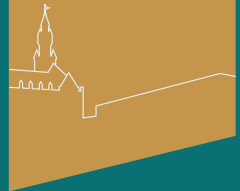

2024 Advanced Courses of The Hague Academy of International Law in Manila

*Upon invitation and with the support of the
Office of the Solicitor General of the Republic
of the Philippines and the Embassy of the
Philippines in the Netherlands*



100

YEARS and beyond
ANS et au-delà



18 – 29 November 2024
Programme Venue: One Convergys Building,
Ayala Avenue, Makati City

PROGRAMME

2024 ADVANCED COURSES OF THE HAGUE ACADEMY OF INTERNATIONAL LAW IN MANILA

*Upon invitation and with the support of the
Office of the Solicitor General of the Republic
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Philippines in the Netherlands*

18 – 29 November 2024

MONDAY 18 NOV

8.00-9.00

Registration and Administrative Formalities

9.00-10.00

Opening Remarks

Mr. Menardo I. Guevarra, Solicitor General of the Republic of the Philippines, and Prof. Jean-Marc Thouvenin, Secretary-General of The Hague Academy of International Law

10.15-13.15

Law of the Sea: History, Sources and Main Features

Prof. Dr. Suzette V. Suarez, Professor at the Bremen University of Applied Sciences

Lunch

14.30-17.30

Law of the Sea: Islands, Archipelagos, Baselines, Maritime Entitlements and Historical Waters

Prof. Dr. Suzette V. Suarez, Professor at the Bremen University of Applied Sciences

TUESDAY 19 NOV

9.30-12.30

Law of the Sea: The Practice of the Philippines

Prof. Dr. Suzette V. Suarez, Professor at the Bremen University of Applied Sciences

Lunch

14.00-17.00

Law of the Sea: Case Law

Prof. Jean-Marc Thouvenin, Secretary-General of The Hague Academy of International Law, and Prof. Dr. Suzette V. Suarez, Professor at the Bremen University of Applied Sciences

17.15-18.45

Side Event: The Singapore/Malaysia Situation

Prof. Jay Batongbacal. Professor at the University of the Philippines College of Law

WEDNESDAY 20 NOV

9.30-12.30

International Environment Law: Protection of the Maritime Environment and Climate Change Regime

Prof. Makane Moïse Mbengue, Professor at
the University of Geneva and Member of the
Curatorium

Lunch

14.00-17.00

International Environmental Law: Philippines Practice and Challenges

Prof. Tony La Viña, Associate Director for
Climate Policy and International Relations at
the Manila Observatory and Member of the
Permanent Court of Arbitration

17.15-18.45

Side Event: China and the Emerging Geopolitical Scenario for Southeast Asia

Prof. Tony La Viña, Associate Director for
Climate Policy and International Relations at
the Manila Observatory and Member of the
Permanent Court of Arbitration

THURSDAY 21 NOV

9.30-12.30

State-State Dispute Settlement: Historical Trends, Notions of Dispute and Methods of Peaceful Settlement

Prof. Makane Moïse Mbengue, Professor at
the University of Geneva and Member of the
Curatorium

Lunch

14.00-17.00

State-State Dispute Settlement: Application Instituting Proceedings and Incidental Proceedings (including Provisional Measures)

Prof. Jean-Marc Thouvenin,
Secretary-General of The Hague Academy
of International Law

FRIDAY 22 NOV

9.30-12.30

State-State Dispute Settlement: Question of Jurisdiction and Preliminary Objections/ Bifurcations

Prof. Jean-Marc Thouvenin,
Secretary-General of The Hague Academy of
International Law

Lunch

14.00-17.00

State-State Dispute Settlement: Procedures, Interpretation, Revision and Enforcement

Prof. Jean-Marc Thouvenin,
Secretary-General of The Hague Academy of
International Law

MONDAY 25 NOV

9.30-10.00

Welcome Ceremony for the President of the Curatorium, Prof. Diego P. Fernández Arroyo

10.15-12.45

Investor-State Dispute Settlement: General Presentation of ISDS and Commercial Arbitration Involving a Contract with a State

Prof. Makane Moïse Mbengue, Professor at
the University of Geneva and Member of the
Curatorium

Lunch

14.00-17.00

Investor-State Dispute Settlement: Competence of Arbitral Tribunals, Seat of Arbitration, Arbitration Procedure and Recent Rulings

Prof. Makane Moïse Mbengue, Professor at
the University of Geneva and Member of the
Curatorium

