

International Law

Academic year 2020-2021

Law of the Sea: Current Challenges

DI134 - Autumn - 6 ECTS

Monday 10h15 - 12h00

Course Description

The course starts with a foundational inquiry into the evolution and history of the law of the sea before moving to a comprehensive assessment of prescriptive and enforcement jurisdiction over shipping. With this background, the course then addresses some of the most pressing issues facing the ocean (pollution from land based sources and shipping, acidification from increased CO₂ and warming of the seas, illegal, unreported, unregulated and unsustainable fishing, loss of marine biodiversity) and those making a living from the ocean (modern piracy). The context for these issues is provided by materials from a diverse range of sources (marine biology, oceanography, investigative journalism, economics, history). The task for this course is to assess whether these pressing issues are adequately addressed by the law. This will involve not only an assessment of the bespoke international treaties and regulations dealing with these various challenges but also an inquiry into the fundamental assumptions of the law of the sea (the ideas underlying the exercise of national jurisdiction over ocean spaces and shipping, the global commons, freedom on the high seas).

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Syllabus

COURSE MATERIALS

Students should not be daunted by the length and breadth of the materials listed on the syllabus. Students will only be expected to read, ahead of each lecture, a selection of the writing listed as “background” and as “legal commentary”, as well as the key provisions identified from UNCLOS. The syllabus provides a list of the key conventions and other instruments as well as the leading cases to avoid providing full citations for them during the lectures.

ASSESSMENT

Students will have a choice between a supervised research paper or a take-home exam. Satisfactory attendance and participation at the lectures will also be required.

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A THE EVOLUTION OF THE LAW OF THE SEA

1. Y Tanaka, Ch 1 “The Law of the Sea in Perspective” in *The International Law of the Sea* (CUP: 2019, 3rd edn).
2. D P O’Connell, Ch 2 “The General Principles of the Law of the Sea” in *The International Law of the Sea* (Vol. I, 1988) 29.

B DIFFERENT CONCEPTIONS OF THE OCEAN

3. P Steinberg, Ch 1 “Territorial political economy and the construction of ocean-space” in P Steinberg, *The Social Construction of the Ocean* (CUP: 2001) 8-38.
4. H Grotius, Ch V “Neither the Indian Ocean nor the right of navigation thereon belongs to the Portuguese by title of occupation” in *Mare Liberum*; W Welwod, “Of the Community and Propriety of the Seas”; and H Grotius, “Defence of Chapter V of Mare Liberum”; in *The Free Sea* (Translated by R Haklyut, Liberty Fund: 2004).
5. R Anand, Ch 4 “Mare Liberum vs. Mare Clausum” in *Origin and Development of the Law of the Sea* (Martinus Nijhoff: 1982) 72-115.
6. C Alexandrowicz, “Freitas versus Grotius” (1959) 35 *British Yearbook of International Law* 162-182.

7. D P O'Connell, Ch 1 "The History of the Law of the Sea" in *The International Law of the Sea* (Vol. I, 1988) 1.

C UNCLOS AND THE COORDINATION OF STATE CLAIMS TO THE OCEAN

8. E Mann Borgese, Ch 4 "Ocean Perspectives: Legal" in *The Oceanic Circle: Governing the Seas as a Global Resource* (UN University Press, 1998) 101-138.
9. A Pardo, "Convention on the Law of the Sea: A Preliminary Appraisal" (1983) 20 *San Diego Law Review* 489-503.
10. M McDougal & W Burke, "Introduction to the Reissue" in *The Public Order of the Oceans: A Contemporary International Law of the Sea* (New Haven Press: 1985).
11. P Allot, "Power Sharing in the Law of the Sea" (1983) 77 *AJIL* 1.
12. R Churchill, Ch 2 "The 1982 United Nations Convention on the Law of the Sea" in D Rothwell et al (eds), *The Oxford Handbook of the Law of the Sea* (OUP: 2015) 2.

