

## International Law

Academic year 2019-2020

## The Oceans: Law, Politics and the Future

DI020 - Printemps - 6 ECTS

## Course Description

This course will offer an overview of selected topics relating to the law of the sea. After examining the spatial order consolidated by the 1982 UN Convention on the Law of the Sea in the context of the social, technological and politico-economic visions that informed its development, the course will turn its attention to some issues of contemporary significance, from among changing land/sea interfaces, fisheries, seabed minerals, biodiversity, submarine cables, and plastic pollution, to examine how these are addressed under international law (including regimes currently in formation).

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### > PROFESSOR

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## Syllabus

The course aims to trigger critical reflection about the law of the sea, and the mutual shaping of the oceans and international law. We will explore select topics from a range of perspectives.

The classes will proceed in the seminar format. That is, they will be discussion-based, though interspersed with brief information-imparting lectures from time to time. It is expected that students will complete the core readings prior to each class. These have been kept brief; additional readings are included for those interested in reading further on particular topics.

There is no set textbook – rather, specific readings are indicated for each class. However, the following textbooks offer helpful overviews of various topics and chapters from them have been assigned for some sessions.

Y Tanaka, *International Law of the Sea* (2<sup>nd</sup> edn, CUP 2015)

D Rothwell et al., *The Oxford Handbook of the Law of the Sea* (OUP 2015)

You may also wish to consult R Churchill and AV Lowe, *The Law of the Sea* (3<sup>rd</sup> edn, Manchester UP 1998). This is now dated in parts but incisive on fundamental issues.

You will find that the readings are drawn not just from law, but also politics, geography and history. I will include self-authored work whenever relevant in the hope that this laying of my cards on the table will encourage you to engage, reflect, and disagree with greater robustness.

The course will be assessed by way of a written assignment. You will have a choice between writing a paper (5000 words), a sequence of short essays (No less than 5, no more than 10; with the total not exceeding 5000 words), a review essay (of 2 or more books, or 3 or more articles; 5000 words), or designing a 'juriscape' (annotated map(s) or diagram(s) offering an analytical representation of the law/ocean relationship in some specific aspect).

### Outline of lectures and readings

#### **Seminar 1. Introduction: Seasteads and Trash Islands / Oceanic futures (Friday March 13th, 12h15- 14h, Room S2)**

*We will begin the course with thinking about the future of the oceans, and of our engagements with it. This will set the stage for the remaining seminars which will think critically about the ways in which international law gives shape to these possible futures, as also how the ocean shapes international law.*

### Core reading/ browsing

- S Ranganathan, *Interfaces of Land and Sea*, Project on Visualising Climate and Loss, Centre for History and Economics, Harvard, <http://histecon.fas.harvard.edu/climate-loss/lawofthesea/lawofthesea.html>
- Have a look at some of the content on [seasteading.org](http://seasteading.org), such as the videos on the home page, or some of the blog posts.
- Also have a look at <https://www.ladbible.com/trashisles/welcome>

### Additional Readings

- S Ranganathan, *Seasteads, Land Grabs and International Law*, (2019) 32(2) *Leiden Journal of International Law* 2015-214
- P Dauvergne, *Why is the Global Governance of Plastic Failing the Oceans*, (2018) 51 *Global Environmental Change* 22-51

You might enjoy watching

- □ Mission Blue, on Netflix

## **Seminar 2. History – mare liberum and the *real* battle of the books (Monday March 16th, 18h15 - 20h, Room S7)**

*Are there given ways of thinking about the sea? In this seminar, we will explore this question through the lens of the debate over the free sea (mare liberum) in the 17<sup>th</sup> century.*

Core reading

- □ D Armitage (ed.), *The Free Sea* (Liberty Press 2004), [https://scholar.harvard.edu/files/armitage/files/free\\_sea\\_ebook.pdf](https://scholar.harvard.edu/files/armitage/files/free_sea_ebook.pdf).

