



U.S. NAVAL WAR COLLEGE

*Stockton Center for
International Law*

STOCKTON CENTER FOR INTERNATIONAL LAW

ANNUAL REPORT 2021

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UNITED STATES NAVAL WAR COLLEGE | 686 CUSHING ROAD, NEWPORT, RHODE ISLAND

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STOCKTON CENTER FOR INTERNATIONAL LAW 2021 ANNUAL REPORT

Stockton Center for International Law
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RADM Charles Herbert Stockton, USN

LETTER FROM THE CHAIRMAN



2021 was another year of expanding engagement and success with the Stockton Center for International Law enhancing programs, relationships, and scholarship to educate future leaders, practitioners, and scholars, and shape the trajectory of the international law of military operations. Our dedicated personnel seamlessly mixed in-person and virtual instruction and engagement

worldwide, playing a critical role in the development of consequential and timely issues in the law.

We were closely involved with writing three military manuals: *The Newport Manual on the Law of Naval Warfare*, the *Woomera Manual on the International Law of Military Space Operations*, and the *Commander's Handbook on the Law of Naval Operations*. These commentaries and restatements of international law are leading authorities on the operation of the Naval, Joint and Combined force.

Our former Chair and the founder of the Stockton Center, Professor Emeritus Michael Schmitt, continued his storied service to the Center. The Stockton Center welcomed new additions to the maritime, law of armed conflict, and outer space and cyber teams in 2021: LtCol Brent Stricker, USMC; Major Aaron Johnson, USA, Major Christopher Koschnitz, USA; Lt Col Richard Stabile, USAF, and Squadron Leader

Tara Brown, UK RAF. Also, the Stockton Center promoted CDR Michael Petta, USCG, to its Deputy Chair and wished fair winds to the previous Deputy, LtCol John Cherry, USMC.

We were also honored to host visiting research scholar Dr. Pauline Lesaffre of Belgium. Dr. Lesaffre focused her research on the use of analogies in international humanitarian law with the goal of creating a theory of the use of such analogies. This research benefited the NWC and Stockton Center since analogies are used in the NWP 1-14M, *The Commander's Handbook on the Law of Naval Operations*, for which the President, NWC, is the Primary Review Authority. We also hosted four nonresident senior fellows: Commodore Peter Bowers, RAN (Ret), Director General Australian Defence Force Legal Services, Captain Douglas Burnett, USN (Ret), Senior Maritime Operations & Policy Member, John Hopkins University Applied Physics Laboratory, Professor Hitoshi Nasu of University of Exeter Law School, and Captain Robert McLaughlin, RAN (Ret) of the University of New South Wales Canberra.

We look forward to further collaboration with armed forces, government agencies, think tanks, and law schools to advance the progressive development of international law.

A handwritten signature in black ink that reads "James Kraska". The signature is fluid and cursive.

JAMES KRASKA

Chair and Charles H. Stockton Professor of
International Maritime Law

MISSION

The Stockton Center for International Law (Stockton Center) is a department in the Center for Naval Warfare Studies that produces original analysis of international law and military operations to educate military leaders, national decision makers, and international law practitioners and scholars. We shape legal interpretations affecting U.S. and partner nation forces throughout the world and major non-NATO Allies, such as Japan, Korea, the Philippines, Australia, and Thailand and other strategic partners, including Israel, Vietnam, and India.

2021 FACULTY AND STAFF

Professor James Kraska, Commander, U.S. Navy (Ret)

Chair and Charles H. Stockton Professor of International Maritime Law

Professor Raul “Pete” Pedrozo, Captain, U.S. Navy (Ret)

Howard S. Levie Professor of Law and Armed Conflict

Professor (Emeritus) Michael Schmitt, Lieutenant Colonel, U.S. Air Force (Ret)

Charles H. Stockton Distinguished Scholar in Residence

Lieutenant Colonel John Cherry, U.S. Marine Corps

Deputy Chair and Military Professor of International Law

Commander Michael Petta, U.S. Coast Guard

Deputy Chair, Director of Maritime Operations, and Military Professor of International Law

Lieutenant Colonel Brent Stricker, U.S. Marine Corps

Director of Expeditionary Operations and Military Professor of International Law

Lieutenant Colonel Jeremy Davis, U.S. Air Force

Director of Air, Outer Space, and Cyberspace Operations and Military Professor of International Law

Lieutenant Colonel Richard Stabile, U.S. Air Force

Director of Air, Outer Space, and Cyberspace Operations and Military Professor of International Law

Lieutenant Colonel Durward Johnson, U.S. Army

Director for Law of Land Warfare, Military Professor of International Law and Managing Editor, International Law Studies

Major Heather Tregle, U.S. Army

Military Professor of International Law

Major Aaron Johnson, U.S. Army

Director for Law of Land Warfare and Military Professor International Law

Major Christopher Koschnitzky, U.S. Army

Military Professor of International Law

Lieutenant Commander Cynthia Parmley, U.S. Navy

Military Professor of International Law

Squadron Leader Kieran Tinkler, Royal Air Force

Military Professor of International Law

Squadron Leader Tara Brown, Royal Air Force

Military Professor of International Law

James Crisfield, Captain, U.S. Navy (Ret)

Editor-in-Chief, International Law Studies

Arthur Thomas, Captain, U.S. Navy (Ret)

Senior Editor, International Law Studies

EDUCATE AND DEVELOP FUTURE LEADERS

The Stockton Center taught its annual three-course series comprising the NWC International Law Area of Study (AOS) in the Electives program, consisting of: (1) Law of Armed Conflict; (2) Maritime Security Law; and (3) Law of Air, Space, and Cyber Operations. Stockton Center faculty also supported the core curriculum, including the Joint Military Operations Department and other electives at the Naval War College. Additionally, the Stockton Center engaged in educational outreach to external U.S. and international military and defense institutions, such as NATO Centers of Excellence and the International Maritime Law Institute (IMLI).

LAW OF ARMED CONFLICT

This elective addressed a range of legal issues facing commanders and their staffs in planning and executing military operations in accordance with the law of armed conflict, including the principles of necessity, proportionality, distinction, and humanity. Topics included the history, development, and sources of the law; classification of armed conflicts, *jus ad bellum* (i.e., states resort to use the use of force), targeting and means and methods of warfare, technology in warfare, rules of engagement, war crimes and command responsibility, detention operations, and persons on the battlefield.

INTERNATIONAL MARITIME SECURITY LAW

This elective provided an in-depth understanding of how oceans law affects—and often shapes—maritime security, the exercise of sea power and naval operations in peacetime and during armed conflict. Topics included the law of the sea, freedom of navigation and overflight, the law of naval warfare, and regional issues, such as the Arctic region and the South China Sea. The course also explored various aspects of flag state, coastal state, and port state jurisdiction across differing subject matter, such as maritime terrorism; Illegal, Unreported, and Unregulated (IUU) Fishing; smuggling and other crimes on the seas, protection of the marine environment.

LAW OF AIRSPACE, OUTER SPACE, AND CYBER SPACE

This elective examined key areas of international law in the airspace, outer space, and cyberspace applicable in military operations during peacetime and in armed conflict. Topics included state responsibility, sovereignty, airspace regulation (including exclusion and identification zones), use of force and armed attack in cyberspace, economic targeting, autonomous weapons, and the intersection of international humanitarian law and human rights law.

WORKSHOPS & CONFERENCES

With 2021 presenting many of the same challenges faced in 2020, the Stockton Center continued its seamless virtual collaboration with others, hosting numerous bilateral and multilateral conferences, workshops and engagements on emergent issues drawing many of the world's leading international law experts. The Stockton Center also began a return to in-person dialogue, hosting an extremely productive December workshop on the year's events in Afghanistan.

Japan Maritime Self-Defense Force (JMSDF) 16-17 March 2021

The Stockton Center conducted its annual workshop with the JMSDF Maritime Staff College, Operational Law Office. Topics discussed include China's new Coast Guard law, the international duty to rescue during times of armed conflict, maritime armistice agreements, and the status of fishing boats during armed conflict at sea.