TUESDAY 26 NOV

9.30-12.30

Commercial Arbitration: Competence of Arbitral Tribunals, Arbitration Procedure

Prof. Diane Desierto, Professor at Notre Dame
Law School

Lunch

14.00-16.00

Commercial Arbitration: Orders, Interim Measures and Evidence

Prof. Diane Desierto, Professor at Notre Dame
Law School

16.15-17.45

Written Advocacy

Ms. Charis Tan, Partner at Peter & Kim
International Arbitration Firm

WEDNESDAY 27 NOV

9.30-12.30

Commercial Arbitration: Defenses and Arbitration Award

Prof. Diane Desierto, Professor at Notre Dame
Law School

Lunch

14.00-15.30

Commercial Arbitration: Recent Rulings and Minimizing Costs

Prof. Diane Desierto, Professor at Notre Dame
Law School

15.45-17.15

Legal Writing and Oral Advocacy Before Arbitral Tribunals

Ms. Charis Tan, Partner at Peter & Kim
International Arbitration Firm

THURSDAY 28 NOV

9.30-12.30

Investor-State Dispute Settlement: Orders and Interim Measures, Evidence and Defenses

Dr. Jean Ho, Associate Professor and
Programme Director at the National
University of Singapore Faculty of Law

Lunch

14.00-17.00

Investor-State Dispute Settlement: Arbitral Award and Minimizing Costs

Dr. Jean Ho, Associate Professor and
Programme Director at the National
University of Singapore Faculty of Law

FRIDAY 29 NOV

9.30-12.30

Written and Oral Advocacy

Ms. Charis Tan, Partner at Peter & Kim
International Arbitration Firm

Lunch

14.00-17.00

Written and Oral Advocacy

Ms. Charis Tan, Partner at Peter & Kim
International Arbitration Firm

Remittance of Certificates & Closing Speeches

Mr. Menardo I. Guevarra, Solicitor General
of the Republic of the Philippines, and Prof.
Jean-Marc Thouvenin, Secretary-General of
The Hague Academy of International Law



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Mr. Menardo I. Guevarra

Solicitor General
of the Republic of the Philippines

Atty. Menardo I. Guevarra graduated Salutatorian of his grade school class at St. Mary's College in 1966 and Valedictorian of his high school class at the Meycauayan College in Bulacan in 1970. He obtained his Bachelor of Arts degree (Magna Cum Laude) from the Ateneo de Manila in 1974, with Political Science as his field of concentration. He was immediately recruited by the National Economic and Development Authority (NEDA) and was sent on scholarship to the University of the Philippines for graduate studies in Economics. He worked as Staff Economist at NEDA until 1983, then transferred to the Central Bank's Department of Economic Research to work as Bank Economist. While working full-time he took up Law in the evening at the Ateneo School of Law in Makati. He finished the course (Second Honors) in 1985 and placed second in the Bar Examinations in the same year. Atty. Guevarra thereafter joined the technical staff of the 1986 Constitutional Commission which drafted the 1987 Philippine Constitution, and then started his private law practice as an Associate at the Ponce Enrile (PECABAR) Law Offices. In 1990, he and several other lawyers decided to form a new partnership. Since then, Atty. Guevarra had taken on and supervised more than a thousand cases involving contract disputes, family and property relations, intra-corporate controversies, tax appeals, criminal actions, and legal representation in regulatory agencies. Atty. Guevarra had a very extensive trial and appellate practice, and had appeared in oral arguments before the Court of Appeals and the Supreme Court. He was also an accredited arbitrator of the Philippine Chamber of Commerce and Industry, and an active faculty member of the Ateneo School of Law where he taught a broad range of subjects. In September 2010, Atty. Guevarra was appointed by President Benigno Aquino III as a Member of the Philippine Truth Commission. Then in May 2015, he was appointed as Deputy Executive Secretary for Legal Affairs at the Office of the President. In February 2016, Atty. Guevarra was appointed Commissioner of the newly established anti-trust agency, the Philippine Competition Commission. When Rodrigo Roa Duterte was elected President, he appointed Atty. Guevarra as Senior Deputy Executive Secretary. Then on 05 April 2018, Atty. Guevarra was appointed Secretary of Justice and served as such until 30 June 2022. Upon Ferdinand Marcos Jr.'s election to the presidency, Atty. Guevarra was appointed Solicitor General of the Republic. As Solicitor General, Atty. Guevarra immensely enjoys his job as head of the biggest and most prestigious law firm in the country, which performs the dual role of Defender of the Republic and the Tribune of the People. As counsel for the Government, the Office of the Solicitor General has the exclusive statutory mandate to represent the Republic of the Philippines in all international arbitrations and litigations.