*(Read the 2 essays by Grotius and the essay by Welwood. If you can't manage all three, read at least 1 essay by Grotius and the essay by Welwood.)*

Additional reading

- □ H Jones, 'Lines in the ocean: thinking with the sea about territory and international law', *London Review of International Law* 4 (2016), 307–43
- □ H Rozwadowski, *Vast Expanses: A History of the Oceans* (Reaktion Books 2019)
- □ P Steinberg, *The Social Construction of the Ocean* (CUP 2001)
- □ L Benton, *A Search for Sovereignty: Law and Geography in European Empires 1400–1900* (CUP 2010), 104–61
- □ M van Ittersum, *Mare Liberum versus the Propriety of the Seas? The Debate between Hugo Grotius (1583-1645) and William Welwood (1552-1624) and its Impact on Anglo-Scotto-Dutch Fishery Disputes in the Second Decade of the Seventeenth Century*. *Edinburgh Law Review*, 10(2), 239-276

## **Seminar 3: The new law of the sea: between sovereignty and community (Wednesday March 18th, 16h15 -18h, Room S7)**

*What does the ocean look like today? This seminar will explore the ways in which the law delineates the ocean. We will also think about what we mean when we talk about the 'law of the sea'.*

Core reading

- □ UN Convention on the Law of the Sea (skim, get a sense of how it zones the ocean)
- □ Pardo, *The Convention on the Law of the Sea: A Preliminary Appraisal*, 20 *San Diego L. Rev.* 489 (1982-1983).
- □ Churchill, *The 1982 United Nations Convention on the Law of the Sea*, D Rothwell et al., *The Oxford Handbook of the Law of the Sea* (OUP 2015) 24-45.

Additional reading

- □ Tanaka, *Protection of Community Interests in International Law: The case of the law of the sea*, *Max Planck Yearbook of United Nations*, vol 15, 2011, p. 329-375
- □ Ranganathan, *Sea Change*, in Brett, Donaldson and Koskenniemi (eds.), *History, Politics, Law*

(forthcoming; will circulate)

- □ Mickelson, Maps of International Law: Perceptions of Nature in the Classification of Territory, (2014) 27 Leiden J. Int'l L. 621

#### **Seminar 4: The Law of the Sea and International Law I – Codification and its discontents (Friday March 20th, 12h15- 14h, Room S5)**

*This seminar – the first of three – will examine political and epistemic battles that have shaped the law as well as the ocean. This seminar will reflect on the idea of codification of international law, and its rise and fall with respect to the law of the sea.*

##### Core reading

- □ Art 1, Convention on the Continental Shelf, 1958 and Arts 1-6, Convention on the Territorial Sea and the Contiguous Zone, 1958 (*what is missing in both?*)
- □ T Treves, Historical Development of the Law of the Sea, D Rothwell et al., The Oxford Handbook of the Law of the Sea (2015) 1-23
- □ J Stone, 'On the Vocation of the International Law Commission' (1957) 57 Colum L Rev 16-51
- □ R Jennings, 'Recent Developments in the International Law Commission: Its Relation to the Sources of International Law' (1964) 13 ICLQ 385-397

##### Additional reading

- □ C Hurst, 'A Plea for the Codification of International Law on New Lines' (1946) 32 Transactions of the Grotius Society 135
- □ H Lauterpacht, 'Codification and Development of International Law' (1955) 49 AJIL 16-43
- □ TM Franck and M ElBaradei, 'The Codification and Progressive Development of International Law: A UNITAR Study of the Role and Use of the International Law Commission' (1982) 76 AJIL 630-639
- □ FL Bordin, Reflections of customary international law: The authority of codification conventions and ILC draft articles in international law (2014) 63 ICLQ 535-567
- □ J Crawford and T Viles, 'International Law on a Given Day', in J Crawford, *International Law as an Open System: Selected Essays* (2002) 69
- □ DHN Johnson, 'Legal Status of the Sea-bed and Subsoil', (1956) 16 *Zaevr* 451
- □ RP Anand, *Origin and Development of the Law of the Sea* (1983) 175-193
- □ I Buga, 'Between Stability and Change in the Law of the Sea Convention: Subsequent Practice, Treaty Modification, and Regime Interaction', in D Rothwell et al. (eds), *The Oxford Handbook of the Law of the Sea* (2015) 46