Conference on Oceans Law & Policy 10-12 May 2021

The Stockton Center for International Law conducted the 44th annual Conference on Oceans Law and Policy in collaboration with the Japan Institute of International Affairs of the Ministry of Foreign Affairs, the Sasakawa Peace Foundation, the Nippon Foundation, and World Maritime University. More than 1,100 people joined the event.

Alexander C. Cushing International Law Conference 17-19 May 2021

The Stockton Center for International Law hosted the 3rd annual Alexander C. Cushing International Law Conference. The conference assembled 32 scholars, legal practitioners, and government officials to explore

international law's role in promoting stability and security across the globe. These experts addressed, among other things, U.S. military operations in the Indo-Pacific region, climate change and national security, maritime disputes in the South and East China Seas, and IUU fishing. Stockton Center Senior Fellow Douglas Burnett moderated the Arctic Shipping panel. Impressively, 550 participants from 23 countries joined the event.

Dealing with tensions, crisis, and war in accordance with international law and humanitarian principles 26-30 October 2021

The Stockton Center was a supporting organization for the International Society of Military Law and the Law of War's (ISMLLW) conference titled: "Dealing with tensions, crisis, and war in accordance with international law and humanitarian principles" in Aix-en-Provence, France, from 26-30 October 2021. The event was rescheduled from May of 2020. The agenda included virtual presentations by recent Stockton Center alums Sqd Ldr Kieran Tinkler and LtCol John Cherry addressing applications of international law in outer space and the use of unmanned systems in non-international armed conflict.

Afghanistan 6-8 December 2021

The Stockton Center held its annual law of armed conflict annual workshop that focused on the international legal implications of the conflict in Afghanistan. The event included participants from across the Department of Defense, Department of State, NATO, the UN, the International Committee for the Red Cross, international law academics, and representatives from the Netherlands and United Kingdom.

STOCKTON SEMINARS

The Stockton Seminar Series highlights discrete areas of the law, particularly those addressing current and emerging legal issues. Presentations for the seminar series are drawn from issues across government and academic communities across the globe.

The Ongoing Dispute between Ukraine and Russia in the Black Sea 10 February 2021

The Stockton Center hosted a webinar on The Ongoing Dispute between Ukraine and Russia in the Black Sea. Dr. Anna Petrig served as expert moderator and led a dynamic discussion with two panelists, Dr. Alexander Proelss and Dr. Wolff Heintschel von Heinegg. A total of 138 participants tuned in from 27 countries.

International Law Limits to Military Presence or Activities in Outer Space 26 March 2021

The Stockton Center hosted a webinar with the International Society for International Law and the Law of War, “International Law Limits to Military Presence or Activities in Outer Space.” The event addressed such issues as the application of the law of armed conflict to military operations in outer space and space law limits to military presence and activities in outer space. A total of 195 participants tuned in from 27 countries.

Gender Perspectives and Military Operations: Emerging Legal and Operational Issues 10 May 2021

The Stockton Center hosted a webinar on Gender Perspectives and Military Operations: Emerging Legal and Operational Issues. Panelists included Michelle Jarvis, Deputy Head, International, Impartial and Independent Mechanism-Syria, Cecilia Tengroth, Chief of Staff, Swedish Red Cross;

and Paula Iwanowska, Legal Expert and International Coordinator, Nordic Center for Gender in Military Operations. A total of 90 participants tuned in from 10 countries.

Ships and Seizure: A Conversation about Enforcing North Korea Sanctions at Sea 30 June 2021

The Stockton Center hosted a webinar with Mr. Christian Ford, former U.S. Deputy Assistant Attorney General, who lead a discussion exploring the factual, legal, and practical implications of enforcing sanctions by seizing a foreign-flagged commercial vessel in non-U.S. waters. A total of 35 participants tuned in from 5 countries.

PUBLICATIONS

Stockton Center faculty and scholars wrote and edited books and articles to shape and influence international law affecting military operations.

Professor James Kraska, Commander, U.S. Navy (Ret)

Chair and Charles H. Stockton Professor of International Maritime Law

China is Legally Responsible for COVID-19 Damage and Claims Could be in the Trillions, WAR ON THE ROCKS (Mar. 23, 2020)

The Coronavirus Crisis Has Highlighted America's Failed Foreign Policy Tactics, THE NATIONAL INTEREST (Apr. 7, 2020) (with Sumantra Maitra)

Some Synthetic Biology May Not be Covered by the Biological Weapons Convention, LAWFARE (May 14, 2020) (with Durward Johnson)

China's Maritime Militia Vessels May Be Military Objectives During Armed Conflict, THE DIPLOMAT (July 7, 2020)

Submarine Cables in the Law of Naval Warfare, LAWFARE (July 10, 2020)

Enhancing Biological Weapons Defense, LAWFARE (July 16, 2020) (with Durward Johnson)

The Law of Maritime Neutrality and Submarine Cables, EJIL TALK (July 29, 2020)

Japan and the Four Multilateral Maritime Conferences: 1930 to 1982, 10 JAPAN MARITIME SELF DEFENSE FORCE COMMAND & STAFF COLLEGE Rev. (December 2020)

Artificial Intelligence and U.S. Command Responsibility in the Law of Armed Conflict, 97 INTERNATIONAL LAW STUDIES 407 (2021)

Professor Raul "Pete" Pedrozo, Captain, U.S. Navy (Ret)

Howard S. Levie Professor of the Law and Armed Conflict

Indo-Pacific Command Paper Series (13 papers), 97 INTERNATIONAL LAW STUDIES 4 (2021)

Maritime Police Law of the People's Republic of China, 97 INTERNATIONAL LAW STUDIES 466 (2021)

U.S. Recognition of Japanese Sovereignty Over the Senkaku Islands, 97 INTERNATIONAL LAW STUDIES 652 (2021)

Maintaining Freedom of Navigation and Overflight in the Exclusive Economic Zone and on the High Seas, INDONESIA JOURNAL OF INTERNATIONAL LAW (Mar. 2021)

Russia's Illegal Restriction of Navigation in the Black Sea, LAWFARE (Apr. 27, 2021)

China Coast Guard: Beijing's Tool for Intimidation, KOREA INSTITUTE FOR MARITIME STRATEGY (KIMS) PERISCOPE (June 1, 2021)

Is the South China Sea Code of Conduct Viable, 97 INTERNATIONAL LAW STUDIES 937 (2021)

China's Revised Maritime Traffic Safety Law, 97 INTERNATIONAL LAW STUDIES 956 (2021)

Déjà vu—Russia's Illegal Restrictions on Innocent Passage in the Black Sea, LAWFARE (June 24, 2021)

China's Continued Disdain for the International Legal Order, LAWFARE (Aug. 10, 2021)

China and the Rules-Based Legal Order for the Indo-Pacific, JOURNAL OF TERRITORIAL AND MARITIME STUDIES (Aug. 31, 2021)

China's Container Missile Deployments Could Violate the Law of Naval Warfare, 97 INTERNATIONAL LAW STUDIES 1160 (2021)

Campaign for Nuclear Disarmament Is Wrong on AUKUS Deal, LAWFARE (Nov. 19, 2021)

China Again Uses Force to Bully Its Neighbors, LAWFARE (Dec. 3, 2021)

Professor (Emeritus) Michael Schmitt, Lieutenant Colonel, U.S. Air Force (Ret)

Responding to Proxy Cyber Operations under International Law, 6(4) CYBER DEFENSE REVIEW 15-30 (with Durward Johnson) (2021)

The Plea of Necessity: An Oft Overlooked Response Option for Hostile Cyber Operations, 97 INTERNATIONAL LAW STUDIES 1171-1199 (2021) (with Louise Arimatsu)

Collective Cyber Countermeasures?, 12 HARVARD NATIONAL SECURITY JOURNAL 176-214 (2021) (with Sean Watts)

Foreign Cyber Interference in Elections, 97 INTERNATIONAL LAW STUDIES 739-764 (2021)

Cyber Security and International Law, in THE OXFORD HANDBOOK ON THE INTERNATIONAL LAW OF GLOBAL SECURITY 661-678 (Robin Geiss and Nils Melzer eds., Oxford University Press, 2021)