Prof. Jean-Marc Thouvenin

Secretary-General
of The Hague Academy of International Law

Jean-Marc Thouvenin is a Professor of International Law at the University Paris Nanterre. He has been serving as the Secretary-General of The Hague Academy of International Law since 2017. In his academic capacity, Professor Thouvenin had held many positions, including as Secretary-General of the French Society for International Law, Director of the Centre of Research on International Law of University Paris and Director of a Master of International Law. He is Member of the Board of the French Society for International Law, Member of the International Law Association, and of the American Society of International Law. He is an associate member of the Institut de Droit international. He has published articles extensively on international law, including on the Law of the Sea. His last publication is a Treatise on the Law of the Sea, as a co-editor. A book on Enclosed and Semi-Enclosed Seas has also been published under his co-editorship. Jean-Marc Thouvenin is a practitioner and represents States before the International Court of Justice (ICJ), the Permanent Court of Arbitration (PCA), and the International Tribunal for the Law of the Sea (ITLOS). He has been a counsel and advocate for the Maldives in a case against Mauritius relating to maritime delimitation; for Colombia in two cases related to the law of the sea (Extended Continental Shelf; Entitlements of Islands; Maritime Delimitation; Baselines; Freedom of Navigation); and, for Ukraine in four cases, two of them concerning the law of the sea (Immunity of Warships; Disrespect of Exclusive Rights and Jurisdiction of the Coastal State). He has also been counsel for Slovenia in a case against Croatia before the European Court of Justice (on the legal effect of an arbitral award delimiting a maritime boundary). His past appointments include serving as counsel for Chile (Obligation to Negotiate), Burkina Faso (Frontier), Benin (Frontier), Guinea (Diplomatic Protection), Chad (Frontier), Cameroon (Frontier), and Australia (Self-Determination and Permanent Sovereignty over Natural Resources; Phosphate Lands).



Prof. Dr. Suzette V. Suarez

Professor
at the Bremen University of Applied Sciences

Prof. Dr. Suzette Suarez is Professor of Maritime Law at the Hochschule Bremen City University of Applied Sciences in Bremen, Germany and is also teaching as the Helmut-Schmidt-Universität / Universität der Bundeswehr in Hamburg, Germany. An expert in public and private international law with particular focus on the law of the sea and maritime law, her research and publication topics include offshore renewable energy, marine scientific research, maritime disputes, maritime delimitation, law of the sea jurisprudence, and the continental shelf. She serves as consultant to governments and international organizations including the United Nations on maritime crimes and maritime security. Prof. Suarez worked as Associate Legal Officer at the International Tribunal for the Law of the Sea. She advised the Philippine government on public international law issues including law of the sea issues in her capacity as Head of the Institute of International Legal Studies of the University of the Philippines Law Center. Prof Suarez graduated from the University of the Philippines College of Law and pursued law graduate studies in several jurisdictions (Canada, Germany, and the U.K.). She is admitted to the Philippine Bar and the Roll of Solicitors, England and Wales, UK.



Prof. Jay Batongbacal

Professor
at the University of the Philippines College of Law

Jay L Batongbacal is a lawyer with degrees in Political Science and Law from the University of the Philippines, as well as Master of Marine Management and Doctor in the Science of Law, both from Dalhousie University (Canada). At present, he is a full Professor and chairs the Graduate Studies Program at the University of the Philippines College of Law, while also serving as Director of the Institute for Maritime Affairs and Law of the Sea of the U.P. Law Center and Chair of the LLM Program Committee. He has worked extensively on maritime affairs since 1997, carrying out research, consultancy work, and teaching, with numerous national and international publications to his credit. Dr. Batongbacal was legal advisor to the Philippine delegation that successfully pursued the Philippines' claim to a continental shelf beyond 200 nautical miles in the Benham Rise Region before the Commission on the Limits of the Continental Shelf in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), and the successful application before the International Maritime Organization for the designation of the Tubbataha Reef Natural Park Particularly Sensitive Sea Area. He has been included among the UNESCO/IOC List of Experts for UNCLOS Annex VIII Special Arbitration on Marine Scientific Research. In 2022, Dr. Batongbacal completed a Taiwan Fellowship Program at the National Taiwan Normal University in Taipei, Taiwan and a Fulbright Advanced Research and Lecturing Fellowship at the US Naval War College in Rhode Island, USA. He has since returned to resume teaching undergrad and graduate law courses and is using “experimental game-based learning” with two elective courses, The Law of the Sea and Natural Resources Law. His current research interests include the Law of the Sea, Aerospace Law, and the Law of Naval Warfare.



