmark decisions in constitutional law, sovereignty, human rights, regulation, and maritime protection, including the Court's 2011 decision affirming the Philippines' maritime zones in Magallona v. Ermita, where Justice Carpio wrote: "The enactment of UNCLOS III compliant baselines law for the Philippine archipelago and adjacent areas, as embodied in RA 9522, allows an internationally-recognized delimitation of the breadth of the Philippines’ maritime zones and continental shelf. RA 9522 is therefore a most vital step on the part of the Philippines in safeguarding its maritime zones, consistent with the Constitution and our national interest.” Justice
Carpio currently chairs the Philippine Supreme Court’s Second Division and the Senate Electoral Tribunal. Before joining the Court early at 52 years of age, Justice Carpio was President of the Integrated Bar of the Philippines and name partner of the eminent Carpio, Villaraza, & Cruz Law Firm, thereafter serving as the Chief Presidential Legal Counsel of Philippine President Fidel V. Ramos, where he earned the Presidential Medal of Merit in 1988.

With the official support of the Philippine Department of Foreign Affairs, Justice Carpio has delivered lectures all over the world to discuss the merits, evidence, and developments in the UNCLOS Annex VII arbitration initiated by the Philippines in 2013, which seeks, among others, to invalidate China’s famous 9–dash line map asserting Chinese ownership of the entirety of the West Philippine Sea/South China Sea. This Lecture will discuss developments in the Philippine arbitration pending the arbitral tribunal’s forthcoming award on jurisdiction, and will take into account policy implications from China’s recent massive buildup of land reclamation activities in the disputed area and the peaceful resolution of this dispute.

6. ALIC Coffee Hour between Law Students in ADEPT (ASEAN Economic Development Task Force) and Justice Antonio T. Carpio, 17 September 2015, 10 am - 11.30 am, ALIC Office, Rm. 257 UHWSRL. On international maritime disputes and legal education.

The ALIC Coffee Hour was initiated to enable Richardson Law students to informally and directly engage ALIC international visiting experts on contemporary legal issues and the public role of lawyers in the US and international legal system.

7. ThinkTech Hawaii Broadcast Interview, Interview by Jay Fidell, Disputes Over the South China Sea with Justice Antonio Carpio, Jonathan Odom, and David Cohen, 17 September 2015, 4 - 5 pm. Full footage at https://www.youtube.com/watch?v=iv9EtzEgxek

8. ALIC Coffee Hour for FLSA, ADEPT, APLPJ, PALSO with Prof. Dr. Yifat Bitton (College of Management Academic Studies, Israel), 9 October 2015, 3.30 pm - 5 pm, ALIC Office. On Discrimination, Tort Law, and Human Rights Remedies and Public Interest Careers.

Prof. Yifat Bitton is an ALIC Visiting Expert (October 4–10). She will deliver a Faculty Committee Outreach Talk on 6 October 2015, 12 nn-1 pm, rm. 254.
9. ALIC Roundtable Discussion with Judge Alphons Orie of the International Criminal Tribunal for the Former Yugoslavia (ICTY), LtCol Christopher Brannen of the Navy JAG Corps, and International Committee of the Red Cross Legal Counsel Federico Barillas Schwank, 12 October 2015, 12 noon – 1.30 pm, rm. 254 UHWSRL.

ICTY Judge Orie is an ALIC Distinguished Jurist (October 9-15), and will engage with students in the International Humanitarian and Human Rights Law in ASEAN class taught by the ALIC Co-Directors.

10. IHL Students Session with the ICRC Legal Counsel, 12 October 2015, 6.30–8.30 pm, ALIC Office

ICRC Legal Counsel Federico Barillas Schwank will discuss the work of the International Committee of the Red Cross/Red Crescent in international and non-international armed conflicts, including potential legal careers and internships for law students.