Responding to Hostile Cyber Operations: The “In-Kind” Option, 97 INTERNATIONAL LAW STUDIES 96-121 (2021) (with Durward E. Johnson)

Avoiding Collateral Damage on the Battlefield, JUST SECURITY (Feb. 11, 2021) (with John Cherry and Kieran Tinkler)

President Biden’s First Use of Force and International Law, ARTICLES OF WAR (March 1, 2021)

Germany’s Positions on International Law in Cyberspace Part I: General International Law, JUST SECURITY (March 9, 2021)

Germany’s Positions on International Law in Cyberspace Part II: Use of Force and International Humanitarian Law, JUST SECURITY (March 18, 2021)

Legal Protection of the Media in Armed Conflict: Gaza, ARTICLES OF WAR (May 1, 2021)

The Sixth United Nations GGE and International Law in Cyberspace, JUST SECURITY (June 10, 2021)

Targeting Dual-Use Structures: An Alternative Interpretation, ARTICLES OF WAR (June 28, 2021)

Three International Law Rules for Responding Effectively to Hostile Cyber Operations, JUST SECURITY (July 13, 2021)

Turning Cuba’s Internet Back On: International Legal Options, JUST SECURITY (July 19, 2021)

Terminological Precision and International Cyber Law, ARTICLES OF WAR (July 29, 2021)

Assassination in the Law of War, ARTICLES OF WAR (OCTOBER 15, 2021)

Lieutenant Colonel John Cherry, U.S. Marine Corps

Deputy Chair and Military Professor of International Law

Avoiding Collateral Damage on the Battlefield, JUST SECURITY (Feb. 11, 2021) (with Michael Schmitt and Kieran Tinkler)

Understanding Self-Defense and the Law of Armed Conflict, ARTICLES OF WAR (Mar. 2021)

Commander Michael Petta, U.S. Coast Guard

Deputy Chair, Associate Director for Maritime Operations, and Military Professor of International Law

The IMO’s 2021 Cyber Guidelines and the Work that Remains to Secure Ports, CENTER FOR INTERNATIONAL MARITIME SECURITY (Jan. 8, 2021)

Soft Cyber Law Makes Port Facilities Soft Cyber Targets, CENTER FOR INTERNATIONAL MARITIME SECURITY (May. 3, 2021)

Port Cybersecurity: Incorporating the IAPH’s New Guidelines into the ISPS Code, CENTER FOR INTERNATIONAL MARITIME SECURITY (Sept. 29, 2021)

CDR Petta published a 1,600-word article with the Center for International Maritime Security (CIMSEC), advocating for the IMO to amend the International Ship and Port Facility Security (ISPS) Code to establish cybersecurity mandates to protect port facilities from cyberattacks.

Lieutenant Colonel Durward Johnson, U.S. Army

Associate Director for Land Warfare Operations and Military Professor of International Law

Responding to Hostile Cyber Operations: The “In-Kind” Option, 97 INTERNATIONAL LAW STUDIES 96-121 (2021) (with Michael Schmitt)

Responding to Proxy Cyber Operations under International Law, 6(4) CYBER DEFENSE REVIEW 15-30 (2021) (with Michael Schmitt)

Squadron Leader Kieran Tinkler, Royal Air Force

Military Professor of International Law

Avoiding Collateral Damage on the Battlefield, JUST SECURITY (Feb. 11, 2021) (with John Cherry and Michael Schmitt)

Lieutenant Commander Cynthia Parmley, U.S. Navy

Military Professor of International Law

Ever Given Incident Illustrates How Transit Passage Remains Essential for Naval Operations, U.S. NAVAL INSTITUTE BLOG, (Apr. 19, 2021)

Russia’s Illegal Restriction of Navigation in the Black Sea, LAW-FARE, (Apr. 27, 2021) (with Raul (Pete) Pedrozo)

Warship Cyber Operations During Innocent Passage, PROCEEDINGS, U.S. NAVAL INSTITUTE (Sept. 2021)

Strategic Cork in a Narrow Strait: Ever Given Incident Illustrates How Transit Passage Remains Essential for Naval Operations, U.S. NAVAL INSTITUTE BLOG (Apr. 2021)

Professor Robert McLaughlin, Australian National University

Stockton Senior Fellow

Maritime Autonomous Vehicles and Drug Trafficking by Sea: Some Legal Issues, 36 INTERNATIONAL JOURNAL OF MARINE AND COASTAL LAW 1 (2021) (with Natalie Klein)

State Failure, THE OXFORD HANDBOOK ON THE INTERNATIONAL LAW OF GLOBAL SECURITY, (Robin Geiss and Nils Melzer eds., Oxford University Press, 2021)

Three Images of the Rules-Based Order, AUSTRALIA AND THE RULES-BASED INTERNATIONAL ORDER (Melissa Conley Tyler Allan Gyngell Bryce Wakefield eds., Australian Institute for International Affairs, 2021)

Irredentist Chinese Maritime Operations 2021-2049?, No.1 AUSTRALIAN NAVAL REVIEW 38 (2021)

Rwanda Revisited: Genocide, Civil war, and the Transformation of International Law, (Rob McLaughlin, Phillip Drew, Bruce Oswald, and Jeremy Farrall eds., Brill, 2021)

Professor Hitoshi Nasu, United States Military Academy, West Point

Stockton Senior Fellow

The Laws of Neutrality in the Inter-Connected World: Mapping the Future Scenarios, in THE FUTURE LAW OF ARMED CONFLICT (7 LIEBER STUDIES, Matthew Waxman and Thomas W Oakley eds., Oxford University Press, 2021)

Cyber Security in the Asia-Pacific in RESEARCH HANDBOOK ON INTERNATIONAL LAW IN CYBERSPACE (2nd ed, Russell J Buchan and Nicholas Tsagourias eds., Edward Elgar, 2021)

The End of the United Nations? The Demise of Collective Security and Implications for International Law, 24 MAX PLANCK YEARBOOK OF UNITED NATIONS LAW (2021)

The ‘Infodemic’: Is International Law Ready to Combat Fake News in the Age of Information Disorder?, 39 AUSTRALIAN YEAR BOOK OF INTERNATIONAL LAW (2021)

NATO and Collective Defense in Space: Same Mission, New Domain 20 TURKISH POLICY QUARTERLY 35-43 (2021) (with Aurel Sari)

The Global Security Agenda: Securitization of Everything? in THE OXFORD HANDBOOK OF INTERNATIONAL LAW OF GLOBAL SECURITY 37-53 (Robin Geiss and Nils Melzer eds., Oxford University Press, 2021)

Regulatory Responses to “Fake News” and Freedom of Expression: Normative and Empirical Evaluations 21 HUMAN RIGHTS LAW REVIEW 302-328 (2021) (with Rebecca Helm)

The Kargu-2 Autonomous Attack Drone: Legal and Ethical Dimensions, ARTICLES OF WAR (June 10, 2021)

LAWS Debate at the United Nations: Moving Beyond Deadlock, ARTICLES OF WAR (Sept. 23, 2021)

The Alpagu Autonomous Attack Drone: What the Future Holds for the Humanity in the Battlefield? LAWFIRE (July 1, 2021)

Douglas R. Burnett, Captain, U.S. Navy (Ret)

Senior Maritime Operations & Policy Member, Stockton Center Senior Fellow

The Intrepid Voyage of the TS Kennedy, U.S. NAVAL PROCEEDINGS (Jan. 2021)

Submarine Cable Security and International Law, 97 INTERNATIONAL LAW STUDIES 1659 (2021)

THE COMMANDER'S HANDBOOK ON THE LAW OF NAVAL OPERATIONS

During 2021, the Stockton Center served as the Primary Review Authority (PRA) for The Commander's Handbook on the Law of Naval Operations, NWP 1-14M, neared completion of a 2-year project to revise the subject publication, with an expected release in early-2022. The Commander's Handbook is part of the Navy Warfare Publication (NWP) library and designated as NWP 1-14M. A tri-service publication, NWP 1-14M reflects U.S. Navy, U.S. Marine Corps, and U.S. Coast Guard positions on international law and naval/maritime operations in peacetime and during armed conflict. It is used by Fleet Commanders and Commanding Officers. The Commander's Handbook on the Law of Naval Operations was first published by the NWC in 1900. The most recent version was published in 2017.