D JURISDICTION OVER SHIPPING AND THE PROBLEM OF FLAGS OF CONVENIENCE

D1 Background

13. W Langewiesche, Ch 1 "An Ocean World" in *The Outlaw Sea* (Granta: 2004) 3-34.

D2 Nationality of ships and the requirement of a "genuine link"

(i) Legal commentary

14. D P O'Connell, Ch 20 "Jurisdiction over Shipping" in *The International Law of the Sea* (Vol. II, 1988) 747-762.
15. M McDougal et al, "The Maintenance of Public Order at Sea and the Nationality of Ships" (1960) 54 *AJIL* 28-43.
16. R Churchill, *The Meaning of the 'Genuine Link' Requirement in Relation to the Nationality of Ships: A Study Prepared for the International Transport Workers' Federation* (2000).

17. N Ready, Ch 2 “Nationality, Registration, and Ownership of Ships” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume II: Shipping Law* (OUP: 2014) 19.

(ii) **Conventions**

18. UNCLOS, Arts 90, 91, 92, 93.

19. UN Convention on Conditions for Registration of Ships (not in force).

(iii) **Cases**

20. *Chartered Mercantile Bank of India v Netherland Steam Navigation Co Ltd* (1883) 10 QBD 521.

21. *The Muscat Dhows*, UN Rep Vol XI 83 (1905); Westlake (1907) 23 *LQR* 83.

22. *Naim Molvan v AG for Palestine* [1948] AC 351.

23. *Lauritzen v Larsen* 345 US 571 (1952).

24. *The Grand Prince Case (Belize v France)*, Prompt Release, ITLOS Reports 2001.

25. *The Tominaru Case (Japan v Russian Federation)*, Prompt Release, ITLOS Reports 2007.

26. *The Magda Maria Case* (1989) 20 *NYIL* 351.

27. *Advisory Opinion on Constitution of Maritime Safety Committee of the IMCO*, ICJ Reports 1960.

28. *R v Bolden and Dean (The ‘Battlestar’)* (1998) 2 Cr App R 171.

29. *M/V ‘Saiga’ (No 2)*, ITLOS Reports 1999.

30. Case C-221/89 *R v The Secretary of State for Transport, ex p Factortame Ltd and ors* [1991] ECR I-3905.

31. Case C-246/89 *Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland* [1991] ECR I-4585.

32. *Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC)*, Advisory Opinion, ITLOS Reports 2015.

33. *Elliniko Dimosio v Stroumpoulis*, ECJ, 2016.

D3 General introduction to jurisdiction over shipping

(i) Legal commentary

34. D P O'Connell, Ch 19 "Theory of Maritime Jurisdiction" in *The International Law of the Sea* (Vol. II, 1988) 733.
35. I Shearer, "Problems of jurisdiction and law enforcement against delinquent vessels" (1986) 35 *ICLQ* 320.

(ii) Cases

36. *The Case of the S.S. Lotus*, PCIJ, 1928 Series A/10.
37. *Chung Chi Cheung v R* [1939] AC 160.

D4 Jurisdiction over shipping on the high seas

(i) Legal commentary

38. D P O'Connell, Ch 21 "Jurisdiction on the High Seas" in *The International Law of the Sea* (Vol. II, 1988) 792-805.
39. D P O'Connell, Ch 24 "Criminal Jurisdiction" in *The International Law of the Sea* (Vol. II, 1988) 919-920, 935.

(ii) Conventions

40. UNCLOS, Arts 87-111.
41. Convention on the High Seas (1958).
42. Convention on Fishing and Conservation of the Living Resources of the High Seas (1958).

(iii) Cases

43. *Costa Rica Packet*, Moore, IA, 4948 (1897).
44. *Re Pulos* (1976) 77 ILR 587.
45. *The M/V 'Norstar' Case* (Panama v Italy), ITLOS, Judgment, 10 April 2019.

