



## U.S. NAVAL WAR COLLEGE PROFESSOR LECTURES AT IMLI

Professor James Kraska (Chairman and Howard S. Levie Professor at the Stockton Center for the Study of International Law, U.S. Naval War College) visited the IMO International Maritime Law Institute and delivered a set of lectures on Shipboarding and State Responsibility at Sea on 12 and 14 December 2017, respectively, to the IMLI Class of 2017-2018.



*Professor James Kraska (Chairman and Howard S. Levie Professor at the Stockton Center for the Study of International Law, U.S. Naval War College) with Professor David Attard (Director, IMLI) and the IMLI Class of 2017-2018*

In his first lecture, Professor Kraska provided a comprehensive review of the law of ship boarding. He started out his discussion by way of differentiating the ship boarding regimes applicable during peacetime, which includes the right of approach and visit. Maritime law enforcement authorities may exercise visit, board, search and seizure to counter piracy, slave trafficking and other crimes at sea. During periods of armed conflict belligerent states enjoy the right of visit and search of neutral ships to determine the neutral character of the vessel and its cargo. His presentation focused on the rights and duties of coastal, flag and port States under international law – each type of state plays a role in the authorization of ship boarding, depending upon the circumstances. The noteworthy incident of the *M/V So San* in 2002 was highlighted to show gaps in the legal system to prevent maritime proliferation of weapons of mass destruction. Related sub-topics such as the

Proliferation Security Initiative (PSI) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) were also discussed.

On State Responsibility at Sea, he delivered a very informative presentation on the application of the law of state responsibility in the maritime domain. He explored some of the cutting edge cases of state responsibility and lawful countermeasures for hacking of electronic navigation, including Automatic Identification System (AIS) and Global Positioning System (GPS). These maritime cyber attacks are becoming more prevalent and have posed a potentially devastating threat to the global economy. Attributing such attacks to states – a prerequisite for the law of state responsibility – presents special challenges.

The students have certainly benefited from Professor Kraska's specialised knowledge and look forward to more of his work in the years to come.

Professor Kraska is Chairman and Howard S. Levie Professor at the Stockton Center for the Study of International Law, U.S. Naval War College in Rhode Island and Visiting Professor of Law and John Harvey Gregory Lecturer on World Organization at Harvard Law School. Among his many positions and advisory capacities, Professor Kraska is a Distinguished Fellow with the Law of the Sea Institute, University of California Berkeley School of Law and a Senior Fellow with the Center for Oceans Law and Policy, University of Virginia School of Law.

Professor Kraska previously served as a chaired visiting scholar in the Nicholas School of the Environment, Duke University and visiting professor of law at the University of Maine School of Law. Formerly, he was Director of the International Negotiations Division on the Joint Staff, Pentagon, Oceans Law and Policy Adviser, also on the Joint Staff, Pentagon, and Deputy Legal Adviser to the Deputy Chief of Naval Operations. He served in the U.S. Navy Judge Advocate General's Corps and retired in the rank of Commander. He has an extensive line of publications to his name including International Maritime Security Law (co-authored with Raul Pedrozo) (Martinus Nijhoff 2013) and the most recent, The Free Sea: The American Fight for Freedom of Navigation (co-authored with Raul Pedrozo) (forthcoming U.S. Naval Institute Press 2018).

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