The Commander's Handbook is a critical guide on the law of war and law of the sea and required updates due to changes in U.S. policy and practice in maritime operations since publication of the last version in 2017. As the PRA, the SCIL coordinated substantive review and updates with 13 fleet and headquarters commands across the tri-services, each a separate Coordinating Review Authority (CRA), which includes N3/N5; CFFC, CPF, C2F, C3F, C4F, C5F, C6F/CNE, C7F, C10F, NIWC, MSC, and U.S. Coast Guard (LMI); and U.S. Marine Corps (JAO). After 22 months of coordination and revision, along with review and endorsement by the thirteen CRAs, the publication was undergoing final processing with U.S. Navy Warfare Development Command (NWDC) as 2021 came to an end. As with the previous versions, the final manuscript, expected to be released in March 2022, will be signed by NWDC; the U.S. Marine Corps Deputy Commandant for Combat Development and Integration; and the U.S. Coast Guard Judge Advocate General.

CONFERENCE ON OCEANS LAW & POLICY

In 2020, the Stockton Center, Professor Kraska was invited by the University of Virginia School of Law to assume the leadership of the annual Conference on Oceans Law & Policy. Through the annual Conference on Oceans Law & Policy, the Stockton Center will promote interdisciplinary interaction with ocean-related legal and public policy issues at all levels, addressing international, national, regional, and state concerns. Embracing this new responsibility, from 10-12 May 2021, the Stockton Center conducted the 44th annual Conference on

Oceans Law and Policy in collaboration with the Japan Institute of International Affairs of the Ministry of Foreign Affairs, the Sasakawa Peace Foundation, the Nippon Foundation, and World Maritime University. More than 1,100 people joined the event.

The 45th annual Conference on Oceans Law & Policy will be hosted as a hybrid event in Kuala Lumpur, Malaysia in 2022.

ACADEMIC SERVICE

The Stockton Center faculty are active in military, professional, and academic service within NWC and beyond.

Professor James Kraska

- Visiting Professor of Law and John Harvey Gregory Lecturer on World Organization, Harvard Law School
- Visiting Professor, College of Law, University of the Philippines, Manila
- Permanent Member, Council on Foreign Relations
- General Editor, *International Law Studies* (US Naval War College)
- Board of Editors, *Indonesia Yearbook of International Law*
- Board of Editors, *RUSI Journal* (Royal United Services Institute)
- Board of Editors, *Marine Policy* (Elsevier)
- Board of Editors, *Brill Research Perspectives in the Law of the Sea* (Martinus Nijhoff)
- Board of Editors, *International Journal of Marine and Coastal Law* (Martinus Nijhoff)
- Board of Editors, *Asia-Pacific Journal of Ocean Law & Policy* (Martinus Nijhoff)
- Editorial Board, *Naval War College Review*
- Editorial Board, *Benedict's Maritime Bulletin*

- Board of Editors, *Indonesia Yearbook of International Law*
- Editorial Board, *South Asian Journal of International Law*
- International Group of Experts, *San Remo Manual on the Law Applicable to Armed Conflicts at Sea*
- Distinguished Fellow, Law of the Sea Institute, UC Berkeley School of Law
- National Board of Advisers, The Alexander Hamilton Society
- Senior Fellow, Foreign Policy Research Institute, Philadelphia, PA
- Instructor, IMO International Maritime Law Institute (IMLI)

Professor Raul “Pete” Pedrozo

- International Group of Experts, *San Remo Manual on the Law Applicable to Armed Conflicts at Sea*
- Instructor, Maritime Security Law, U.S. Naval War College
- Instructor, IMO International Maritime Law Institute (IMLI)

Professor (Emeritus) Michael Schmitt

- Director, *Tallinn 3.0, The International Law of Cyber Conflict*, NATO Cyber Defence Centre of Excellence
- Co-Director, The Hague Process, Executive Education in Cyber Law Capacity-Building, Governments of Netherlands, Australia, Singapore, USA, as well as the Organization of American States and Organization of Security and Cooperation in Europe and various contributing and host governments
- Secretary of State's Advisory Committee on International Law
- Francis Lieber Distinguished Scholar, USMA at West Point
- United States Council on Foreign Relations Life Member
- Honorary Professor, Strategy and Security Institute, University of Exeter
- Distinguished Scholar, Strauss Center for International Security and Law, University of Texas
- Senior Fellow, NATO Cooperative Cyber Defence Center of Excellence

- Advisory Board, Cyber Peace Institute
- Affiliate, Program in International Law and Armed Conflict, Harvard Law School
- Fellow, Royal Society of the Arts (FRSA)
- Research Associate, Hebrew University Cyber Law Program
- Advisory Board, Institute for International Peace and Security, Cologne University
- Board of Directors, International Society for Military Law and the Law of War
- Founding General Editor, *Lieber Studies*, Oxford University Press
- Executive Editor, *International Law Studies*
- Editorial Board, *International Review of the Red Cross*
- Editorial Board, *Journal of National Security Law and Policy*
- Editorial Board, Just Security.org
- Board of Recommendation, *Yearbook of International Humanitarian Law*
- Editorial Board, *Journal of International Peacekeeping*
- Advisory Board, *Journal of Military Ethics*
- Advisory Board, *International Humanitarian Law Series*, Brill
- Advisory Board, *Journal of International Humanitarian Legal Studies*
- Editorial Board, *Journal of Law and Cyber Warfare*
- Editorial Council, *Estonian Journal of Military Studies*
- Editorial Board, *Texas National Security Review*

Lieutenant Colonel John Cherry

- Associate Editor, *International Law Studies*
- President, U.S. Group of the International Society of Military Law and the Law of War

Lieutenant Colonel Jeremy Davis

- Associate Editor, *International Law Studies*
- Naval War College representative on the advisory board of the Cyber Law Toolkit

- Instructor, Law of Air, Space, and Cyber Operations, U.S. Naval War College

Lieutenant Colonel Durward Johnson

- Managing Editor, *International Law Studies*
- Advisory Committee, Handbook of WWII Pacific, U.S. Naval War College
- Instructor, Economic Targeting, U.S. Naval War College

Commander Michael Petta

- Associate Editor, *International Law Studies*
- Instructor, Maritime Security Law, U.S. Naval War College
- Instructor, International Maritime Law Institute (IMLI)

Lieutenant Colonel Brent Stricker

- Associate Editor, *International Law Studies*
- Instructor, Law of Armed Conflict, U.S. Naval War College

Lieutenant Colonel Richard Stabile

- Associate Editor, *International Law Studies*

Major Aaron Johnson

- Associate Editor, *International Law Studies*
- Instructor, Law of Armed Conflict, U.S. Naval War College

Major Christopher Koschnitzky

- Associate Editor, *International Law Studies*
- Instructor, Law of Armed Conflict, U.S. Naval War College

Major Heather Tregle

- Associate Editor, *International Law Studies*

Lieutenant Commander Cynthia Parmley

- Associate Editor, *International Law Studies*
- Instructor, Maritime Security Law, U.S. Naval War College
- Instructor, International Maritime Law Institute (IMLI)

Squadron Leader Kieran Tinkler

- Associate Editor, *International Law Studies*
- Instructor, Law of Air, Space, and Cyber Operations, U.S. Naval War College

Squadron Leader Tara Brown

- Associate Editor, *International Law Studies*

ENGAGEMENT CALENDAR

The Stockton Center maintained a busy engagement calendar throughout 2021.

JANUARY

LtCol Cherry served as a legal advisor for Marine Corps University’s Law of War Wargame. The wargame was co-coordinated by Emory University School of Law.

Professor (Emeritus) Schmitt was interviewed on the development of cyber norms and the Tallinn Manual Project for the University of Queensland’s Law and the Future of War podcast series.

Professor (Emeritus) Schmitt gave the annual international law address at Lancaster University in the United Kingdom, he spoke on “Hostile Cyber Operations and Covid-19: The International Law Framework.”

Professor Kraska spoke at a seminar sponsored by the Security Strategy Research Institute of Japan (SSRI) concerning the security environment in Northeast Asia.