#### **Seminar 5: The Law of the Sea and International Law II – Decolonization and the battle for international law (Monday March 23rd, Room S7)**

*This seminar will critically reflect on the law of the sea as a product of South-North battles over international law, using a number of examples to think about the ways in which the sea furthered, complicated, and perhaps even undermined the third world quest for a New International Economic Order.*

### Core reading

- □ Charter of Economic Rights and Duties of States, GA Res 3281 (XXIX), 13 December 1974
- □ RP Anand, Origin and Development of the Law of the Sea (1983) 194-219
- □ BS Chimni, 'Law of the Sea: Winners are Losers' (1982) 17 *Econ & Pol Weekly* 987–992
- □ W Wertebaker, 'A reporter at large: law of the sea – I', *The New Yorker*, 1 August 1983, p. 38-65

### Additional Reading

- □ A Anghie, 'Legal Aspects of the New International Economic Order' (2015) 6 *Humanity* 145
- □ J von Bernstorff and P Dann, 'The Battle for International Law: An Introduction', in J von Bernstorff and P Dann (eds), *The Battle for International Law: South-North Perspectives on the Decolonization Era* (2019)
- □ D Guilfoyle, 'Oceans Governance, The UN Convention on the Law of the Sea and Its Implementing Agreements', April 2, 2019, <http://dx.doi.org/10.2139/ssrn.3378909>
- □ S Ranganathan, 'The Common Heritage of Mankind: Annotations on a Battle', in J von Bernstorff and P Dann (eds), *The Battle for International Law: South-North Perspectives on the Decolonization Era* (2019)
- □ M Koskenniemi and M Lehto, 'The Privilege of Universality: International Law, Economic Ideology and Seabed Resources' (1996) 65 *Nordic JIL* 533
- □ E Posner and A Sykes, 'Economic Foundations of the Law of the Sea' (2010) 104 *AJIL* 569

### **Seminar 6: The Law of the Sea and International Law III – Contests over Commons (Wednesday March 25th, Room S7)**

*This seminar will explore the enduring idea of the tragedy of the commons – and of the ocean as a classic example of the same. We will think about the ways in which international law has embraced – or not – that idea.*

### Core readings

- □ G Hardin, 'The Tragedy of the Commons' (1968) 162 *Science* 1243-1248
- □ F Locher, Neo-Malthusian Environmentalism, World Fisheries Crisis, and the Global Commons, 1950s-1970s, (2020) 63(1) *The Historical Journal* 187-207

### Additional reading

- □ S Ranganathan, Global Commons, (2016) 27(3) *EJIL* 693-717
- □ HS Gordon, 'The economic theory of a common-property resource: the fishery', *Journal of Political Economy*, 62 (1954), pp. 124–42
- □ Harry Francis Mallgrave, 'Utopia or Oblivion: The Image of the 1960s' (2008) 111-116
- □ S Jassanoff, 'Image and Imagination: the Formation of Global Environmental Consciousness', in C. Miller and P. Edwards (eds.), *Changing the Atmosphere: Expert Knowledge and Environmental Governance* (MIT Press 2001) 309-337
- □ G Mann, The Book That Incited a Worldwide Fear of Overpopulation, *Smithsonian Magazine*, January 2018

- □ TR Malthus, *An Essay on the Principle of Population*, London 1798
- □ MacLellan, *The Drama of Limitless Growth: Re-Interpreting the Tragedy of the Commons for a Century of Climate Change*, *Environmental Humanities* (2016) 7 (1): 41-58
- □ S Kaji-O'Grady and P Raisbeck, 'Prototype Cities in the Sea', 10 *Journal of Architecture* (2005) 443

