Professor Beth Mendenhall

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Coastal Institute 215

Office hours: Thursday 1pm-3pm or by appointment

# Course Description

This course covers several centuries of international ocean law, because the development of ocean governance coincides with the emergence of international law more generally. After a review of the basic features of the international system – principles, norms, rules, regimes, laws, customs, institutions, and organizations – the course follows the emergence of the international ocean governance, starting in the early modern period and concluding with contemporary governance issues. Several weeks will cover the United Nations Convention on the Law of the Sea (UNCLOS), the centerpiece of contemporary ocean governance. The last few weeks will focus on specific challenges to the zone-based management scheme created by UNCLOS.

# Learning Outcomes

The purpose of this course is to provide students with an understanding of the basic features and functions of the international ocean governance regime. After taking this course, it is expected that you will be able to:

(1) Describe and distinguish features of the international system, including laws, institutions, organizations, norms, principles, rules and regimes

(2) Describe the basic elements of UNCLOS, especially its zone-based management structure and relationship with other governance institutions

(3) Explain the relationship between various components of the ocean governance regime, and identify gaps in coverage over ocean issues

(4) Explain prevailing conflicts and debates in contemporary ocean governance, including territorial disputes, competing interpretations of treaty text, and proposed reforms

(5) Understand in what areas, and for what reasons, international ocean management is succeeding or failing with regard to its fundamental goals

(6) Identify emerging environmental, economic, and security problems and challenges for ocean governance

# Required Texts and Materials

It should be possible for students to obtain all assigned readings without needing to purchase any materials. Assigned readings will be available through the library reserve system, and/or via PDF posted on Sakai. Students are expected to bring a copy of the text on the days assigned.

## Books on library reserve:

Byers, Michael. *Custom, Power, and the Power of Rules: International Relations and Customary*

*International Law*. New York: Cambridge University Press, 1999

Byers, Michael, and James Baker. *International Law and the Arctic*. Cambridge University

Press, 2013.

Hamblin, Jacob Darwin. *Poison in the Well: Radioactive Waste in the Oceans at the Dawn of the*

*Nuclear Age*. New Brunswick, N.J.: Rutgers University Press, 2008.

Harrison, James. *Making the Law of the Sea: A Study in the Development of International Law*.

Cambridge; New York: Cambridge University Press, 2011.

Hollick, Ann L. *U.S. Foreign Policy and the Law of the Sea*. Princeton, N.J: Princeton University

Press, 1981.

Paine, Lincoln P. *The Sea and Civilization: A Maritime History of the World*. First Edition. New

York: Alfred A. Knopf, 2013.

Rothwell, Donald R., Alex G. Oude Elferink, Karen N. Scott, and Tim Stephens, eds. *The Oxford*

*Handbook of the Law of the Sea*. Oxford University Press, 2017.

Steinberg, Philip E. *The Social Construction of the Ocean*. Cambridge; New York: Cambridge

University Press, 2001.

Thomson, Janice E. *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial*

*Violence in Early Modern Europe*. Princeton Studies in International History and Politics. Princeton, N.J: Princeton University Press, 1994.

**Grading scale**

A = 93-100

A- = 90-92

B+ = 87-89

B = 83-86

B- = 80-82

C+ = 77-79

C = 73-76

C- = 70-72

D+ = 67-69

D = 60-66

F = below 60

# Grading and Assignments

Participation 10%

In-class presentation 10%

Midterm examination 25%

Final examination 25%

Research paper 30%

Rubrics will be provided for all major assignments.

## Participation

You should be prepared to participate in every class, which includes posing questions, answering questions, and engaging in open-ended discussion about the readings. This typically requires referencing your annotated readings during class, and actively choosing to participate. Students who regularly contribute to class, and demonstrate close engagement with the readings, will receive a full participation grade.

## Presentation

Each student will be asked to make a 5-10 minute presentation of the readings for a particular week. These presentations should *not* be a complete summary of that week’s material, as all students are expected to have done the readings in full. Presentations may review particularly detailed or challenging aspects of the reading, but they should primarily engage the material, which may include adding context, providing commentary, or introducing a criticism of the readings themselves or the subject they cover. Each presentation should end with 2-3 discussion questions, which will start off the class conversation.