Professor Kraska participated in a conference on East Asian security sponsored by the Stimson Center.

Professor Pedrozo, CDR Petta, and LCDR Parmley participated in a conference call with an AFRICOM Operational Law attorney; AFRICOM requested expert support from SCIL on the emerging national security threat of IUU fishing in the AFRICOM AOR, to explore the policy, international law, and operational authority angles.

Professor Kraska and Professor Pedrozo participated as judges in the final round of the Mediation Bombay, a moot mediation event which focused on a mediation of the ongoing South China Sea dispute sponsored by Maharashtra National Law University (Mumbai).

FEBRUARY

Professor (Emeritus) Schmitt spoke to government officials throughout South East Asia on International Law and the Protection of Individuals in Cyberspace as part of the Australian government sponsored capacity-building program on “International Law in the Cyber Era.”

Professor (Emeritus) Schmitt was interviewed on the JIB/JAB Podcast regarding Cyber Ops and the Laws of War.

Professor Pedrozo provided advice to INDOPACOM SJA on the status of the Philippine archipelagic baselines and archipelagic waters claims under international law for upcoming discussion with State, Joint Staff and OSD.

Professor (Emeritus) Schmitt participated in an online forum titled “Responding to Cyber Attacks” with Vital Interests: US Policy in a Changed Global Paradigm (A blog from the Center on National Security at Fordham Law).

Professor Pedrozo provided advice to Navy National Security Law Division on Venezuela’s excessive maritime claims.

Professor Pedrozo was interviewed by the Strait Times (Singapore) on China’s new Maritime Policy law.

Sqn Ldr Kieran Tinkler was the speaker for online “fireside chat” hosted

by the Harvard Law School (HLS) Program on International Law and Armed Conflict (PILAC).

Professor Pedrozo was interviewed by the Strait Times regarding the implication of China’s new Maritime Policy Law on freedom of navigation and maritime law enforcement use of force by China Coast Guard.

Professor (Emeritus) Schmitt delivered the closing address to the NATO International Law of Cyber Operations course.

Professor Pedrozo and LtCol Cherry participated as legal SMEs for NWPAC 21.

Sqn Ldr Kieran Tinkler presented on the topic of “military objective” for the Space Law Webinar series co-hosted by the U.S. Space Command Office of the Staff Judge Advocate and the Law, Technology, and Warfare Research Cell at the U.S. Air Force Academy.

MAJ Tregle presented on the topic of the U.S. Landmine Policy at Duke Law School’s National Security Law Conference.

Professor Kraska spoke on territorial legal claims in East Asia at the 2nd annual Tokyo Dialogue focusing on “The Indo-Pacific of Today and Tomorrow, of the Japan Institute of International Affairs of the Ministry of Foreign Affairs of Japan.

MARCH

MAJ Tregle participated on a panel discussing “Gender, World Peace, Armed Conflict, and UNSCR 1325” at the 2021 Symposium – Racial and Intersectional Critiques of National Security Law sponsored by the Harvard National Security Journal and the Lieber Center at West Point

Professors Kraska, Pedrozo, and LtCol Cherry participated in the DoD Artificial Intelligence Community of Interest's "Policy and Ethics of Intelligent Autonomous Systems Technical Exchange Meeting."

Professor (Emeritus) Schmitt spoke to the annual Cyber Command Conference on international law in cyberspace.

LtCol Cherry served as a judge of the University of Baltimore School of Law's international law moot court competition.

Professor Pedrozo was interviewed by The Strait Times concerning the legality and potential implications of the new China Coast Guard law.

Sqn Ldr Kieran Tinkler was 1 of 3 speakers at the UK Foreign, Commonwealth and Development Office "Expert Level Panel discussion on how international law applies to threats to space assets."

LtCol Cherry advised the 3rd Fleet legal team on the Standing Rules of Engagement (SROE) and the application of the rules of engagement in escalation of conflict in the maritime environment.

Professor Kraska was interviewed by NBC News concerning port state control standards during the coronavirus pandemic.

Professor Kraska was interviewed by Kyodo News Service concerning U.S. Seventh Fleet FONOPS against Japan and China.

Professor Kraska was interviewed by Bloomberg News concerning the laws governing international container shipping as the global supply chain is stressed during the pandemic and has faced numerous safety and environmental breaches.

Professor Kraska delivered an address at the German Armed Forces University concerning international law and the maritime disputes in East Asia.

Professor (Emeritus) Schmitt spoke at and directed a 6-day Executive Workshop on International Cyber Law for officials from throughout the Caribbean.

LtCol Cherry participated in a dialogue with the Center for New American Security addressing legal and policy implications to China's military-civil fusion strategy.

Professor Pedrozo provided a lecture to the NATO MARSEC COE on Treaties applicable to countering WMD proliferation.

Professor Pedrozo participated in a symposium on a panel on the South China Sea hosted by Georgetown University Law Center Journal of National Security, Law & Policy.

LtCol Cherry and Professor Pedrozo presented the Technology Cooperation Program Artificial Intelligence Ethics lecture for a U.S. and U.K. audience.

Professor Kraska spoke at the CNA conference, High Seas Resources, Oceans Security, and the Great Powers concerning the impact of a new oceans treaty governing biodiversity on U.S. naval operations.

Sqn Ldr Kieran Tinkler was a panel speaker for a war gaming exercise dealing with "Civilian Harm Mitigation (CHM) in Urban Areas" as part of the 2021 American Society of International Law Annual Meeting.

Professor Kraska recorded a VOV News (Vietnam) tv interview concerning the China Coast Guard Law.

Professor Pedrozo was the guest speaker at the Indo-Pacific Maritime Hour hosted by the Yokosuka Council on Asia-Pacific Studies and discussed the international law implications of the new China Coast Guard law that took effect 1 February 2021.

APRIL

Professor (Emeritus) Schmitt spoke at Columbia University Law School on “America’s Cyber Strategy in 2021 and Beyond” at the invitation of the Columbia Society for International Law.

Professor Kraska taught “Law of Naval Warfare” to the graduate law class at Gujarat National Law University in India.

Professor Pedrozo taught a class on Unmanned Maritime Systems to students of the Indian Naval Service in the Maritime Law Academy at Gujarat National Law University.

Professor Kraska lectured to a large, global class of mid-career professionals on “Right of Approach and Visit and Search in the Law of the Sea and the Law of Naval Warfare,” at the International Maritime Organization’s International Maritime Law Institute in Malta.

Professor Pedrozo delivered a lecture on the Right of Hot Pursuit and the Use of Force in Maritime Law Enforcement Operations to a class of 106 mid-career officials from 104 countries in the Master of International Maritime Law Program at the International Maritime Organization’s International Maritime Law Institute in Malta.

Professor Kraska served on a panel of the Harvard Law School China Law Association concerning the future of U.S.-Chinese relations.

Professor Kraska delivered a keynote talk at the Harvard Asia Law Society concerning international law of the sea, the South China Sea, and the future of international law in US national security.

Professor Pedrozo taught a class on The UN Charter and UN Security Council Resolution Enforcement to students of the Indian Naval Service in the Maritime Law Academy at Gujarat National Law University.

The Stockton Center participated in an Army Futures Command and West Point Lieber Institute event addressing “The Future of Warfare and the Law of Armed Conflict.”

LtCol Cherry presented a virtual lecture on maritime rules of engagement at the International Institute of Humanitarian Law in Sanremo, Italy.

CDR Petta lectured at the International Maritime Law Institute (IMLI) on the IMO’s International Ship and Port Facility Security (ISPS) Code and potential gaps with how it addresses cyber security risks at international port facilities.

MAY

Professor Kraska spoke at the “International Law Summit,” Government Law College (GLC) Mumbai (the oldest law school in Asia), on the Indo-Pacific Legal Maritime Framework.

LtCol Cherry presented a virtual lecture on artificial intelligence and command accountability at the International Institute of Humanitarian Law in Sanremo, Italy.

Professor Kraska delivered opening remarks and moderated a panel concerning East China Sea maritime boundaries for the 44th Annual Conference on Oceans Law & Policy.