Speaker: Judge Alphons Orie, ICTY, formerly of the Supreme Court of Netherlands

Welcome Remarks by UHWSRL Dean Aviam Soifer, Moderator: Prof. David Cohen

Since 2001, Judge Orie has presided over some of the most important trials of generals and political leaders at the International Criminal Tribunal for the former Yugoslavia. In his talk he will share his insights on the challenges of prosecuting war crimes, genocide, and crimes against humanity. Judge Alphons M.M. Orie (the Netherlands) obtained his masters degree in law from Leyden University in 1971. From 1971 until 1980 he was a Lecturer at Leyden University, Department of Criminal Law. In 1980, he was admitted to the Bar of the Supreme Court of the Netherlands. His main areas of practice were: criminal law especially International criminal cases (transborder defence, extradition, transfer of prisoners, international judicial co-operation) and Supreme Court criminal cases. From 1995 to 1997, he served as a member of the defense team in the first case before the ICTY, Prosecutor v. Tadic. He was appointed Justice of the Supreme Court of
the Netherlands in 1997. In 2001, Judge Orie took up office as Judge of the ICTY. He is the presiding judge of the Trial Chamber I. He was also elected Judge in the Mechanism for International Criminal Tribunals. Judge Orie published extensively on subjects of International Criminal Law and lectured on the same both in and outside Europe. He co-founded the Dutch Society for International Criminal Law and was awarded honorary membership of the Royal Netherlands Society for International Law.

12. ALIC Coffee Hour with Ateneo Law School (Philippines) Dean Sedfrey Candelaria, for FLSA/ADEPT/PALSO/APLPJ, 30 October 2015, 3.30 pm – 5 pm. On Philippine legal education and human rights careers, student internships at the Ateneo Law School centers and institutes.

13. ALIC Hosts US–ASEAN delegations on ASEAN Port Security and Trade Safety, 19 February 2016, 9.30 am. ALIC Co-Director Prof. Desierto hosted official delegations from the ten ASEAN Member States to discuss issues of maritime security, port security, and trade safety in ASEAN, and comparative experiences on maritime security in the United States.

14. APRIL 16, 2016 ALIC–APLPJ INTERNATIONAL SYMPOSIUM on Governance, Development, and Civil Society ( “Hawaii: Catalyzing the US–ASEAN Partnership”) [see Symposium Program, Poster, Invitation]

This one-day International Symposium will examine the new legal regime (ASEAN Law) emerging from the official start of integration of all ten ASEAN Member States as of 1 January 2016, and how this regime will impact US–ASEAN business, civil society, and governance relationships. In particular, the Symposium will explore how Hawaii – where the phrase ‘Southeast Asia’ was constructed – can engage, leverage, and revitalize its investment, business, social justice, ethnic, and migrant relationships with the most robust regional economy of over 600 million people speaking nearly 1000 languages, a region of $2.3 trillion annual gross income, averaging the highest growth rates in the world between 5% and 7%, and which is a significant investor to the United States (around 20% foreign direct investment from Southeast Asia to US, and just around 9% foreign direct investment from US to Southeast Asia). The Symposium will feature key business, civil society, and political leaders from Southeast Asia and the United States.

This International Symposium is spearheaded by ALIC for the Law School, with the support of the editors of the Asia–Pacific Law & Policy Journal. Symposium Proceedings will be published in a special APLPJ issue.
B. ALIC summer institutes outside Hawaii

1. **Summer Institute on International Humanitarian Law and Human Rights with the ASEAN Human Rights Institutions, Bali, Jakarta, July 2014 and July 2015**

   Directed by Prof. David Cohen, this annual Summer Institute (into its 10th year), is funded by USAID and the British Foreign and Commonwealth Office. The Summer Institute focuses on human rights and humanitarian law issues of particular relevance to ASEAN at the time. In 2015 the topic of the Summer Institute was *Human Trafficking, Slavery, and Migration in ASEAN*. The Summer Institute brings together key experts and regional leaders for training and policy oriented discussion. The Summer Institute 2014 and 2015 was attended by the ASEAN Intergovernmental Human Rights Commission (AICHR), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), the ASEAN Commission on the Rights of Migrant Workers (ACMW), and officials from the ASEAN Secretariat.