## Examinations

The exams will consist of 3 essay questions, and be taken in class and without notes or books. A week before each exam, I will distribute a list of 10 essay questions. The questions on the test will be chosen from this list. The final exam will be non-cumulative, meaning that it will only test the material reviewed after the midterm.

## Research Paper

The research paper can be submitted at any time during the semester, and must be submitted by **5pm on December 15th**. Papers should and take a position on an issue related to international ocean governance. For example, a thesis could support a particular understanding of some feature of ocean governance, or propose an action to be taken by some actor. A paper should do more than summarize or describe; it should explain, suggest, and/or argue. The flexibility of this assignment is intended to provide students an opportunity to pursue a topic that fits within their more general research portfolio.

Students are expected to meet with the instructor to discuss paper topics, approaches, and sources. Papers should be 10-12 pages. The research paper itself should show evidence of research capabilities and use of available literature and documentation, should be well written, and should indicate a considerable degree of thought by the student. Students can submit one outline or rough draft to the instructor and receive comments, but these drafts must be submitted by **December 1st.**

# Course Policies

Any student with a documented disability is welcome to contact me as early in the semester as possible so that we may arrange reasonable accommodations. As part of this process, please be in touch with Disability Services for Students Office at 302 Memorial Union, Phone 401-874-2098.

## Attendance

Students are expected to attend class. Occasionally, students may miss class activities due to illness, severe weather, or sanctioned University events. It is the policy of the University of Rhode Island to accord students, on an individual basis, the opportunity to observe their traditional religious holidays. Students must inform the instructor of expected excused absences in order to discuss options for missed classes or examinations. See Sections 8.51.11 – 8.51.14 of the University Manual for policy regarding make-up of missed class or examinations.

## Classroom conduct

Students are expected to treat faculty and fellow classmates with dignity and respect. Students are responsible for being familiar with and adhering to the published “Student Code of Conduct” which can be accessed in the University Student Handbook. If you must come in late, please do not disrupt the class.

## Plagiarism

Students are expected to be honest in all academic work. A student’s name on any written work shall be regarded as assurance that the work is the result of the student’s own independent thought and study. Students have an obligation to know how to quote, paraphrase, summarize, cite and reference the work of others with integrity. The following are examples of academic dishonesty:

* Using material, directly or paraphrasing, from published sources without appropriate citation
* Claiming disproportionate credit for work not done independently
* Unauthorized possession or access to exams
* Unauthorized communication during exams
* Unauthorized use of another’s work or preparing work for another student
* Taking an exam for another student
* Altering or attempting to alter grades
* The use of notes or electronic devices to gain an unauthorized advantage during exams
* Fabricating or falsifying facts, data or references
* Facilitating or aiding another’s academic dishonesty
* Submitting the same paper for more than one course without prior approval from the instructors.

Any good writer’s handbook as well as reputable online resources will offer help on matters of plagiarism and instruct you on how to acknowledge source material. If you need more help understanding when to cite something or how to indicate your references, please ask.

All submitted work must be your own. Outside sources must be properly documented, or you will be charged with plagiarism and will receive an F for the assignment. In some cases, this may result in a failure of the course as well. In addition, the charge of academic dishonesty will go on your record in the Office of Student Life. If you have any doubt about what constitutes plagiarism, visit the following: the URI Student Handbook, and Sections 8.27.10 – 8.27.21 of the University Manual.

# Academic Support Services

This is a challenging course. Success requires that you keep pace with the work, understand course concepts, and study effectively. The Academic Enhancement Center helps URI students succeed through three services: Academic Coaching, Tutoring, and The Writing Center. To learn more about any of these services, please visit web.uri.edu/aec or call 401-874-2367 to speak with reception staff.

The Writing Center is for “all writers, all disciplines, at all levels, and all stages of writing.” If possible, call ahead for an appointment (401-874-2367). Drop-in tutorials are often available. You may make repeat appointments, requesting the same tutor each time if you wish. See their Web Page: web.uri.edu/aec/writing/ for tips on how to make the best of your Writing Center visit.