### **Seminar 7: Regulating fishing in the oceans (Friday March 27th, 12h15- 14h, Room S5)**

*This seminar, the first of two on fishing, will explore the legal strategies employed to regulate fishing in the oceans, thinking about how fish are classified, how approaches to regulation may have changed over time, and about the roads suggested but not taken.*

#### Core reading

- □ Y Tanaka, *International Law of the Sea* (2<sup>nd</sup> edn, 2015), Chapter 7 **OR** N Matz-Luck and J Fuchs, *Marine Living Resources in D Rothwell et al. (eds), The Oxford Handbook of the Law of the Sea* (2015) 491-515
- □ C Finley and N Oreskes, *Maximum sustained yield: a policy disguised as science*, (2013) 70(2) 245-250
- □ M Ramesh and N Rai, 'Trading on Conservation: A Marine Protected Area as an Ecological Fix', 82 *Marine Policy* (2017) 25-31

#### Additional reading

- □ 'Draft Ocean Space Treaty', Working paper submitted by Malta to the Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, UN Doc. A/AC.138/53, 23 August 1971
- □ R Rayfuse, 'Regional Fisheries Management Organizations', in D Rothwell et al. (eds), *The Oxford Handbook of the Law of the Sea* (2015) 491-515
- □ A Serdy, *The New Entrants Problem in International Fisheries Law* (2016), chapters 1-2
- □ U Rashid Sumaila et al., *Winners and losers in a world where the high seas is closed to fishing*, (5015) 5 *Scientific Reports*, article number: 8481
- □ C Roberts, *The Unnatural History of the Sea* (2007)
- □ D Zeller and D Pauly, 'Viewpoint: Back to the future for fisheries, where will we choose to go?' (2019) 2 e11 *Global Sustainability* 1–8
- □ E Sala, S Giakoumi, 'No-take marine reserves are the most effective protected areas in the ocean' (2018) 75(3) *ICES Journal of Marine Science* 1166–1168
- □ M Karavias, 'Interactions between International Law and Private Fisheries Certification', (2018) 7:1 *Transnational Environmental Law* 165–184

### **Seminar 8: The strange case of IUU fishing (Monday March 30th, Room S7)**

*Continuing the discussion from the previous session, this seminar will debate the concept of illegal, unreported, and unregulated fishing which is the focus of much regulatory effort today.*

#### Core reading

- □ D Liddick, The dimensions of a transnational crime problem: the case of IUU fishing, (2014) 17 Trends Organ Crim 290–312
- □ A Serdy, *The New Entrants Problem in International Fisheries Law* (2016), chapter 3
- □ D Desierto, 'First Global Treaty Against Illegal, Unreported, and Unregulated (IUU) Fishing Enters into Force', EJIL:Talk! 9 June 2017

#### Additional readings

- □ FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated (IUU) Fishing, adopted 22 November 2009, eif 5 June 2016
- □ FAO, IUU Fishing, <http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>
- □ IUU Fishing Index, <https://globalinitiative.net/iuu-fishing-index/>
- □ B Le Gallic and A Cox, 'An economic analysis of illegal, unreported and unregulated (IUU) fishing: Key drivers and possible solutions', (2006) 30 Marine Policy 689–695
- □ DD Miller et al, 'Cutting a lifeline to maritime crime: marine insurance and IUU fishing', (2016) 14 Front Ecol Environ 357–362
- □ R Baird, 'Illegal, unreported and unregulated fishing: an analysis of the legal, economic and historical factors relevant to its development and persistence', (2004) 5 MJIL 299-334
- □ I Urbina, *Outlaw Ocean* (2019), chapters 1, 12

### **Seminar 9: Discovery of the seafloor (Wednesday April 1, Room S7)**

*In this seminar we will explore the emergence of the seafloor as a key area of law-making. We will look at the division of the seafloor into zones of national and international jurisdiction, and the development of regimes for resource extraction in both zones.*

