He Hali‘a Aloha No Jon

Memories of Aloha for Jon, an International Law Symposium Tribute to Professor Jon Markham Van Dyke

Hosted by the Jon Van Dyke Institute of International Law and Justice and the University of Hawai‘i Law Review

William S. Richardson School of Law
University of Hawai‘i at Mānoa
Honolulu, Hawai‘i
January 30-February 1, 2013
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Program

Monday, January 14, 2013

Keynote address 5:00 pm
Jerome Cohen, Professor and Director, U.S.-Asia Law Institute, New York University Law School
A New Era for Chinese Justice, Reflections on the Bo Xilai and Chen Guangcheng Cases
Recorded by video and available electronically on WSRSL Law Review website

Thursday, January 31, 2013

Registration 8:00-8:45 am
Continental Breakfast 8:00-9:00 am
Welcoming remarks 8:50-9:00 am
Aviam Soifer, Dean, William S. Richardson School of Law (WSRSL)
Denise Antolini, Associate Dean, WSRSL
Sherry P. Broder, Director, Jon Van Dyke Institute, WSRSL, wife of Professor Jon Van Dyke

Panel 1: East Asian Seas--Conflicts, Strategies for Peaceful Resolutions and Accomplishments 9:00-10:30 am
Moderator: Jin-Hyun Paik, Judge, International Tribunal for the Law of the Sea and Professor of International Law, Seoul National University, Seoul, Republic of Korea
Seokwoo Lee, Professor of Law and Vice Dean for External Affairs, Inha University Law School, Korea, Dokdo, Historical Awareness, and Korea-Japan Relations
Julia Xue, Professor and Director, Law of the Sea Institute, Ocean University, Qingdao, China, The Law of the Sea Issues in Northeast Asia: Challenges for Cooperation
Yann-huei Song, Research Fellow, Institute of European and American Studies, Academia Sinica, Taiwan, Conflicting Exclusive Economic Zone And Outer Continental Shelf Claims In The East And South China Seas, Proposals For Cooperation And Peaceful Resolutions
Peter Dutton, Professor of Strategic Studies and Director of the China Maritime Studies Institute, U.S. Naval War College, Newport, Rhode Island, Between Anger and Fear: East Asian Maritime Disputes and Security Dynamics

Break 10:30-10:45 am

Panel 2: International Environmental and Nuclear Law 10:45 am-12:15 pm
Moderator: Joon-Soo Jon, Professor, College of Business Administration, Sogang University, Korea
Ved P. Nanda, Professor of International Law, Evans University Professor, and Thompson G. Marsh Professor of Law, Director, Ved Nanda Center for International and Comparative Law, Sturm College of Law, University of Denver, Denver, Colorado, The Environment and Human Rights and International Environmental Governance
Naoki Idei, Attorney and Professor of Law, Daito Bunka University Law School, Tokyo, Japan, Facing Mass Nuclear Damage Claims - Challenge of Japanese Judicial System facing Fukushima Nuclear Power Plant Accident
Sherry Broder, Director, Jon Van Dyke Institute of International Law and Justice, William S. Richardson School of Law, University of Hawai‘i at Mānoa, Updating Nuclear Law
David VanderZwaag, Canadian Research Chair in Ocean Law and Governance, Dalhousie University, Halifax, Canada, The ICJ, ITLOS and the Precautionary Approach: Paltry Progressions, Jurisprudential Jousting

Lunch 12:15-1:15 pm
Moot Court Room and Room 254

Keynote Address 1:15-1:45 pm
Professor Harry N. Scheiber, The Legacy of Jon Van Dyke in Legal Scholarship
Thursday, January 31, 2013

Panel 3: Climate Change and Sea Level Rise
1:45-3:30 pm

Moderator: David Caron, Professor of Law and Co-Chair, Miller Institute for Global Challenges and the Law, Berkeley Law School, University of California, Berkeley, California

Maxine Burkett, Associate Professor of Law and Inaugural Director, Center for Island Climate Adaptation and Policy (2009-2012), William S. Richardson School of Law, University of Hawai‘i at Mānoa, Migrations Implications of Sea-Level Rise

Durwood J. Zaelke, President, Institute for Governance and Sustainable Development and Director, Secretariat of the International Network for Environmental Compliance and Enforcement, Washington, D.C., Reducing the Rate of Sea-Level Rise by Cutting Emissions of Short-Lived Pollutants

David Freestone, Professorial Lecturer in Law, George Washington University, Senior Advisor to the Multilateral Office of International Union for Conservation of Nature (IUCN), Washington, D.C., Can the UN Climate Regime Respond to the Challenges of Sea-level Rise?