# The International System

## 9/7 – Introduction

Lewis, Martin W. “Dividing the Ocean Sea.” *The Geographical Review* 89, no. 2 (April 1999): 188–214.

Steinberg, Philip E. “Of Other Seas: Metaphors and Materialities in Maritime Regions.” *Atlantic Studies: Global Currents* 10, no. 2 (April 29, 2013): 156–69.

## 9/12 – Theories of International Cooperation

Mearsheimer, John J. “The False Promise of International Institutions.” *International Security* 19, no. 3 (Winter 1994/95): 5–49.

Keohane, Robert O., and Lisa L. Martin. “The Promise of Institutionalist Theory.” *International Security* 20, no. 1 (Summer 1995): 39–51.

Abbott, Kenneth W., and Duncan Snidal. “Hard and Soft Law in International Governance.” *International Organization* 54, no. 3 (Summer 2000): 421–56.

## 9/14 – International Law

Byers, Michael. “Law and power,” (pgs. 3-20), “Fundamental problems of customary international law,” (pgs. 129-146) *Custom, Power, and the Power of Rules: International Relations and Customary International Law* New York: Cambridge University Press, 1999.

Glennon, Michael J. “Sometimes a Great Notion.” *Wilson Quarterly* 27, no. 4 (Autumn 2003).

Harrison, James. *Making the Law of the Sea: A Study in the Development of International Law*. (pgs. 1-26) Cambridge; New York: Cambridge University Press, 2011.

## 9/19 – Global Commons

Buck, Susan J. “A Framework for Analysis.” In *The Global Commons an Introduction*, 21–35. Washington, D.C.: Island Press, 1998.

Vogler, John. “Global Commons Revisited.” *Global Policy* 3, no. 1 (February 2012): 61–70.

Shackelford, Scott J. “The Tragedy of the Common Heritage of Mankind.” (pgs. 110-129, 151-167) *Stanford Environmental Law Journal* 28, no. 109 (2009): 110–69.

# Origins of Customary International Law

## 9/21 – Pre-global maritime traditions

Daniel R. Headrick, “The Discovery of the Oceans” (pgs. 11-20 only), *Power Over Peoples: Technology, Environments, and Western Imperialism, 1400 to the Present*. Princeton University Press, 2010

Philip E. Steinberg, “Ocean-space in non-Modern Societies” (pgs. 39-67), *The Social Construction of the Ocean*. Cambridge University Press, 2001

Thomas Fulton, “Introduction” (pgs. 1-22), *The Sovereignty of the Sea*. W. Blackwood, 1911

Anand, R. P. “Freedom of the Sea and Commercial Shipping in the Indian Ocean” (pgs. 10-35) in *Origin and Development of the Law of the Sea: History of International Law Revisited*. The Hague: Martinus Nijhoff ; [distributed in the U.S. by] Kluwer Boston, 1983.

## 9/26 – ‘Age of Expansion’

Mancke, Elizabeth. “Early Modern Expansion and the Politicization of Oceanic Space.” *Geographical Review* 89, no. 2 (April 1999): 225–36.

Anand, R. P., “Introduction” (pgs. 1-8), *Origin and Development of the Law of the Sea: History of International Law Revisited*. The Hague: Martinus Nijhoff ; [distributed in the U.S. by] Kluwer Boston, 1983.

Philip E. Steinberg, “Ocean-space and Merchant Capitalism” (pgs. 68-89), *The Social Construction of the Ocean*. Cambridge University Press, 2001

Lincoln Paine. “The Birth of Global Trade” (pgs. 406-440), *The Sea and Civilization: A Maritime History of the World*. Knopf, 2013

## 9/28 – ‘Battle of the Books’

Lincoln Paine. “State and Sea in the Age of European Expansion” (pgs. 440-447), in *The Sea and Civilization: A Maritime History of the World*. Knopf, 2013

Philip E. Steinberg, “Ocean-space and Merchant Capitalism” (pgs. 89-109), *The Social Construction of the Ocean*. Cambridge University Press, 2001

Thornton, Helen. “John Selden’s Response to Hugo Grotius: The Argument for Closed Seas.” *International Journal of Maritime History* XVIII, no. 2 (December 2006): 105–27.