D5 Jurisdiction over shipping in the EEZ

(i) Convention

46. UNCLOS, Arts 55-59, 73.

(ii) Cases

47. *MV 'Saiga' (No. 2)*, ITLOS, Judgment, 1 July 1999; Judge Anderson (Separate Opinion).

48. *Volga* (Russian Federation v Australia) (2003) 42 ILM 159.

49. *M/V 'Virginia G'* (Panama v Guinea-Bissau), ITLOS Reports 2014.

50. *'Fast Independence' and 'Trans Artic' Cases*, Cour de cassation (France), 07-87362, 07-87931, 5 May 2009, (2009) Bull Crim No 85.

51. *Erika Case*, Cour de cassation (France), No 3439, 25 September 2012.

D6 Jurisdiction over shipping in the territorial sea and contiguous zone and right of innocent passage

(i) Legal commentary

52. D P O'Connell, Ch 7 "Innocent Passage" in *The International Law of the Sea* (Vol. I, 1988) 259-275.

53. D P O'Connell, Ch 24 "Criminal Jurisdiction" in *The International Law of the Sea* (Vol. II, 1988) 936-937.

(ii) Conventions

54. UNCLOS, Arts 2, 17-33.

55. Convention on the Territorial Sea and the Contiguous Zone (1958).

(iii) Cases

56. *R v Keyn* (1876) 2 Ex D 63.

57. *Pianka v R* [1979] AC 107.

58. *Cunard Steamship Co v Mellon*, 262 US 100 (1923).

59. *US v Flores*, 289 US 137 (1932).

D7 Jurisdiction over shipping in respect of access to ports

(i) Legal commentary

60. D P O'Connell, Ch 22 "Jurisdiction over Navigation and Port Access" in *The International Law of the Sea* (Vol. II, 1988) 848-858.

(ii) Convention and other instruments

61. Convention and Statute on the International Regime of Maritime Ports (1923).
62. Paris Memorandum of Understanding on Port State Control (1982).
63. Council Directive 95/21/EC of 19 June 1995 on Port State Control of Shipping.

(iii) Cases

64. *Hallett & Browne v Jenks* (1805) 3 Cranch 210.
65. *The May v R* [1931] 3 DLR 15.
66. *The Enterprise*, Moore, IA, Vol 4, 4363.

D8 Exercise of enforcement powers generally against shipping

(i) Legal commentary

67. D P O'Connell, Ch 24 "Criminal Jurisdiction" in *The International Law of the Sea* (Vol. II, 1988) 953-966.
68. D P O'Connell, Ch 28 "Enforcement of the Law" in *The International Law of the Sea* (Vol. II, 1988) 1062-1075.
69. D P O'Connell, Ch 28 "Enforcement of the Law" in *The International Law of the Sea* (Vol. II, 1988) 1075-1093 (concerning hot pursuit).
70. D Guilfoyle, Ch 10 "Interdiction: modalities and international standards" in *Shipping Interdiction and the Law of the Sea* (CUP: 2009) 263-294.

(ii) Convention

71. UNCLOS, Art 225.

(iii) **Cases**

72. *The King v The 'North'* (1905) 11 Ex Rep (Canada) 141; (1908) 2 AJIL 688-707.
73. *Tenya Maru* (1910) 4 Alaska 129.
74. *I'm Alone* (Canada v United States) (1935) 3 RIAA 1609.
75. *The Virginius*, Moore, Dig., Vol. 2, 895, 980.
76. *The Red Crusader* (1962) 35 ILR 485.
77. *R v Sunila and Soleyman* (1986) 28 DLR (4th) 450.
78. *R v Mills and Others* (Unreported Judgement of the Croydon Crown Court, Devonshire J) (1999); W Gilmore, (1995) 44 *ICLQ* 949.
79. *MV 'Saiga' Case (No. 2)* (1999) 38 ILM 1323.
80. *Artic Sunrise Arbitration* (The Netherlands v Russia), PCA, Award on the Merits, 14 August 2015.
81. *Duzgit Integrity Arbitration* (Malta v Republic of São Tomé and Príncipe), PCA, Award, 5 September 2016.
82. *The 'Enrica Lexie' Incident* (Italy v India) PCA, Award, 2 July 2020.