Prof. Makane Moïse Mbengue

Professor

at the University of Geneva and Member of the Curatorium

Makane Moïse Mbengue is Professor of International Law at the Faculty of Law of the University of Geneva and Director of the Department of International Law and International Organisation. He is also an affiliate professor at Sciences Po Paris (School of Law). He is a Member of the Curatorium of The Hague Academy of International Law and an Associate Member of the Institut de Droit international. Since 2017, he has been the President of the African Society of International Law (AfSIL). Prof. Mbengue acts as counsel in disputes before international courts and tribunals (in particular, before the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS) arbitrator (in investment cases) and as advisor for governments across the world. He is involved in the negotiations of several international agreements (investment agreements, water agreements and environmental agreements among others). He is the author of several publications in the field of international law.



Prof. Tony La Viña

Dean of the Ateneo School of Government

Dr Antonio Gabriel La Viña is at present Associate Director for climate policy and international relations and concurrently Head, Klima Center of Manila Observatory, a Catholic and Jesuit scientific institution and a professor of law, philosophy, politics and governance in several universities in the Philippines. Dean Tony is also a member of the Permanent Court of Arbitration in The Hague, the Chair of the Jurisprudence and Legal Philosophy Department of the Philippine Judicial Academy, the founding President of the Movement Against Disinformation, and the founding Chair of the Mindanao Climate Justice Resource Facility, and member of the Manila Critics Circle. He has served as a member of the Compliance Review Panel of the Asian Development Bank and has been a member of the board of Bioversity International, Center for International Forestry Research, and the Center for International Environmental Law. He is the former Dean of the Ateneo de Manila University School of Government, co-founder of Ashoka Philippines and the Legal Rights and Natural Resources Center, and a former environmental undersecretary of the Philippines. He has written many books, journal articles, and columns about national and

environmental issues. He has been engaged in the climate negotiations for the last thirty years as a head of delegation, lead negotiator, and spokesperson for the Philippines, as a facilitator in the UNFCCC negotiations, as a technical expert in the Green Climate Fund, the as an academic studying the process, and more recently as a climate justice activist working for the maximum outcomes possible in the negotiations. Dean Tony obtained his Doctorate and Master of Laws degrees from Yale University and his JD and AB Philosophy degrees from the University of the Philippines and Ateneo de Manila University respectively. He placed third in the 1998 bar examinations.



Prof. Diego P. Fernández Arroyo

Professor at Sciences Po Law School and President of the Curatorium

Diego P. Fernández Arroyo is a professor at Sciences Po Law School in Paris. He teaches subjects related to international dispute resolution, arbitration, private and public international law, comparative law, and global governance, and he is the director of the Sciences Po LLM in Transnational Arbitration & Dispute Settlement. Professor Fernández Arroyo is the current President of the Curatorium of the Hague Academy of International Law, a member of the Institut de droit international, the current President of the International Academy of Arbitration Law, as well as former President of the American Association of Private International Law (ASADIP), and former Secretary-General of the International Academy of Comparative Law. He has been invited in a number of Universities of Europe, the Americas, Asia and Australia and he has been a Global Professor of New York University. He holds honorary professorships from the Universities of Córdoba and Buenos Aires and has been awarded Doctor honoris causa by the University of Athens. Professor Fernández Arroyo has been a member of the Argentine Delegation before UNCITRAL (Working Groups on Arbitration and on ISDS Reform) since 2003. He is actively involved in the practice of international arbitration as an independent arbitrator. He has acted as Co-arbitrator, Chair, Sole Arbitrator, and Emergency Arbitrator in many arbitral proceedings, both ad hoc (including UNCITRAL) and institutional (ICC, ICSID, PCA, Milan Arbitration Chamber, Bogota Chamber of Commerce, Lima Chamber of Commerce, Brazilian Center of Mediation and Arbitration, Câmara do Mercado, etc.). He is a member of the ICSID panels of arbitrators and conciliators appointed by Argentina. Professor Fernández Arroyo has authored and/or edited 28 books and more than 200 articles in publications of more than 20 countries. He is fluent in Spanish, French, English, Italian and Portuguese.