Anand, R. P., “Freedom of the Seas: Retrospect and Prospect” (pgs. 225-232), *Origin and Development of the Law of the Sea: History of International Law Revisited*. The Hague: Martinus Nijhoff ; [distributed in the U.S. by] Kluwer Boston, 1983.

Oude Elferink, Alex. “De Groot – A Founding Father of the Law of the Sea, Not the Law of the Sea Convention.” *Grotiana* 30, no. 1 (November 1, 2009): 152–67.

## 10/3 – Piracy, Privateering, Anti-Slavery

Lambert, Andrew. “The Pax Britannica and the Advent of Globalization” (pgs. 3-31) *Maritime Strategy and Global Order: Markets, Resources, Security*, edited by Daniel Moran and James Avery Russell, 3–31. Washington, DC: Georgetown University Press, 2016.

Thomson, Janice E. *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*. (pgs. 21-26, 43-54, 69-77, 107-118) Princeton, N.J: Princeton University Press, 1994.

US Department of State, “Milestones in the History of U.S. Foreign Relations”

 Barbary Wars, 1801–1805 and 1815–1816

The Amistad Case, 1839

 United States Maritime Expansion across the Pacific during the 19th Century

 The Blockade of Confederate Ports, 1861–1865

Mahan’s The Influence of Sea Power upon History: Securing International Markets in the 1890s

Kern, Holger Lutz. “Strategies of Legal Change: Great Britain, International Law, and the Abolition of the Transatlantic Slave Trade.” *Journal of the History of International Law* 6 (2004): 233–58.

# Lead up to UNCLOS III

## 10/5 – ICJ

Crawford, James, and Tom Grant. “International Court of Justice.” In *The Oxford Handbook on the United Nations*, edited by Sam Daws and Thomas G. Weiss, 2008.

Sepúlveda Amor, Bernardo. “The International Court of Justice and the Law of the Sea.” *Anuario Mexicano de Derecho Internacional*, 2012, 3–25.

Green, L.C. “The Anglo-Norwegian Fisheries Case, 1951.” *The Modern Law Review* 15, no. 3 (July 1952): 373–77.

Wright, Quincy. “The Corfu Channel Case.” *The American Journal of International Law* 43, no. 3 (July 1949): 491–94.

Friedmann, Wolfgang. “The North Sea Continental Shelf Cases--A Critique.” *The American Journal of International Law* 64, no. 2 (April 1970): 229-240

## 10/10 – Unilateral claims, UNCLOS I and II

1958 Convention on the Territorial Sea and the Contiguous Zone

1958 Convention on the High Seas

1958 Convention on the Continental Shelf

1958 Convention on Fishing and Conservation of the Living Resources of the High Seas

Tommy Koh, “The Origins of the 1982 Convention on the Law of the Sea,” 29 Malaysian Law Review 1-17 (1987)

Ann L. Hollick, “The First and Second UN Conferences on the Law of the Sea: 1958 and 1960” (pgs. 127-155), *U.S. Foreign Policy and the Law of the Sea*. Princeton University Press, 1981.

## 10/12 – IWC and IMO

Zacher, Mark W. “The international shipping regime,” (pgs. 36-80) *Governing Global Networks: International Regimes for Transportation and Communications*, New York: Cambridge University Press, 1996.

DeSombre, Elizabeth R. “Ocean commons: International Maritime Organization” (pgs. 69-80), *Global Environmental Institutions*. New York: Routledge, 2006.

Chasek, Pamela S., David Leonard Downie, and Janet Welsh Brown. “Whaling” (pgs.188-196) *Global Environmental Politics*. Sixth edition. Dilemmas in World Politics. Boulder, Colorado: Westview Press, 2014.

Roman, Joe. “Why Whales?” *Harvard Magazine*, June 2011.

DiCenso, Matt. “Trouble on the High Seas: A Need for Change in the Wake of Australia v. Japan.” *Boston College International and Comparative Law Review* 39, no. 3 (2016): 13–27.