E MARINE COLLISIONS

E1 General

(i) **Background**

83. *The Andrea Doria* incident.

(ii) **Legal commentary**

84. F Wiswall, Ch 17 'Law of Marine Collisions and other Casualties to Hull and Machinery' in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume II: Shipping Law* (OUP: 2016).

85. D P O'Connell, Ch 23 "Civil Jurisdiction" in *The International Law of the Sea* (Vol. II, 1988) 875-891.

(iii) **Cases**

86. *The Waziristan* [1953] 1 WLR 1146.
87. *Armament R.C. Lenten et autres v Vigouroux et consorts*, Bull. civ., 1966, III, 118.

E2 Flag state's duty to investigate

(i) **Conventions and other instruments**

88. UNCLOS, Art 97.
89. International Convention for the Safety of Life at Sea, Annex, Ch 1, Reg 21, Ch XI-1, Reg 6 (SOLAS Convention).
90. International Convention on Load Lines, Art 23.
91. Code of the International Standards and Recommended Practices for a Safety Investigation into a Maritime Casualty or Marine Incident (2010).

E3 Civil jurisdiction

(i) **Conventions and other instruments**

92. International Convention on Certain Rules Concerning Civil Jurisdiction in Matters of Collision (1952).
93. Draft International Convention for the Unification of Certain Rules Concerning Civil Jurisdiction, Choice of Law, and Recognition and Enforcement of Judgments in Matters of Collision (1977) (not in force).
94. International Convention for the Unification of Certain Rules of Law Relating to Collisions Between Vessels (1910).

(ii) **Cases**

95. *The Pennsylvania* 86 US (19 Wall) 125 (1873).

E4 Criminal jurisdiction

(i) **Conventions**

96. UNCLOS, Art 97.
97. International Convention for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collision or other Incidents of Navigation (1952).

E5 The Rules of the Road

(i) **Legal commentary**

98. D P O'Connell, Ch 20 "Jurisdiction over Shipping" in *The International Law of the Sea* (Vol. II, 1988) 770-775.

(ii) **Conventions**

99. UNCLOS, Art 98(1)(c).
100. Convention on the International Regulations for Preventing Collisions at Sea (1972) (COLREGS).
101. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1995 & 2010), Ch VII, Section A-VIII/2, Part 3-1, paras 13-15 (STCW).

(iii) **Cases**

102. *The Lady Gwendolyn* [1965] 1 Lloyd's Rep 335.
103. *The Queen Mary* [1949] 82 Lloyd's Rep 303.

F ENFORCEMENT OF MARITIME CLAIMS

(i) **Legal commentary**

104. F Berlingieri, Ch 21 "Enforcement of Maritime Claims" in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume II: Shipping Law* (OUP: 2016).
105. D P O'Connell, Ch 23 "Civil Jurisdiction" in *The International Law of the Sea* (Vol. II, 1988) 859-875.

(ii) **Conventions**

106. Arrest Convention (1952).

107. Arrest Convention (1999).

(iii) **Cases**

108. *Compania de Navegacion Nacional (Panama) v United States (The David)* UN Rep Vol VI 382.

G MARINE POLLUTION FROM SHIPPING

(i) **Background**

109. W Langewiesche, Ch 3 “To the Ramparts” in *The Outlaw Sea* (Granta: 2004) 85-99.

(ii) **Legal commentary**

110. J Harrison, Ch 5 “Dumping of Waste at Sea” in *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment* (OUP: 2017) 92.