LtCol Cherry served as a legal advisor for Marine Corps University's Pacific Challenge Wargame.

LCDR Parmley supported the Trans-Atlantic Maritime C2 Wargame this week, acting as White Cell legal advisor.

Professor (Emeritus) Schmitt gave the Inaugural Annual Lecture for the Journal of International Humanitarian Law Studies, his topic was International Humanitarian Law in Cyberspace: Quo Vadis?

Professor Pedrozo moderated a panel on Maritime Security Issues Concerning Small Island States at the 44th Annual Conference on Oceans Law and Policy.

Professor Kraska was a guest on the Indian Network News tv show in Delhi, The Debate – the most-watched Super Prime Time show on Indian Television, to talk about international law and international security in South Asia.

Professor Kraska was also a guest on the Indian Network News tv show in Delhi, The Debate, to talk about international law and international security in South Asia.

Professor Kraska was invited to join the Board of Advisers of VIT-AP School of Law in Andhra Pradesh, India.

Professor Kraska was interviewed by Voice of America concerning Secretary of State Antony Blinken's trip to the Arctic region.

Professor (Emeritus) Schmitt was appointed as an Honorary Professor for University of Exeter's Strategy and Security Institute.

Professor (Emeritus) Schmitt was appointed to the Secretary of State's Advisory Committee on International Law.

LCDR Cynthia Parmley lectured on Cybersecurity in the Maritime Domain at the International Maritime Organization's (IMO) International Maritime Law Institute (IMLI) as part of a three month virtual International Maritime Security Law Course, hosted by IMLI in Malta, providing instruction to over 100 students from over four dozen countries on maritime cyber threats, maritime cyber operations, and applicable legal regimes.

Professor Kraska delivered a presentation at the Pacific Forum Maritime Discussion Series, Navigational Rights and Freedoms, Global Rules, Regional Norms.

Professor (Emeritus) Schmitt directed a seminar sponsored by Canada on "Cyber Operations and International Law" for Caribbean officials.

JUNE

Relying on expertise on how international port security law protects critical infrastructure against cyber attacks, CDR Petta, USCG, provided substantive input to the Commandant of the Coast Guard's prepared remarks, which was delivered on 9 June at NWC's strategy forum and will focus on cybersecurity.

Professor (Emeritus) Schmitt spoke on "The Protection of Health Care" for the European Cyber Agora sponsored by Microsoft.

Professor Kraska was interviewed by USNI News concerning maritime law and sovereign immunity of the Iranian naval auxiliary warship Makran, delivering oil and other supplies to Venezuela to circumvent U.S. sanctions.

Professor Pedrozo and LtCol Cherry presented a lecture on the legal aspects of unmanned underwater vehicles to the Defense International Institute of Legal Studies' Legal Aspects of Maritime Security Operations course.

Professor (Emeritus) Schmitt lectured on offensive cyber operations and international law to the Defense International Institute of Legal Studies' Legal Aspects of Maritime Security Operations course.

CDR Petta completed a 3-month course on international maritime pollution prevention and management.

Professor Pedrozo was interviewed by the International Crisis Group (conflict prevention NGO based in Brussels) concerning the efficacy of current U.S.-China maritime incident prevention and crisis management mechanisms.

Professor (Emeritus) Schmitt spoke on cyber operations against health care facilities for a webinar sponsored by the US Air Force Academy's Law, Technology, and Warfare Research Cell.

Professor (Emeritus) Schmitt spoke on Human Rights in Cyberspace at an International seminar for government officials sponsored by the Canadian government.

Professor Pedrozo gave a 90-minute lecture on the new China Coast Guard Law at the inaugural "Sailor's Dialogue" hosted by the Korea Institute for Maritime Strategy.

Professor (Emeritus) Schmitt gave a seminar for European Union officials on the international law issues raised by cyber attacks on the health sector and election meddling.

CDR Petta provided solicited advice to a U.S. Coast Guard operational field command on potential amendments to domestic law, consistent with international codes established by the International Maritime Organization (IMO) to better protect port facilities from a cyberattack.

CDR Petta facilitated an expert online discussion with a former U.S. Deputy Assistant Attorney General on the United States' 2019 seizure and forfeiture of a foreign flagged cargo vessel in Indonesian waters as part of sanctions enforcement against North Korea.

JULY

LtCol Cherry presented the *Senior Practitioner Lecture* at Naval Justice School to a class of future Judge Advocates from the Navy, Marine Corps, and Coast Guard.

Professor Kraska and LCDR Parmley delivered a virtual law of the sea lecture on exclusive economic zones to over 25 mid-career scholars and government officials from 30 countries, as a part of the annual Rhodes Academy on Oceans Law & Policy, conducted by a consortium of institutions throughout the world.

Professor Kraska was interviewed by Deputy Assistant Secretary of State Richard Buangan concerning U.S. economic and security interests in joining the UN Convention on the Law of the Sea.

Professor Kraska was interviewed by Thanh Nien (Vietnam) media newspaper concerning international law as a mechanism for deterrence and containing China. Collective action that imposes costs on China is optimal

Professor Kraska provided coordination comments to the Department of State and Department of Homeland Security on the draft Maritime Initiative of the Global Counter-Terrorism Forum (which cites the Commander’s Handbook on the Law of Naval Operations).

Professor Kraska was interviewed by Radio Free Asia about the 5th anniversary of the South China Sea arbitration and its meaning for international law in East Asia.

Professor Kraska was interviewed by Tuổi Trẻ newspaper (Vietnam) on the 5th anniversary of the South China Sea Arbitration.

Professor Kraska delivered a presentation on international law and gray zone conflict at the Indian Institute of International Affairs Gateway House (Mumbai).

Professor Kraska conducted an interview with VnExpress International (Vietnam) concerning the legal issues in the South China Sea.

Professor Kraska taught a class to mid-career professionals on the law of maritime zones at Raksha Shakti National Security University of India, cosponsored by the International Committee of the Red Cross.

LtCol Cherry presented a lecture on the laws of armed conflict, targeting, and advanced technologies to the Marine Corps Judge Advocate Reserve Training Course. The course involves Marine Judge Advocates from across the reserve community and will serve as part of their required law of war training.

Professor (Emeritus) Schmitt gave the Keynote Address, “International Cyber Law: Quo Vadis 2.0,” at the Defense Institute for International Legal Studies course on Cyber Law and Hybrid Warfare .

AUGUST

Professor Kraska was interviewed by Izvestia concerning the international law applicable to the South China Sea.

Professor Kraska delivered a lecture to the Korea Institute of Maritime Strategy on the legal gray zone in naval operations.

Professor Kraska delivered a lecture to the Armed Forces Academy of the Republic of the Philippines on the South China Sea arbitration and legal issues since 2016.

Professor Pedrozo provided advice to USINDOPACOM on the legality of claiming sovereignty over low-tide elevations beyond national jurisdiction.

Professor Kraska responded to an inquiry and briefed the Permanent Mission of Viet Nam to the United Nations on historic rights in the UN Convention on the Law of the Sea in response to a Chinese Note Verbale.

LtCol Cherry, MAJ Johnson, MAJ Koschnitzky, and Professor Pedrozo conducted a peer review for the ICRC of an article proposed for publication in the International Review of the Red Cross concerning international humanitarian law obligations that may exist post-cessation of hostilities.

Professor (Emeritus) Schmitt directed and taught in a Canadian government sponsored virtual seminar on international cyber law for government officials from throughout Africa.

Professor Pedrozo provided information to the Office of the Secretary of Defense for Policy on the legality of an exclusion area established by China in the South China Sea in August to conduct naval exercises.

Professor (Emeritus) Schmitt spoke on Human Rights in Cyberspace for an Australian sponsored seminar on cyber for government officials from the South Pacific.

SEPTEMBER

Professor Pedrozo provided comments to a Vietnamese newspaper (Thanh Nien), Vietnamese TV station (VTC News), and to a Hong Kong-based newspaper (South China Morning Post) on the legality and impact of China's revised Maritime Traffic Safety Law that requires certain classes of foreign ships and foreign ships carrying certain cargo to pre-notify and report their entry into and departure from China's territorial sea.