# UNCLOS III

## 10/17 – Negotiations

Harrison, James. *Making the Law of the Sea: A Study in the Development of International Law*. Cambridge; New York: Cambridge University Press, 2011. (pgs. 37-61)

Beesley, Alan. “The Negotiating Strategy of UNCLOS III: Developing and Developed Countries as Partners - A Pattern for Future Multilateral International Conferences?” *Law and Contemporary Problems* 46, no. 2 (1983): 183–94.

Hudson, Richard. “The International Struggle.” *Bulletin of the Atomic Scientists*, December 1977.

Ann L. Hollick, “United States Policy and Lessons for the Future” (pgs. 372-381), *U.S. Foreign Policy and the Law of the Sea*. Princeton University Press, 1981.

“A Constitution for the World’s Oceans,” Remarks by Ambassador Tommy T. B. Koh

 Majumdar, Sumit. “Institutions for International Co-Operation: An Analysis of the United Nations Law of the Sea Conference and Convention.” *Economic and Political Weekly* 25, no. 48/49 (December 1, 1990): 2681–85.

## 10/19 – Zone-based management

UNCLOS articles 1-7, 15, 17-21, 33-36, 55-60, 74, 76-78

US Commission on Ocean Policy, “Primer on Ocean Jurisdictions: Drawing Lines in the Water” (pgs. 70-73)

Schofield, Clive. “Departures from the Coast: Trends in the Application of Territorial Sea Baselines under the Law of the Sea Convention.” *The International Journal of Marine and Coastal Law* 27, no. 4 (January 1, 2012): 723–32.

Hakapaa, K. and E.J. Molennar, “Innocent Passage—Past and Present,” 23 Marine Policy 131-145 (1999)

Jones, Henry. “Lines in the Ocean: Thinking with the Sea about Territory and International Law.” *London Review of International Law*, June 17, 2016: 1-37

## 10/24 – Institutions: ISA, ITLOS, CLCS

UNCLOS Articles 136-144, 156-158, 279-283, 286-296

UNCLOS Annex II

UNCLOS Annex VI

Harrison. “The Law of the Sea Convention Institutions.” In *The Oxford Handbook of the Law of the Sea,* edited by Rothwell R. Donald and Alex G. Oude Elferink. New York, NY: Oxford University Press, 2015. (pgs. 373-394)

Harrison, James. “Developments in the deep seabed mining regime” (pgs. 115-153) *Making the Law of the Sea: A Study in the Development of International Law*. Cambridge; New York: Cambridge University Press, 2011.

Schoolmeester, Tina, and Elaine Baker, eds. *Continental Shelf The Last Maritime Zone*. Norway: UNEP/GRID-Arendal, 2009.

# 10/26 – Midterm Examination

## 10/31 – UNCLOS Augmentations

Agreement on the Implementation of Part XI of the 1982 UN Convention on the Law of the Sea

1995 Agreement for the Implementation of the Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and High Migratory Fish Stocks

Harrison, James. “Implementing Agreements” in *Making the Law of the Sea: A Study in the Development of International Law*. (pgs. 85-114) Cambridge; New York: Cambridge University Press, 2011.

Buga, Irina. “Between Stability and Change in the Law of the Sea Convention: Subsequent Practice, Treaty Modification, and Regime Interaction.” In *The Oxford Handbook of the Law of the Sea*, edited by Rothwell R. Donald and Alex G. Oude Elferink, 46–68. New York, NY: Oxford University Press, 2015.

Molenaar, E.J. “Non-Participation in the Fish Stocks Agreement: Status and Reasons.” *The International Journal of Marine and Coastal Law* 26, no. 2 (January 1, 2011): 195–234.

# Marine Pollution

## 11/2 – London Convention and MARPOL

Hamblin, Jacob Darwin. *Poison in the Well: Radioactive Waste in the Oceans at the Dawn of the Nuclear Age*. New Brunswick, N.J.: Rutgers University Press, 2008. (pgs. 1-9, 245-260)

Hong, Gi Hoon, and Young Joo Lee. “Transitional Measures to Combine Two Global Ocean Dumping Treaties into a Single Treaty.” *Marine Policy* 55 (May 2015): 47–56.