#### Core reading

- □ Truman Proclamation on the Continental Shelf, 1945
- □ Art 1, Geneva Convention on the Continental Shelf, 1958
- □ Art 76, UN Convention on the Law of the Sea, 1982
- □ Arvid Pardo, Speech to the First Committee of the UN General Assembly, UN Doc. A/C.1/PV.1515-1516, 1 November 1967 [10 pp]
- □ J Crawford and T Viles, 'International Law on a Given Day', in J. Crawford, *International Law as an Open System: Selected Essays* (2002) 69
- □ S Ranganathan, 'Ocean Floor Grab: International Law and the Making of an Extractive Imaginary' (2019) 30 EJIL 573

#### Additional reading

- □ H Lauterpacht, 'Sovereignty over Submerged Areas' (1950) 27 BYIL 376
- □ H Waldock, 'The Legal Basis of Claims to the Continental Shelf' (1950) 36 TGS 115-148
- □ A Pardo, 'Before and After' (1983) 46 LC&P 95-105
- □ S Ranganathan, 'The Common Heritage of Mankind: Annotations on a Battle' in J von Bernstorff and P Dann (eds), *The Battle for International Law: South-North Perspectives on the Decolonization*

Era (2019)

- □ K Baumert, 'The Outer Limits of the Continental Shelf Under Customary International Law', (2017) 111 AJIL 827-872
- □ J Mossop, 'The Legal Framework for the Regulation of Safety and Environmental Issues on the Outer Continental Shelf', M Nordquist et al, *The Regulation of Continental Shelf Development* (2013) 179-193
- □ A Chircop, 'Managing Adjacency: Some Legal Aspects of the Relationship Between the Extended Continental Shelf and the International Seabed Area' (2011) 42 Ocean Development & International Law 307-316
- □ J Rochette and G Wright, Strengthening the international regulation of offshore oil and gas activities, Brief for Global Sustainable Development Report 2015, [https://sustainabledevelopment.un.org/content/documents/5779Brief%20offshore%20GSDR\\_rev.pdf](https://sustainabledevelopment.un.org/content/documents/5779Brief%20offshore%20GSDR_rev.pdf)
- □ A Boyle, 'Introductory Remarks' (2011) 105 ASIL Proc 423-427
- □ J Mossop, 'Protests against Oil Exploration at Sea: Lessons from the Arctic Sunrise Arbitration' (2016) 31 Int'l J. Marine & Coastal L. 60

### **Seminar 10: Seabed mining today (Friday April 3rd, 12h15 - 14h, Room S5)**

*In this second seminar on the seabed we will discuss ongoing debates on framing a seabed mining regime – asking also whether it is necessary to make law on seabed mining.*

#### Core reading

- □ M Lodge, 'The Deep Seabed', in D Rothwell et al. (eds), *The Oxford Handbook of the Law of the Sea* (2015) 226-253 **OR** Y Tanaka, *International Law of the Sea* (2<sup>nd</sup> edn, 2015), Chapter 5(3)
- □ I Feichtner, 'Sharing the Riches of the Sea: The Redistributive and Fiscal Dimensions of Deep Seabed Exploitation', (2019) 30 EJIL 601-633
- □ R Collins and D French, 'A Guardian of Universal Interest or Increasingly Out of its Depth? The International Seabed Authority Turns 25', (2019) IOLR 1-31

#### Additional reading

- □ Part XI, UN Convention on the Law of the Sea 1982 **AND** Agreement on the Implementation of Part XI, 1994
- □ Responsibilities and Obligations of States sponsoring persons and entities with respect to activities in the Area, ITLOS Seabed Disputes Chamber, Advisory Opinion, 1 February 2011
- □ S Ranganathan, *The Law of the Sea and Natural Resources*, in E Benvenisti and G Nolte (eds) *Community Interests Across International Law* (2017)
- □ A Ascencio Herrera et al. (Legal Working Group advising the International Seabed Authority), *Liability Issues for Deep Seabed Mining*, Working papers 2019, <https://www.cigionline.org/series/liability-issues-deep-seabed-mining-series>
- □ International Seabed Authority, *Draft Mining Code*, <https://www.isa.org.jm/legal-instruments/ongoing-development-regulations-exploitation-mineral-resources-area>
- □ K Mickelson, 'Common Heritage of Mankind as a Limit to the Exploitation of the Global Commons' (2019) 30 EJIL 635-663