   Co-chaired by Prof. Diane Desierto, this annual Academy draws 30 of the world’s best jurists, international lawyers, and international academic experts in international investment law and international investment dispute settlement to examine and scrutinize architectural reform issues for the international investment system.

C. Lectures and Presentations (Fall 2014 to Spring 2016)

1. **Prof. Diane Desierto**
   - Co-Chair, 2nd Oxford Investment Claims Annual Summer Academy, St. Anne’s College, Oxford, 4 August 2016.
   - Visiting Scientist, The International Law of EU–ASEAN Relations, University of Cagliari Faculty of Economics, Law and Political Science, Italy, July 2016.
   - Expert, Investor-State Dispute Resolution in the Philippines and ASEAN, Chulalongkorn University, Thailand, 18 July 2016.


• Conference Convenor and Expert Speaker on the ASEAN Economic Community, *Hawaii: Catalyzing the US–ASEAN Partnership*, ALIC–APLPJ International Symposium, University of Hawaii William S. Richardson School of Law, 16 April 2016.


• Lecture on US Law Teaching and Graduate Programs, Yale Law School Graduate Programs, New Haven CT, February 8, 2016.


• Lecturer, *International Maritime Security, ASEAN Law, and Philippine Law*, Philippine Supreme Court and Philippine Judicial Academy (training around 100 justices and judges, senior government counsels), inaugural lecture for the Philippine Supreme Court’s International Law Training Center, 17–22, January 2016.

• Speaker, *From Jurisdiction to Merits: Seven Issues at Stake in Philippines v. China*, International Ocean Policy & Law Conference, Korea Institute of Science and Technology and Jon Van Dyke Institute, 12 November 2015.

• Speaker, *Hawaii–ASEAN Business and Legal Opportunities*, Hawaii State Bar Association (HSBA) International Law Section, 22 October 2015.
Co-Chair and Session Leader, Oxford Investment Summer Academy, St. Anne’s College, Oxford University, July 2015.

Speaker and Rapporteur, ASEAN regional investment treaties and FTAs, 66th Meeting of the ASEAN Coordinating Committee on Investment (CCI), Da Nang, Viet Nam, 1–3 June 2015.


ASLI Seminar Lecturer, Dissecting the Interplay of Bilateral and Regional Rulemaking: ASEAN’s Regional Investment Treaties and Southeast Asian BITs, 30 March 2015, National University of Singapore, at http://law.nus.edu.sg/asli/fellows/bio/pdf/Diane_Desierto01.pdf

Speaker, Reimagining Reparations Beyond Liability: Environmental Justice at the International Court of Justice?, 1 April 2015, Asia–Pacific Centre for Environmental Law (APCEL), National University of Singapore, at http://law.nus.edu.sg/apcel/workshops/Seminar_by_Prof_Diane_Desierto.pdf

Speaker, Investment Arbitration in Asia, Centennial Conference of the Chartered Institute of Arbitrators, Hong Kong, March 19–21, 2015, at http://www.ciarbasia.org/Centenary_Celebration/


• Guest Speaker, Dr. Jose Rizal Award for Peace and Social Justice, Knights of Rizal, Honolulu Chapter, October 11, 2014, Pacific Club, Honolulu.


• Runnymede Speaker, *Inequality in International Law: Compliance with Economic, Social and Cultural Rights and the Implementation of International Economic Law*, September 11, 2014, University of Amsterdam Faculty of Law and Amsterdam Center for International Law.


• Discussant, *ASEAN 2015 Integration and Impacts for the CMLV (Cambodia, Myanmar, Laos and Vietnam) Member States*, ASEAN Law and Integration Center (ALIC Seminar Series), 29 August 2014.


• Speaker, *ASEAN Integration in 2015 and Implications for the South China Sea Disputes*, Center for Asian Strategic Studies, Singapore, May 26, 2014.