111. J Harrison, Ch 6 “Marine Environmental Threats from Shipping” in *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment* (OUP: 2017) 114.

112. M Fitzmaurice, Ch 2 “The International Convention for the Prevention of Pollution from Ships (MARPOL)” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume III: Marine Environmental Law and Marine Security Law* (OUP: 2016) 33.

113. H Esmaili and B Grigg, Ch 3 “Pollution from Dumping” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume III: Marine Environmental Law and Marine Security Law* (OUP: 2016) 78.

114. A Blanco-Bazán, Ch 8 “Intervention on the High Seas in Cases of Pollution Casualties” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume III: Marine Environmental Law and Marine Security Law* (OUP: 2016) 261.

115. M Jacobson, Ch 9 “Liability and Compensation for Ship-Source Pollution” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume III: Marine Environmental Law and Marine Security Law* (OUP: 2016) 285.

(iii) **Conventions**

116. UNCLOS, Art 1 “pollution of the marine environment” and “dumping”.
117. UNCLOS, Arts 192-237.
118. International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969)
 - 118.1. Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (1973)
119. Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (1972)
 - 119.1. Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1996)
120. International Convention for the Prevention of Pollution from Ships (1973) (MARPOL)
 - 120.1. Protocol of 1978
 - 120.2. Guidelines for the Designation of Special Areas under MARPOL (2001)
121. Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on Ship-Source Pollution and on the Introduction of Penalties for Infringements (2005)
122. Ballast Water Management Convention (2017)

(iv) **Cases**

123. *The Amoco Cadiz*, 1979 AMC 245 (ND III. 1979) (US District Court in Admiralty).
124. *Bosphorus Queen Shipping Ltd Corp v Rajavartiolaivos*, CJEU, Case C-15-17, Judgment, 11 July 2018.

H MARINE POLLUTION FROM LAND-BASED SOURCES

(i) **Background**

125. C Roberts, Ch 10 “The Age of Plastic” in *The Ocean of Life* (Penguin: 2012) 149-164.

126. S Earle, “The Ultimate Garbage Disposal” in *The World is Blue: How Our Fate and the Ocean’s Fate Are One* (National Geographic: 2009) 101-118.

(ii) **Legal commentary**

127. J Harrison, Ch 4 “Land-Based Sources of Marine Pollution” in *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment* (OUP: 2017) 64.

128. A Nollkaemper, “Balancing the Protection of Marine Ecosystems with Economic Benefits from Land-Based Activities: the Quest for International Legal Barriers” (1996) 27 *Ocean Development and International Law* 154.

129. Y Tanaka, Ch 5 “Regulation of Land-Based Marine Pollution” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume III: Marine Environmental Law and Marine Security Law* (OUP: 2016) 139.

(iii) **Conventions and other instruments**

130. UNCLOS, Arts 192, 194, 207, 213.

131. Principle 21 of the Stockholm Declaration (1972).

132. Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (1976) (Barcelona Convention).

132.1. Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (1980).

133. Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-Based Sources (1985).

134. Principle 2 of the Rio Declaration (1992).

(iv) **Cases**

135. *The Trail Smelter Arbitration* (1941) 3 RIAA 1965.

I CLIMATE CHANGE AND THE OCEAN

(i) Background

136. S Earle, “Changing Climate, Changing Chemistry” in *The World is Blue: How Our Fate and the Ocean’s Fate Are One* (National Geographic: 2009) 119-138.

(ii) Legal commentary

137. T Stephens, Ch 34 “Warming Waters and Souring Seas: Climate Change and Ocean Acidification” in D Rothwell et al (eds), *The Oxford Handbook of the Law of the Sea* (OUP: 2015) 777.
138. J Harrison, Ch 9 “Addressing the Marine Environmental Impacts of Climate Change and Ocean Acidification” in *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment* (OUP: 2017) 246.