Prof. Diane Desierto (JSD, Yale)

Professor at Notre Dame Law School

Prof. Dr. Desierto (JSD, Yale) is a full tenured Professor of Law at the Notre Dame Law School and a full tenured Professor of Global Affairs at the Keough School of Global Affairs, University of Notre Dame. At Notre Dame, she holds administrative leadership positions as Faculty Director of Notre Dame Law School's 50-year-old LL.M. Program in International Human Rights Law and Founding Director of its new Global Human Rights Clinic. She also holds leading research positions as Co-Principal Investigator of the ND Reparations Design and Compliance Lab, and Faculty Fellow appointments at five of the University's Institutes (Klau, Kellogg, Liu, Nanovic, Pulte). Outside Notre Dame, she is a member of various editorial boards (European Journal of International Law, Journal of World Investment and Trade, International Law Studies) and acts as Counsel and/or Expert in disputes brought before the Permanent Court of Arbitration at the Hague, UN treaty bodies, the International Court of Justice, the World Trade Organization, the International Criminal Court, and various foreign constitutional courts. She served as ChairRapporteur of the UN Expert Group that drafted the forthcoming new treaty (Covenant on the Right to Development) and has also served as Expert for the Asian Development Bank, the Association of Southeast Asian Nations, USAID, and the World Bank. In her areas of research in international law, international human rights and humanitarian law, international economic law and development, international arbitration and dispute resolution, ASEAN Law and maritime security, Professor Desierto has thus far authored 7 books, over 60 law review articles, 35 book chapters, 10 amicus briefs, and 90 shorter articles, book reviews, and policy studies. Professor Desierto is also a member of the Corps of Professors at the Philippine Judicial Academy.



Ms. Charis Tan

Partner at Peter & Kim International Arbitration Firm

Charis specialises in international commercial and investor-State arbitration and public international law. She is admitted in three jurisdictions (Singapore; England & Wales; New York) and her experience includes investment and commercial arbitrations under the rules of major arbitration institutions, including ICSID, ICC, SIAC, HKIAC, KCAB and SCC, as well as ad hoc proceedings under UNCITRAL Rules. Charis is regularly engaged both as Counsel and Arbitrator. Charis has acted for States in a variety of cases, including in high profile cases before the International Court of Justice (ICJ) and investor-State proceedings. Among others, GAR reported that she represented Egypt in a trio of ICSID cases, and defended Slovenia in another ICSID arbitration. She is also currently representing Vietnam in two cases. In 2023, she completed duties as a WTO Panelist in DS577 (United States – Anti-Dumping and Countervailing Duties on Ripe Olives from Spain). Charis has been named by Who's Who Legal, GAR, Chambers and Legal 500. An initiative she spearheaded for Government officials won the FT Innovative Lawyers Award. Charis is also editor of Investment Protection in Southeast Asia and Jus Mundi's Wiki Notes on Investment Law and Arbitration.



Dr. Jean Ho

Associate Professor and Programme Director at the National University of Singapore Faculty of Law

Dr Jean Ho is Associate Professor of Law and Director of the J.D. Programme at the National University of Singapore. Prior to joining academia, she practiced investor-state dispute settlement and general international arbitration with Shearman & Sterling LLP. Dr Ho holds law degrees from New York University, l'Université de Paris I (Panthéon-Sorbonne) and Cambridge University, and is called to the Singapore and New York bars. Dr Ho has more than fifteen years of experience practising, researching, supervising, teaching, and publishing on international investment law and arbitration. She is a principal co-author of a leading textbook on the field, *International Investment Law and Arbitration: Commentary, Awards, and Other Materials*, with a second edition by Cambridge University Press. This textbook has been cited with approval by the Colombian Constitutional Court as well as the Singapore Court of Appeal. Her first monograph, *State Responsibility for Breaches of Investment Contracts*, which is based on her doctoral thesis, is also published by Cambridge University Press, and is synopsized in English, French and Mandarin in the United Nations Audiovisual Library in International Law Lecture Series. Her second monograph, *New Property in International Law*, has just been published by Oxford University Press. In recognition of her expertise, Dr Ho was nominated by the US State Department as an Expert to the UNIDROIT Working Group on Agricultural Land Investment Contracts. She recently accepted her second appointment as an Expert to the UNIDROIT-ICC Working Group on International Investment Contracts. She has also been invited by the Singapore government to advise on the reform of the International Arbitration Act. Dr Ho is an elected member of the Executive Council of the Asian Society of International Law, and an Editorial Board Member of the *Journal of International Economic Law*. Dr Ho's areas of specialisation are contractual regulation under international law, property regulation under international law, international property theory, treaty interpretation, the law on State and investor responsibility, and foreign investment regulation. She has served as a reviewer for numerous manuscripts submitted to leading academic journals and leading university and independent presses, and has been invited to speak at prominent international conferences. Concurrently with her role in academia, Dr Ho acts as counsel in investor-state disputes.