• Lecture, *AEC Integration through Philippine Administrative Compliance*, ASEAN Economic Community (AEC) Roundtable, University of the Philippines School of Economics, 25 March 2014.


• Speaker, *Separation of Powers and Postnational Rulemaking in International Trade and Investment Law*, University of Amsterdam Faculty of Law, March 20–21, 2014, Amsterdam, the Netherlands.

• Lecture, *ASEAN Integration and Implications for US Geopolitics*, University of Oregon Law School, 24 February 2014.


• *Dialogue on Trade, Investment, and Environment with former WTO Member and Chair Yasuhei Taniguchi*, Asia Law Talk, University of Hawaii William S. Richardson School of Law, 21 February 2014.

• Featured Speaker, *Restoring Separation of Powers and Constitutional Accountability: Dismantling the Pork Barrel System through the Philippine Supreme Court*, Center for Philippine Studies Spring Colloquium, University of Hawaii, 5 February 2014.
• Speaker, *Regulatory Freedom and Control in the New ASEAN Investment Treaties*, Fourth Biennial Conference of the Asian Society of International Law, Panel on International Investment Law in Asia, 14–16 November 2014, India Habitat Centre, New Delhi, India.


• Speaker, *Evolutionary Interpretation and Subsequent Practice in Treaty Application: New Interpretive Communities and Processes in the Optional Protocol to the ICESCR*, Cambridge Conference on International Law Interpretation, 27 August 2013, United Kingdom.

**D. Previous, Ongoing, and Proposed Student Career Placement**

The ALIC Co-Directors have successfully placed, and continue to place law students in:

- Internships in Cambodia, Bangladesh, Senegal, and Indonesia Transitional Justice processes
- Internships at international tribunals and other international organizations
- Research assistantships on ALIC projects with USAID ACTI, ASEAN governmental queries, Max Planck Institute (Heidelberg) technical research on ASEAN investment, Government of Japan grant (research on the Trans-Pacific Partnership)
- Internships at the Hong Kong International Arbitration Centre
- Employment with Southeast Asia–based law firms on international transactions and international arbitration
- Legal aid organizations, justice sector and human rights NGOs in ASEAN
- Legal education reform in Indonesia and Cambodia
- Tuok Sleng Genocide Museum, Phnom Penh
- ALIC External/Graduate Fellow (assistance from 15 October to 15 December 2015 on 2 grant submissions and UH events): Garrett Halydier, JD ’15.
- ALIC Research Assistants: Katherine Vessels, JD ’16, Jacob Garner, JD ’16, Adrian Catalan, JD ‘17
• USAID ASEAN Connectivity through Trade and Investment (USAID ACTI)

Prof. Desierto serves as Principal Investigator/Legal Expert on ASEAN Regional Investment Treaties for the ASEAN Coordinating Committee on Investment, producing technical studies as requested. She also serves as Lead Consultant for USAID ACTI’s initial joint 3–4 December 2015 Symposium in Singapore, with USAID PROGRESS on the role of ASEAN Judiciaries in investment protection.

• Oxford Investment Claims

Prof. Desierto serves as Experts’ Group Team Leader and Special Projects Team Leader for Oxford Investment Claims, working with Oxford University Press editors to organize regular global webinars, conferences, and the annual Oxford Investment Academy for international investment law experts.

• Technical Assistance for the Senate of the Republic of the Philippines

Prof. Desierto provides technical expertise on ports, connectivity, tariffs and customs modernization law reforms, along with administrative legal reforms, contemplated by the Philippine Senate Ways and Means Committee, through the Office of Philippine Senator Edgardo Sonny Angara.

• Technical Assistance/Research for the Government of Japan

Prof. Desierto is the Lead Consultant examining the implications of the Trans-Pacific Partnership on Hawaii’s business and regulatory environment.