Richard Wallsgrove, Attorney and Program Director, Blue Planet Foundation, Honolulu, Hawai‘i, Managing Global GHG Emissions Through State and Local Regulations

Break
3:30-3:45 pm

Panel 4: Emerging International Regimes to Control Environmental Impacts
3:45-5:00 pm

Moderator: John Briscoe, Attorney, Briscoe, Ivester & Bazel, LLC, San Francisco, California

Clive Schofield, Director of Research and Future Fellow, Australian National Centre for Ocean Resources and Security, University of Wollongong, Wollongong, Australia, Developments In Deep and Ultradeep Water Exploration Technologies And Related Environmental Impacts/Safeguards

Anastasia Telesetsky, Associate Professor of Law, University of Idaho College of Law, Moscow, Idaho, Restoration and Large Marine Ecosystems: Strengthening Governance for an Emerging International Regime Based on “Ecoscape” Management

Jae-Hyup Lee, Seoul National University, Professor, School of Law, Seoul National University, Seoul, Korea, Transboundary Pollution in Northeast Asia: An International Environmental Law Perspective

Friday, February 1, 2013

Jon Van Dyke Day

Proclamation by Governor Neil Abercrombie, State of Hawai‘i
Proclamation by Mayor Kirk Caldwell, City and County of Honolulu

Continental Breakfast Registration
8:00-9:00 am 8:00-8:45 am

Panel 5: Protecting the Ocean and Its Resources
9:00-10:15 am

Presentation by Turkish Marine Research Foundation, Dr. Bayram Ozturk and Professor Nilufer Oral

Moderator: Sherry Broder, Attorney, Director, Jon Van Dyke Institute of International Law and Justice, William S. Richardson School of Law

Nilufer Oral, Deputy Director of the Center for Marine Law Research, Istanbul Bilgi University, Istanbul, Turkey, Co-Chair, IUCN Commission on Environmental Law’s Specialist Group on Oceans, Coasts, and Coral Reefs, Regional Councillor for Western Europe, IUCN, A Particularly Sensitive Sea Area for the Black Sea

Steve Roady and Erika Rosenthal, Attorneys, Earthjustice, Washington, D.C., The Other CO2 Problem: International Law Approaches to Ocean Acidification

Elias Blood-Patterson, New York University Jon Van Dyke Fellow, U.S. Ratification of the Law of the Sea Treaty

Friday, February 1, 2013

Break 10:15-10:30 am

Panel 6: Human Rights in Asia 10:30 am-12:15 pm

Moderator: Ved P. Nanda, Professor of International Law, Evans University Professor, and Thompson G. Marsh Professor of Law, Director, Ved Nanda Center for International and Comparative Law, Sturm College of Law, University of Denver, Denver, Colorado

Alison Conner, Professor and Director of International Programs, William S. Richardson School of Law, University of Hawai‘i at Mānoa, Images of Justice (and Injustice)

Carole Petersen, Professor and Director of the Matsunaga Institute for Peace, William S. Richardson School of Law, University of Hawai‘i at Mānoa, The Convention on the Rights of Persons with Disabilities: Using International Law to Promote Social and Economic Development in the Asia-Pacific

Yoonkyeong Nah, Yonsei University, Seoul, Republic of Korea, Historical Issues between Korea and Japan and Judicial Activism: Focusing on the Recent Decisions of the Korean Constitutional Court Concerning Comfort Women

Tae-Ung Baik, Associate Professor of Law and Chair, Pacific-Asian Legal Studies, William S. Richardson School of Law, University of Hawai‘i at Mānoa, Stabilizing Democracy and Human Rights Systems in South Korea

Lunch 12:15-1:15 pm

Keynote Address 1:15-1:45 pm

David Caron, Professor of Law and Co-Chair, Miller Institute for Global Challenges and the Law, Berkeley Law School, University of California, Berkeley, California, Anticipatory Public Trust Doctrine: A Means for Climate Change Adaptation