Professor Pedrozo responded to an RFI from U.S. Coast Guard Headquarters (Office of Maritime and International Law) regarding the legality of a new Chinese law (MTSL) that requires certain classes of foreign ships and foreign ships carrying certain cargo to pre-notify and report their entry into and departure from China's territorial sea.

Professor Pedrozo responded to an inquiry from a Vietnamese newspaper concerning the legality and potential implications of China's new MTSL.

Professor Pedrozo gave a presentation on International Rules and Standards Regarding the Use of Force in Maritime Law Enforcement Operations hosted by the Korea Institute for Maritime Security (KIMS) and was attended by over 110 naval and coast guard officers and government officials from Japan, South Korea, and the Philippines.

Professor Pedrozo provided a 15-minute interview to a Vietnamese TV news station (VTC News) regarding China's recently imposed

mandatory ship reporting and prior notification requirements for certain classes of vessels and vessels carry hazardous cargoes transiting China's territorial sea.

Professor Pedrozo moderated the ISS breakout forum on Maritime Security and the Rules Based Order.

LtCol Cherry presented the Senior Practitioner Lecture at Naval Justice School. The lecture focused on leadership and the judge advocate's role in supporting the commander in mission accomplishment.

LtCol Cherry supported the International Institute of Humanitarian Law by teaching a virtual class on autonomy, artificial intelligence, and command responsibility under the law of armed conflict.

Sqn Ldr Brown and MAJ Koschnitzky supported the Joint Maritime Operations course in the Oplaw session on the US Tanker Wars, in a legal advisory role.

Professors Kraska, Pedrozo, and Petta discussed with the Naval Justice School and the Deputy Assistant Judge Advocate General for National Security Law about aligning advanced international law education and knowledge for Navy, Marine Corps, and Coast Guard judge advocates.

CDR Petta served as a guest lecturer at the Naval War College's Yearly Operational Law Training (YOLT), this lecture was attended by Rear Admiral Les E. Reardanz, Deputy Judge Advocate General for Reserve Affairs and Operations and approximately 150 reserve military lawyers from all branches of the service on how international law can be used to guard against cyberattacks on international ports and port facilities .

Professor Kraska spoke at the NATO Allied Maritime Command and Centre for Seapower and Strategy Conference at University of Plymouth concerning legal responses to gray zone activities during peacetime and armed conflict.

Professor Kraska delivered remarks at the US Embassy Manila and National Defense College of the Philippines conference “70 Years of the 1951 Philippine-U.S. Mutual Defense Treaty (MDT): Opportunities and Challenges in a Changing 21st Century Indo-Pacific Region”.

Professor Kraska and Professor Pedrozo provided a three-hour workshop to 200 naval officers of the Indian Navy on China and maritime law, at the request of the Indian Naval Service in cooperation with an INS MOU with Gujarat National Law University.

OCTOBER

LCDR Parmley participated in week-long leadership program at the Aspen Institute as a 2021 International Career Advancement Program (ICAP)/US Navy Fellow. Nominated by PNWC, LCDR Parmley was selected by OPNAV along with 2 other Naval Officers for the ICAP fellowship, a professional development and leadership program for highly promising mid-career professionals in international affairs in the United States to increase diversity and equity at the highest levels of national security and foreign policy.

Professor Pedrozo provided comments on draft information paper for COMSEVENTHFLT regarding archipelagic sea lanes passage.

Professor Kraska delivered a virtual lecture on the legal issues of the South China Sea at Syracuse University School of Law.

Professor Pedrozo responded to a query from the First Secretary of the Malaysian Embassy in the United States regarding the implications for other South China Sea claimants of China’s Maritime Traffic Safety Law.

Professor Pedrozo provided a virtual lecture on case studies of the USS STARK (Iraqi attack) and USS VINCENNES (Iran Air Bus Shootdown) incidents during the Iran-Iraqi Tanker War for the Rules of Engagement Course at the San Remo International Institute of Humanitarian Law.

Professor Kraska conducted a TV interview with Deutsche Welle concerning the Ukraine-Russia arbitration in the Hague over Russia’s seizure of 3 Ukrainian warships.

Professor Kraska delivered a virtual lecture on international law and freedom of navigation at the International Institute of Humanitarian Law in San Remo, Italy.

Professor Pedrozo provided a virtual lecture on maritime rules of engagement and maritime law enforcement use of force rules for the Naval Operations Course at the International Institute of Humanitarian Law in San Remo, Italy.

Professor Kraska participated in a USCG Atlantic Area Roundtable on Arctic Safety and Security on board the USCGC HEALY in Boston, MA.

Professor Pedrozo responded to a query from the First Secretary of the Malaysian Embassy in the United States regarding issues involving China’s maritime militia.

Professor Kraska virtually delivered remarks and moderated a panel on lawfare for the National Maritime Foundation (India) Indo-Pacific Regional Dialogue, which had more than 1,000 participants.

NOVEMBER

Professor Pedrozo responded to a query from INDOPACOM regarding the status and navigational regime applicable to the Japanese Tsugaru Strait.

Professor Kraska delivered a virtual presentation at the 3rd GOA MARITIME CONCLAVE 21, sponsored by the Chief of the Indian Naval Service, with 12 chiefs or heads of navies among the 1,000 participants, about the law concerning IUU fishing in the Indian Ocean region, providing options for affected states.

Professor Kraska participated as a keynote speaker at the Norwich University Military Writers' Symposium on Arctic Security; his remarks were published in an article for USNI News, Military Planners Should Map Out Operations in Warming Arctic Waters.

Professor Pedrozo participated on a virtual panel of the Maritime Law Association Maritime Autonomous Surface Ships (MASS) Subcommittee providing a lecture on MASS in the context of the UN Convention on the Law of the Sea and the Law of Armed Conflict.

Professor Kraska virtually spoke on challenges to freedom of navigation and overflight and other internationally lawful uses of the sea at the Symposium on Maritime Cooperation in the Indo-Pacific: Upholding the Rule of Law of the Maritime Institute of Malaysia (MIMA) in KL, Malaysia, cosponsored by the Ministry of Foreign Affairs of Australia and Japan.

Professor Pedrozo assisted U.S. National Academy of Sciences (Committees on International Security and Arms Control) prepare scenarios to facilitate a Track II scenario-based discussion with the

Russian Academy of Sciences regarding the June 23, 2021, Black Sea incident between the Russian Coast Guard and Air Force and the UK destroyer, HMS Defender (D36), and to examine options for a better, internationally lawful incident response.

Professor Pedrozo and CDR Petta partnered with the U.S. Coast Guard Office of Cutter Forces and gave a virtual lecture focused on international law matters arising in the South China Sea and was designed to prepare Coast Guard officers, both ship captains and attorneys, for the Coast Guard increased presence in the South China Sea to roughly 100 U.S. Coast Guard cuttermen and judge advocates, both on shore and at sea.

Professor Kraska was interviewed by the Wall Street Journal for a long-form study on flag state administrations and flag state responsibilities for abandoned seafarers and vessels.

Professor Kraska spoke at a book launch of a study by Anders Corr, titled: "The Concentration of Power: Institutionalization, Hierarchy, and Hegemony."

Professor (Emeritus) Schmitt directed a six-day workshop on International Cyber Law for Asia-Pacific officials, sponsored by the Netherlands, Australia, and Canada.

Professor Kraska virtually spoke on the legal aspects of autonomous ships for the Global Ocean Regime Conference, Technological Innovation and the Role of the Law of the Sea, which was hosted by Korea Maritime Institute in Cooperation with the Ministry of Oceans and Fisheries.

Professor Kraska virtually spoke on Technological Innovations and the Law of the Sea at the Global Ocean Regime Conference of the Korea Maritime Institute in Busan, ROK.

DECEMBER

Professor (Emeritus) Schmitt gave the closing keynote address for the NATO Cyber Law Seminar.

Professor Kraska delivered a virtual presentation on the law of the high seas to the Yeosu Academy of the Law of the Sea, which has some 50 mid-career naval and coast guard officers and other professionals from developing countries.