• International Legal Education Collaboration with the Philippine Supreme Court

Professors Desierto and Cohen are working long-term with the Philippine Supreme Court, through the Office of the Chief Justice Hon. Ma. Lourdes Sereno, on the Judiciary-wide initiative to establish the International Law Training Center at the Philippine Judicial Academy, beginning with the “International Criminal Law and International Security” training program for key Philippine government counsels (Office
of the President, Department of Justice, Department of Foreign Affairs, and Office of the Solicitor General) at the Philippine Judicial Academy (PHILJA) training facilities from 19–22 January 2016. The International Law Training Center will regularly conduct international law courses under a prescribed curriculum for Philippine judges and government counsels twice a year.

- EU–ASEAN Maritime Security

Professor Desierto serves repeatedly as Legal Expert for the EU in its annual High Level Dialogue with ASEAN on maritime security, environmental protection, ASEAN mechanisms, investment and connectivity issues in Southeast Asia.

- Anti-Corruption Baseline Research (pending with UNODC/World Bank ACPU)

ALIC Co-Directors Cohen and Desierto recently submitted their proposal to conduct a 10-country comparative baseline study of the anti-corruption legal and institutional framework in ASEAN. This project is pending review with the UN Office of Anti-Drug Cooperation and the regional anti-corruption prevention unit of the World Bank, in relation to parallel work with Transparency International.

- Evaluating the Performance of the Indonesian Anti-Corruption Courts

Professor Cohen, together with the leading Indonesian Justice Sector NGOs, ELSAM and LeIP, directs activities of a 3 year (2015–2017) anti-corruption project funded by the EU. The project trains recent law graduates to monitor and analyze the trials conducted at the specialized anti-corruption courts in 5 major urban jurisdictions that have the highest caseload of corruption cases. The monitoring reports are collated by LeIP and at the end of year 2 of the project we will publish the first comprehensive evaluation of the performance of these courts. This report will provide the basis for preparing revised curricula for the National Judicial Training Center and the National Prosecution Training Center under the mandate of our MOU with the Supreme Court of Indonesia.

- Monitoring the Khmer Rouge Tribunal/ECCC in Cambodia
Professor Cohen directs an ongoing project monitoring the trials of Khmer Rouge Senior Leaders at the Khmer Rouge Tribunal in Cambodia. The project has just published the first comprehensive report on Case 002/1 in the trial of the senior leaders Nuon Chea and Khieu Samphan: A Well Reasoned Opinion?. A related project, “Voices of Reconciliation in Cambodia”, funded by USAID, is now being completed. The project involved community meetings of victims and their families in provinces most affected by the Khmer Rouge, utilizing films and other educational materials prepared by the project.

- ASEAN Judiciaries Initiative

Professor Cohen works with the USAID Technical Assistance Facility at the ASEAN Secretariat (under the PROGRESS project) to promote legal harmonization and judicial cooperation in ASEAN in the context of the ASEAN Economic Community. This initiative is collaborating with the Supreme Courts of the Philippines and Indonesia as well as the Ministry of Justice in Cambodia.

- ASEAN as a Rules Based Community

With the support of USAID PROGRESS, in December 2015 Professor Cohen, the Human Rights Resource Center for ASEAN, and RSIS at the Nanyang Technological University in Singapore will conduct a two day conference on how to fulfill the promise of ASEAN as a “rules based community” under its Charter. Promoting the rule of law in ASEAN will be the focal point of the conference.

- Freedom of Religion in ASEAN

With the support of the Norwegian Government, the Human Rights Resource Center published a major 10 country study of freedom of religion, conscience, and belief in ASEAN: Keeping the Faith. The project was co-directed by Professor Cohen and Professor Kevin Tan of the National University of Singapore, who also served as co-editors of the report.

- Comparative Study of Anti-Corruption Institutions in ASEAN

Professors Cohen and Tan will co-direct a 10 country study comparing the anti-corruption legislation and institutions in ASEAN with a view towards harmonizing ASEAN anti-corruption mechanisms so as to promote more effective regional responses to corruption, especially in light of the advent of the ASEAN Economic Community.

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