- □ Greenpeace, [In Deep Water: The Emerging Threat of Deep Sea Mining](#), 3 July 2019 **AND** Barbara Lewis, [U.N. deep sea mining body rejects Greenpeace criticism, Reuters](#), 5 July 2019
- □ Deep Sea Mining Campaign, London Mining Network, Mining Watch Canada. 2019. [Why the Rush? Seabed Mining in the Pacific Ocean](#). July. pp 26

### **Seminar 11: Protecting marine biodiversity (Monday, April 6th, Room S7)**

*In this seminar we will look at the development of the law relating to the conservation and exploitation of marine biodiversity, focusing on the ongoing negotiations on a new treaty on biodiversity beyond national jurisdiction.*

#### Core reading

- □ J Mossop, 'Marine Bioprospecting', in D Rothwell et al. (eds), *The Oxford Handbook of the Law of the Sea* (2015) 226-253 **OR** Y Tanaka, *International Law of the Sea* (2<sup>nd</sup> edn, CUP 2015), Chapter 9
- □ D Tladi, 'The Common Heritage of Mankind and the Proposed Treaty on Biodiversity in Areas beyond National Jurisdiction: The Choice between Pragmatism and Sustainability' (2014) 25 *Yb IEL* 113-132
- □ Konrad Marciniak, 'Marine Genetic Resources: Do They Form Part of the Common Heritage of Mankind Principle?', in L. Martin, C. Salonidis, C. Hioureas (eds.), *Natural Resources and the Law of the Sea* (2017) 373-405
- □ H Harden Davies and KM Gjerde, 'Building Scientific and Technological Capacity: a Role for Benefit-sharing in the Conservation and Sustainable Use of Marine Biodiversity beyond National Jurisdiction' (2019) 33 *Ocean Yearbook* 377–400

#### Additional Reading

- □ KM Gjerde, NA Clark, H Harden Davies, 'Building a Platform for the Future: the Relationship of the Expected New Agreement for Marine Biodiversity in Areas beyond National Jurisdiction and the UN Convention on the Law of the Sea', (2019) 33 *Ocean Yearbook* 3-44
- □ E Mendenhall et al., 'A soft treaty, hard to reach: The second inter-governmental conference for biodiversity beyond national jurisdiction', (2019) 108 *Marine Policy* 103664 **AND** R Tiller et al., 'The once and future treaty: Towards a new regime for biodiversity in areas beyond national jurisdiction', *Marine Policy* 99 (2019) 239-242
- □ Vito de Lucia, 'Rethinking the Conservation of Marine Biodiversity beyond National Jurisdiction – From 'Not Undermine' to Ecosystem-Based Governance', *ESIL Reflection*, Vol 8, Issue 4, 2019
- □ Revised 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, 22 November 2019, [https://www.un.org/bbnj/sites/www.un.org.bbnj/files/revised\\_draft\\_text\\_a.conf\\_232.2020.11\\_advance\\_unedited\\_version.pdf](https://www.un.org/bbnj/sites/www.un.org.bbnj/files/revised_draft_text_a.conf_232.2020.11_advance_unedited_version.pdf)
- □ M A Young and A Friedman, 'Biodiversity Beyond National Jurisdiction: Regimes and Their Interaction', (2018) 112 *AJIL Unbound* 123-128
- □ G Wright et al., 'Marine spatial planning in areas beyond national jurisdiction', *Marine Policy*, <https://doi.org/10.1016/j.marpol.2018.12.003>

### **Seminar 12: Hidden arteries – undersea cables (Wednesday, April 8th, Room S7)**

*In this seminar we will explore the regulatory issues arising in respect of the most long-standing users of the deep ocean: submarine cables*