Kirk. “Science and the International Regulation of Marine Pollution.” In *The Oxford Handbook of the Law of the Sea*, edited by Rothwell R. Donald and Alex G. Oude Elferink. New York, NY: Oxford University Press, 2015. (pgs. 516-535)

UNCLOS Articles 192-196, 207-222

International Convention for the Prevention of Pollution from Ships 1973/1978

Just read IMO description found here: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-%28MARPOL%29.aspx

Mitchell, Ronald. “Intentional Oil Pollution of the Oceans.” (pgs. 183-248) In *Institutions for the Earth: Sources of Effective International Environmental Protection*, edited by Peter M. Haas, Robert O. Keohane, and Marc A. Levy. Cambridge, Mass: MIT Press, 1993.

## 11/7 – Flags of Convenience

UNCLOS Articles 91-96, 217

Tony Alderton and Nik Winchester, “Globalisation and de-regulation in the maritime industry,” *Marine Policy* 26, no. 1 (2002): 35-42

Ian Urbina, “A Renegade Trawler, Hunted for 10,000 Miles by Vigilantes,” *The New York Times*, July 28, 2015

Peter Gwin, “The Ship-Breakers,” *National Geographic*, May 2014

Michael Byers. “Policing the High Seas: The Proliferation Security Initiative,” *The American Journal of International Law* 98, no. 3 (2014): 526-545

DeSombre, Elizabeth R. “Fishing Under Flags of Convenience: Using Market Power to Increase Participation in International Regulation.” *Global Environmental Politics* 5, no. 4 (November 2005): 73–92.

# Fishing

## 11/9 – RFMOs

UNCLOS Articles 116-120

Barkin, J. Samuel, and Elizabeth R. DeSombre. “Regulatory Capture” (pgs. 63-86) *Saving Global Fisheries: Reducing Fishing Capacity to Promote Sustainability*. Cambridge, Massachusetts: The MIT Press, 2013.

Sarika Cullis-Suzuki and Daniel Pauly, “Failing the high seas: A global evaluation of regional fisheries management organizations,” *Marine Policy* 34, no. 5 (2010): 1036-1042

DeSombre, Elizabeth R. “Ocean commons” (pgs. 84-93), *Global Environmental Institutions*. New York: Routledge, 2006.

Lobo, Rafaella, and Peter J. Jacques. “SOFIA’S Choices: Discourses, Values, and Norms of the World Ocean Regime.” *Marine Policy* 78 (April 2017): 26–33.

## 11/14 – IUU Fishing

2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Don Liddick, “The Dimensions of a Transnational Crime Problem: The Case of IUU Fishing,” *Trends in Organized Crime* 17, no. 4 (2014): 290-312

Christopher Pala, “Detective work uncovers under-reported overfishing,” *Nature* (April 2, 2013)

Flothmann, Stefan, Kristin von Kistowski, Emily Dolan, Elsa Lee, Frank Meere, and Gunnar Album. “Closing Loopholes: Getting Illegal Fishing Under Control.” *Science* 328, no. 5983 (June 4, 2010): 1235–36.

 Ian Urbina, “Palau vs. the Poachers,” *The New York Times*, February 17, 2016

Bellmann, Christophe, Alice Tipping, and U. Rashid Sumaila. “Global Trade in Fish and Fishery Products: An Overview.” *Marine Policy* 69 (July 2016): 181–88.

Blasiak, Robert. “Balloon Effects Reshaping Global Fisheries.” *Marine Policy* 57 (July 2015): 18–20.

Lindley, Jade, and Erika J. Techera. “Overcoming Complexity in Illegal, Unregulated and Unreported Fishing to Achieve Effective Regulatory Pluralism.” *Marine Policy* 81 (July 2017): 71–79

# Policing the Seas

## 11/16 – No class

## 11/21 – Piracy/Labor

UNCLOS Articles 99-109

Bento, Lucas. “Toward an International Law of Piracy Sui Generis: How the Dual Nature of Maritime Piracy Law Enables Piracy to Flourish.” *Berkeley Journal of International Law* 29, no. 2 (2011): 399–455.