(iii) Conventions

139. United Nations Framework Convention on Climate Change.
140. Paris Agreement.
141. MARPOL Annex VI.

J OVERFISHING AND ILLEGAL FISHING

J1 General

(i) Background

142. C Roberts, Ch 3 “Fewer Fish in the Sea”, *The Ocean of Life* (Penguin: 2012) 42-57.
143. C Roberts, Ch 15 “The Downfall of King Cod”, *The Unnatural History of the Sea* (Gaia Thinking, 2007) 207-222.
144. J Hamilton-Paterson, “Fishing and Loss”, *Seven Tenths: The Sea and its Thresholds* (Faber & Faber, 2007) 208-247.
145. I Urbina, Ch 1 “Storming the *Thunder*” in I Urbina, *The Outlaw Oceans* (A Knopf: 2019) 3-46.

(ii) **Legal commentary**

146. J Harrison, Ch 7 “Fishing and the Conservation of Marine Living Resources” in *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment* (OUP: 2017) 166.
147. D Guilfoyle, Ch 6 “Fisheries management” in *Shipping Interdiction and the Law of the Sea* (CUP: 2009).
148. S Borg, Ch 12 “The Conservation of Marine Living Resources Under International Law: The 1982 United Nations Convention on the Law of the Sea and Beyond” in D Attard (ed) *The IMLI Manual on International Maritime Law. Volume I: The Law of the Sea* (OUP: 2014) 342.

(iii) **Conventions and instruments**

149. UNCLOS, Arts 61-72 (EEZ), Arts 116-120 (High Seas).
150. International Convention for the Conservation of Atlantic Tunas (1966).
151. Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (1979).
152. UN General Assembly Resolution 46/215 (1991): Large-Scale Pelagic Drift-Net Fishing and Its Impact on the Living Marine Resources of the World’s Oceans and Seas (1991).
153. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993).
154. Agreement for the Implementation of the Provisions of [UNCLOS] Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995).
155. Fisheries Committee of FAO, Code of Conduct for Responsible Fisheries (1995).
156. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001).
157. FAO Voluntary Guidelines on Flag State Performance (2014).

158. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2016).

159. Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (2018).

(iv) **Cases**

160. ITLOS, Case No. 21, Advisory Opinion in response to request from the Sub-Regional Fisheries Commission (SRFC), 2 April 2015.

161. *Icelandic Fisheries Cases* (UK and Germany v Iceland) [1974] ICJ Rep.

162. *Fisheries Jurisdiction Case* (Spain v Canada) [1998] ICJ Rep 432.

163. *Southern Blue Fin Tuna Case* (2000) 39 ILM 1388.

164. *US v 144,774 pounds of Blue King Crab*, 410 F.3d 1131 (2005).

J2 The economic theory underlying fisheries management

165. H S Gordon, “The Economic Theory of a Common-Property Resource: The Fishery” (1954) 62 *Journal of Political Economy* 124-142.

166. G Hardin, “The Tragedy of the Commons” (1968) 162 *Science* 1243-1248.

167. F Locher, “Neo-Malthusian Environmentalism, World Fisheries Crisis, and the Global Commons, 1950s-1970s” (2020) 63(1) *The Historical Journal* 187-207

J3 The perverse outcomes of fisheries management

168. C Roberts, Ch 23 “Barbecued Jellyfish or Swordfish Steaks” in *The Unnatural History of the Sea* (Gaia Thinking, 2007) 327-344.

169. S Earle, “Taking Wildlife II—The Fish” in *The World is Blue: How Our Fate and the Ocean’s Fate Are One* (National Geographic: 2009) 53-78.

J4 The concept of maximum sustainable yield

170. UNCLOS, Art 119.

171. UN Fish Stocks Agreement, Art 5(b).

172. C Finley and N Oreskes, 'Maximum Sustainable Yield: a policy disguised as science' (2013) 70(2) *ICES Journal of Marine Science* 245
173. E Hey, 'The Persistence of a Concept: Maximum Sustainable Yield' in D Freestone (ed) *The 1982 Law of the Sea Convention at 30: Successes, Challenges and New Agendas* (Brill: 2013) 89-97.