Major Koschnitzky interviewed Captain Tom Leary, the Staff Judge Advocate for USCENTCOM, and Colonel Ford, the Staff Judge Advocate for the U.S. Army 1st Special Forces Command, and leading international law academics, regarding the international law implications following the withdrawal of U.S. forces in Afghanistan.

Professor Kraska delivered a virtual presentation on the viability of the Japan-China Maritime and Aerial Communication Mechanism for the Strategic Studies Research Institute of Japan.

Professor Kraska delivered a virtual presentation on international maritime security law to the Yeosu Academy of the Law of the Sea, which has some 50 mid-career naval and coast guard officers and other professionals from developing countries.

Professor (Emeritus) Schmitt directed an Alumni workshop for Southeast Asian officials who have attended the Executive Course in International Cyber Law sponsored by the governments of Singapore, Australia and the Netherlands.

Professor Pedrozo and LCDR Parmley provided legal support to NWPAC22, with Professor Pedrozo delivering an ROE brief.

Professor Kraska virtually participated in a Closed-Door Roundtable Discussion on Ship-to-Ship Encounters in the South China Sea at the University of the Philippines College of Law.

Professor Kraska virtually participated in a Closed roundtable discussion on East/South China Sea at the Stimson Center in Washington, DC.

Professor Pedrozo responded to query from USINDOPACOM regarding China's new Land Border Law as applied to the ongoing PRC-India border dispute.

Professor Pedrozo was invited by MOFA Japan to discuss legal issues associated with the Dokdo-Takeshima territorial dispute between the Republic of Korea and Japan.

INTERNATIONAL LAW STUDIES

Volume 97 of International Law Studies consisted of forty feature articles and twelve papers from the Indo-Pacific Command Paper Series. The volume totaled 1,682 pages, a journal record. Volume 97 articles were downloaded over 40,000 times through January 25, 2022. The two most downloaded articles were authored by Stockton Center professors. “Foreign Cyber Interference in Elections,” by Professor (Emeritus) Schmitt, was downloaded 4,161 times through January 2022. “China’s Container Missile Deployments Could Violate the Law of Naval Warfare,” by Professor Pedrozo, was downloaded 2,537 times.

In the most recent law journal rankings by Washington & Lee Law Journal Rankings (2020 is the latest available), International Law Studies was ranked #1 in the “Maritime and Transportation Law” journal ranking; #2 in the “War, Conflicts, Military and National Security Law” journal ranking; and #18 in the general “International Law” journal ranking.

Dedication

Sailor-Scholar: Remembering Rear Admiral Horace B. Robertson Jr., JAGC, U.S. Navy (Ret)

Charles H. Stockton Distinguished Essay

Michael W. Lodge, *Enclosure of the Oceans versus the Common Heritage of Mankind: The Inherent Tension between the Continental Shelf Beyond 200 Nautical Miles and the Area*

Howard S. Levie Distinguished Essay

Yoram Dinstein, *Professor Howard S. Levie: In Memoriam*

Yoram Dinstein, *Legal Advisers in the Field During Armed Conflict*

Feature Article

Douglas R. Burnett, *Submarine Cable Security and International Law*

Joseph Hoelz, *Islamist Terrorism and the Classical Islamic Law of War*

Atsuko Kanehara, *Refining Japan’s Integrative Position on the Territorial Sovereignty of the Senkaku Islands*

Beth Van Schaack, *Animating the U.S. War Crimes Act*

Yishai Beer, *Revisiting ad bellum Proportionality: Challenging the Factors Used to Assess It*

Kevin Jon Heller, *In Defense of Pure Sovereignty in Cyberspace*

Marten Zwanenburg, *Know Thy Enemy: The Use of Biometrics in Military Operations and International Humanitarian Law*

Marko Milanovic, *Intelligence Sharing in Multinational Military Operations and Complicity under International Law*

Andrew Clapham, *Booty, Bounty, Blockade, and Prize: Time to Reevaluate the Law*

Louise Arimatsu and Michael N. Schmitt, *The Plea of Necessity: An Of*

Overlooked Response Option to Hostile Cyber Operations

Gershon Hasin, *Confronting Space Debris Through the Regime Evolution Approach*

William Banks, *Cyber Attribution and State Responsibility*

Tomohiro Mikanagi, *Application of the Due Diligence Principle to Cyber Operations*

Brian Finucane, *U.S. Recognition of a Commander's Duty to Punish War Crimes*

Eyal Benvenisti, *The International Law of Prolonged Sieges and Blockades: Gaza as a Case Study*

Louise Arimatsu, *Transformative Disarmament: Crafting a Roadmap for Peace*

Noam Neuman, *Neutrality and Cyberspace: Bridging the Gap between Theory and Reality*

Michael N. Schmitt, *Foreign Cyber Interference in Elections*

Tom Ruys and Felipe Rodriguez Silvestre, *Military Action to Recover Occupied Land: Lawful Self-defense or Prohibited Use of Force? The 2020 Nagorno-Karabakh Conflict Revisited*

Marten Zwanenburg, *The "External Element" of the Obligation to Ensure Respect for the Geneva Conventions: A Matter of Treaty Interpretation*

Steven Haines, *Developing International Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*

Robin Geiss and Henning Lahmann, *Protection of Data in Armed Conflict*

Tobias Vestner and Altea Rossi, *Legal Reviews of War Algorithms*

Nilüfer Oral, *Ukraine v. The Russian Federation: Navigating Conflict over Sovereignty under UNCLOS*

Rohan Mishra, *Nuclear Terrorism: Statutory Shortcomings and Prosecutorial Opportunities*

James Kraska, *Command Accountability for AI Weapon Systems in the Law of Armed Conflict*

Tom Dannenbaum, *Encirclement, Deprivation, and Humanity: Revising the San Remo Manual Provisions on Blockade*

Joel Coito, *Maritime Autonomous Surface Ships: New Possibilities—and Challenges—in Ocean Law and Policy*

Helmut Tuerk, *Questions Relating to the Continental Shelf Beyond 200 Nautical Miles: Delimitation, Delineation, and Revenue Sharing*

Frans G. von der Dunk, *Armed Conflicts in Outer Space: Which Law Applies?*

Jonathan G. Odom, *The Value and Viability of the South China Sea Arbitration Ruling: The U.S. Perspective 2016–2020*

Michael N. Schmitt and Durward E. Johnson, *Responding to Hostile Cyber Operations: The "In-Kind" Option*

Situations: Israel’s View on Cyber Operations

Roy Schondorf, *Israel’s Perspective on Key Legal and Practical Issues Concerning the Application of International Law to Cyber Operations*

Situations: Levie Forum on China

Raul (Pete) Pedrozo, *China’s Container Missile Deployments Could Violate the Law of Naval Warfare*

Raul (Pete) Pedrozo, *China’s Revised Maritime Traffic Safety Law*

Raul (Pete) Pedrozo, *Is a South China Sea Code of Conduct Viable?*

Raul (Pete) Pedrozo, *U.S. Recognition of Japanese Sovereignty Over the Senkaku Islands*

Raul (Pete) Pedrozo, *Maritime Police Law of the People’s Republic of China*

Situations: Indo-Pacific Command Paper Series

Office of the Staff Judge Advocate, *U.S. Protests China’s Maritime Claims in the South China Sea*

Office of the Staff Judge Advocate, *U.S. Position on the U.N. Convention on the Law of the Sea*

Office of the Staff Judge Advocate, *U.S. Policy on the South China Sea*

Office of the Staff Judge Advocate, *U.S. Freedom of Navigation Program*

Office of the Staff Judge Advocate, *The South China Sea Arbitration Award*

Office of the Staff Judge Advocate, *Navigational Regimes*

Office of the Staff Judge Advocate, *Military Activities in the Exclusive Economic Zone*

Office of the Staff Judge Advocate, *International Straits*

Office of the Staff Judge Advocate, *General Principles of the Law of the Sea*

Office of the Staff Judge Advocate, *China’s Excessive Maritime Claims*

Office of the Staff Judge Advocate, *Archipelagic States*

Office of the Staff Judge Advocate, *Air Defense Identification Zones*

Raul (Pete) Pedrozo, *Introduction to the Indo-Pacific Command Paper Series*



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