Panel 7: Utilizing Indigenous Tradition and Custom in Decision Making 2:00-3:30 pm

Moderator: Justice Richard Pollack, Hawai‘i Supreme Court

Melody K. MacKenzie, Associate Professor of Law and Director, Ka Huli Ao Center for Excellence in Native Hawaiian Law, William S. Richardson School of Law, University of Hawai‘i at Mānoa, Ke Ala Hou – The Path of Renewal: Caring for ‘Āina in a Restored Hawaiian Nation


Robert J. Torres, Jr., Justice, Supreme Court of Guam, Hagåtña, Guam, Jon’d at the Hip: Tradition and Custom in Island Decision Making

D. Kapuaʻala Sproat, Assistant Professor of Law, William S. Richardson School of Law, University of Hawai‘i at Mānoa, Moʻomeheu: Utilizing Hawaiian Custom in Decisionmaking

Panel 8: International Law and the Development of the Rights of Indigenous Peoples 3:45-5:15 pm

Moderator: Richard Clifton, Judge, U.S. Court of Appeals for the Ninth Circuit

Dinah L. Shelton, Manatt/Ahn Professor of International Law, George Washington University, Washington, D.C., The Role of the Inter-American System in Developing International Law on the Rights of Indigenous Peoples

Charles Norchi, Professor of Law and Director, Center of Oceans and Coastal Law, University of Maine School of Law, Portland, Maine, Human Rights and Indigenous Decision-Making In Afghanistan

James Anaya, United Nations Special Rapporteur on the Rights of Indigenous Peoples and American James J. Lenoir Professor of Human Rights Law and Policy, James E. Rogers College of Law, University of Arizona, Tucson, Arizona, Developing Jurisprudence Within The Inter-American System, via video
Jon Markham Van Dyke, a leading Hawai‘i professor, legal scholar, and practitioner in international, human rights, environmental, ocean, and constitutional law, was born in Washington, D.C. in 1943. In November 2011, at the age of 68, he passed away.

A trial and appellate attorney, Van Dyke often as co-counsel with his wife Sherry Broder worked successfully and passionately on numerous cases for Native Hawaiians, civil and human rights; environmental and constitutional issues; and, in 2011, as teachers of International Law.

Van Dyke regularly, without seeking recognition or compensation, represented individual Native Hawaiians and Native Hawaiian groups who would not otherwise have been able to procure representation for their constitutional, traditional and customary rights.

He consistently won recognition for his scholarship, teaching and advocacy; was a well-sought expert in a variety of international issues; advised island, coastal, and adversarial nations on their rights and responsibilities; and represented members of Pacific Island nations in issues of social justice, including the people of the Marshall Islands before the Court of Claims for exposure to atmospheric nuclear testing and the people of the Philippines who were human rights victims of then-President Ferdinand Marcos.

Among his many and varied accomplishments, Van Dyke sought to bring dignity to discourse by teaching through example and coursework how to ask and answer tough questions, respect varied opinions and perspectives, and to persistently seek a path toward a more civil world.

As an educator, Van Dyke had a fierce passion for teaching and an unwavering commitment to the thousands of students who passed through his classes.

He joined the University of Hawai‘i School of Law in 1976 and was one of the longest-serving members of the faculty. He previously taught at the Hastings College of Law, University of California, San Francisco, and at the Catholic University Law School, Washington, D.C.

During his years at University of Hawai‘i School of Law, Van Dyke was invited to be a Visiting Scholar at numerous other U.S. and international institutions.

He was recipient of a UH presidential citation for excellence in teaching and the Regents’ Medal for Excellence in Research. He held the position as the Carlsmith Ball Faculty Scholar and was selected Outstanding Professor at the law school on four occasions.

Van Dyke authored six books and more than 120 scholarly articles for journals, including contributing to numerous other publications with colleagues. Among his notable works were: Sharing the Resources of the South China Sea (co-author with Mark Valencia and Noel Ludwig, 1977), Who Owns the Crown Lands of Hawai‘i? and Jury Selection Procedures: Our Uncertain Commitment to Representative Panels.

Van Dyke graduated from Harvard Law with his J.D. in 1967.