J5 New approaches to fisheries management

174. C Roberts, Ch 24 "Reinventing Fishery Management", *The Unnatural History of the Sea* (Gaia Thinking, 2007) 345-358.
175. R Rafuse, Ch 20 "Regional Fisheries Management Organization" in D Rothwell et al (eds), *The Oxford Handbook of the Law of the Sea* (OUP: 2015) 439.

K BIODIVERSITY, MARINE PROTECTED AREAS AND THE FUTURE OF THE OCEAN

176. C. Duarte et al, "Rebuilding Marine Life" (2020) 580 *Nature* 39-51.
177. C Roberts, Ch 19 "A New Deal for the Oceans", *The Ocean of Life* (Penguin: 2012) 287-306.
178. Draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (2019).
179. C Roberts, Ch 20 "Hunting on the High Plains of the Open Sea", *The Unnatural History of the Sea* (Gaia Thinking, 2007) 283-296.
180. R Warner, Ch 33 "Conserving Marine Biodiversity in Areas Beyond National Jurisdiction" in D Rothwell et al (eds), *The Oxford Handbook of the Law of the Sea* (OUP: 2015) 752.
181. S Earle, "Biodiversity Loss: Unraveling the Fabric of Life in the Sea" in *The World is Blue: How Our Fate and the Ocean's Fate Are One* (National Geographic: 2009) 119-138.
182. J Harrison, Ch 3 "Mainstreaming Marine Biological Diversity Conservation in the Law of the Sea" in *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment* (OUP: 2017) 43.

183. C Roberts, Ch 25 “The Return of Abundance”, *The Unnatural History of the Sea* (Gaia Thinking, 2007) 359-372.
184. S Earle, “Protecting the Ocean” in *The World is Blue: How Our Fate and the Ocean’s Fate Are One* (National Geographic: 2009) 241-259.
185. K Scott, Ch 21 “Integrated Oceans Management: A New Frontier in Marine Environmental Protection” in D Rothwell et al (eds), *The Oxford Handbook of the Law of the Sea* (OUP: 2015) 463.

L PIRACY

L1 General

(i) Background

186. W Langewiesche, *The Outlaw Sea* (Granta: 2004) 70-80.
187. I Urbina, Ch 13 “Armed and Dangerous” in *The Outlaw Ocean* (A Knopf: 2019) 320-344.
188. I Urbina, Ch 14 “The Somali 7” in *The Outlaw Ocean* (A Knopf: 2019) 345-379.

(ii) Legal commentary

189. D P O’Connell, Ch 24 “Criminal Jurisdiction” in *The International Law of the Sea* (Vol. II, 1988) 966-983.
190. D Guilfoyle, Ch 4 “Piracy and the slave trade” in *Shipping Interdiction and the Law of the Sea* (CUP: 2009).
191. A Rubin, “The law of piracy” (1986-7) *15 Denver Journal of International Law and Policy* 173.

(iii) Conventions

192. UNCLOS, Arts 100-107.
193. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005).

(iv) Cases

194. *Re Piracy Jure Gentium* [1934] AC 586.

195. *Cameron v HM Advocate* [1971] SC 50.

196. *Castle John v NV Mabeco* (Belgium, Court of Cassation, 1986) 77 ILR 537.

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197. IMO Resolution A/1002(25), Piracy and Armed Robbery against Ships in Waters off the Coast of Somalia (2007).

198. UN Security Council Resolution 1816 (2008)

199. UN Security Council Resolution 1838 (2008)

200. UN Security Council Resolution 1846 (2008)

201. UN Security Council Resolution 1851 (2008)

202. Code of Conduct Concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (2009)

203. T Treves, "Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia" (2009) 20 *European Journal of International Law* 399.