Paul Hallwood and Thomas J. Miceli, “An examination of some problems with international law governing maritime piracy,” *Maritime Policy & Management* 40, no. 1 (2013): 429-454

Urbina, Ian “Stowaways and Crimes Aboard a Scofflaw Ship,” *The New York Times*, July 17, 2015

Urbina, Ian. “‘Sea Slaves’: The Human Misery That Feeds Pets and Livestock.” *The New York Times*, July 27, 2015.

# Territorial Disputes

## 11/28 – South China Sea/East China Sea

UNCLOS Article 121

Dutton, Peter. “Three Disputes and Three Objectives.” *Naval War College Review* 64, no. 4 (Autumn 2011): 42–67.

 Edward Wong and Jonathan Ansfield, “To Bolster Its Claims, China Plants Islands in Disputed Waters,” *The New York Times* (2014)

Perlez, Jane. “Tribunal Rejects Beijing’s Claims in South China Sea.” *The New York Times*, July 12, 2016.

 Kraska, James. “Sovereignty at Sea.” *Survival* 51, no. 3 (July 2009): 13–18.

Valencia, Mark J. “The East China Sea Dispute: Context, Claims, Issues, and Possible Solutions.” *Asian Perspective* 31, no. 1 (2007): 127–67.

## 11/30 – Arctic

2008 Illulissat Declaration

UNCLOS Article 234

 Koivurova, Timo. “The Arctic Council: A Testing Ground for New International Environmental Governance.” *The Brown Journal of World Affairs* XIX, no. I (Fall/Winter 2012): 131–44.

Norris, Andrew J., and Patrick McKinley. “The Central Arctic Ocean-Preventing Another Tragedy of the Commons.” *Polar Record* 53, no. 01 (January 2017): 43–51.

Michael Byers. “Introduction” (pgs. 1-10) and “Arctic Straits” (pgs. 128-157), *International Law and the Arctic.* Cambridge University Press (2013)

Basaran, Ilker. “The Lomonosov Ridge and the Overlapping Outer Continental Shelf Claim to North Pole.” *Journal of Maritime Law & Commerce* 46, no. 1 (January 2015): 1–21.

## 12/5 – Baselines and Sea-Level Rise

Nemeth, Stephen C., Sara McLaughlin Mitchell, Elizabeth A. Nyman, and Paul R. Hensel. “Ruling the Sea: Managing Maritime Conflicts through UNCLOS and Exclusive Economic Zones.” *International Interactions*, July 29, 2014,

Houghton, Katherine J., Athanasios T. Vafeidis, Barbara Neumann, and Alexander Proelss. “Maritime Boundaries in a Rising Sea.” *Nature Geoscience* 3, no. 12 (November 30, 2010): 813–16..

Caron, David D. “When Law Makes Climate Change Worse: Rethinking the Law of Baselines in Light of a Rising Sea Level.” *Ecology Law Quarterly* 17, no. 4 (1990): 621–54.

Comaroff, Joshua. “Built on Sand: Singapore and the New State of Risk.” *Harvard Design Magazine*, Fall/Winter 2014.

## 12/7 – ABNJ

UNCLOS Articles 86-90, 116-119

Gjerde, Kristina M. “Challenges to Protecting the Marine Environment beyond National Jurisdiction.” *The International Journal of Marine and Coastal Law* 27, no. 4 (January 1, 2012): 839–47

Andrew Merrie et. al, “An ocean of surprises – Trends in human use, unexpected dynamics and governance challenges in areas beyond national jurisdiction,” *Global Environmental Change* 27 (2014): 19-31

Druel, Elisabeth, and Kristina M. Gjerde. “Sustaining Marine Life beyond Boundaries: Options for an Implementing Agreement for Marine Biodiversity beyond National Jurisdiction under the United Nations Convention on the Law of the Sea.” *Marine Policy* 49 (November 2014): 90–97.

Philip E. Steinberg, Elizabeth Nyman, and Mauro J. Caraccioli, “Atlas Swam: Freedom, Capital, and Floating Sovereignties in the Seasteading Vision,” *Antipode* 44, no. 4 (2012): 1532-1550

# 12/19 – Final exam