#### Core reading

- □ N Starosielski, *The Undersea Network* (Duke University Press 2015), Introduction, Chapter 6
- □ T Davenport, *Submarine Cables, Cybersecurity and International Law: An Intersectional Analysis*, (2015) 24 *Cath. U. J. L. & Tech* 57-109 **AND** *The High Seas Freedom to Lay Submarine Cables and the Protection of the Marine Environment: Challenges in High Seas Governance*, (2018) 112 *AJIL Unbound* 139-143
- □ A Friedman, *Submarine Telecommunication Cables and a Biodiversity Agreement in abnj: Finding New Routes for Cooperation*, *Int'l J Mar & Coastal L* 32(2017) 1-35
- □ Submission by the ICPC to the PrepCom: *Submarine Cables and BBNJ* (Aug. 1, 2016), [https://www.un.org/depts/los/biodiversity/prepcom\\_files/ICC\\_Submarine\\_Cables\\_&\\_BBNJ\\_August\\_2016.pdf](https://www.un.org/depts/los/biodiversity/prepcom_files/ICC_Submarine_Cables_&_BBNJ_August_2016.pdf)

#### Additional reading

- □ D Burnett and L Carter, *International Submarine Cables and Biodiversity of Areas Beyond National Jurisdiction: The Cloud Beneath the Sea* (Brill 2017), <https://www.jstor.org/stable/pdf/10.1163/j.ctt1w76vr5.4.pdf?refreqid=excelsior%3Af6b7056f495a201ac60e6888c16ab87d>
- □ International Seabed Authority, *Technical Study No 14: Submarine Cables and Deep Seabed Mining. Advancing Common Interests and Addressing UNCLOS "Due Regard" Obligations*
- □ BM Howe et al., *SMART Cables for Observing the Global Ocean: Science and Implementation*, *Front. Mar. Sci.*, 02 August 2019, <https://doi.org/10.3389/fmars.2019.00424>
- □ T Treves, 'Due Regard' Obligations under the 1982 UN Convention on the Law of the Sea: The Laying of Cables and Activities in the Area, *Int'l J Mar & Coastal L* 34 (2019) 167-194
- □ N Agarwala, *Green cables – Development, opportunities and legal challenges; Part-II*, *Maritime Affairs* (2019) 15, pp. 93-107
- □ J Tully, *A Victorian Ecological Disaster: Imperialism, the Telegraph, and Gutta-Percha*, (2009) 20 (4) *J World Hist* 559-579

#### **Seminar 13: Wicked problems (Monday April 20th, Room S7 )**

*In this seminar we will explore the current pressures on the ocean, from the changing climate, pollution and acidification, and our own seemingly unending need for its resources. We will think about the possibilities of protecting the ocean through both law and technology, and think about those 'othered' by both.*

- □ T Stephens, *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) 777-798
- □ J Silver et al., *Blue Economy and Competing Discourses in International Oceans Governance*, (2015) 24(2) *J Env. Dev.* 135–160
- □ J Ertor and M Hadjmichael, *Blue degrowth and the politics of the sea: rethinking the blue economy*, (2020) 15 *Sustainability Science* 1-10
- □ C Ryngaert, *Climate Change Mitigation Techniques and International Law: Assessing the Externalities of Reforestation and Geoengineering* (2017) 30(3) *Ratio Juris* 273-289

#### Additional readings

- □ P J Cohen et al., Securing a Just Space for Small-Scale Fisheries in the Blue Economy, *Front. Mar. Sci.*, 18 April 2019
- □ J Childs and C Hicks, Securing the blue: political ecologies of the blue economy in Africa, (2019) 26(1) *J Pol Ecol.* 323-338
- □ R Carver, Resource sovereignty and accumulation in the blue economy: the case of seabed mining in Namibia, (2019) 26(1) *J Pol Ecol.* 381-402
- □ Z Brent et al., The Blue Fix: What's driving blue growth?, (2020) 15 *Sustainability Science* 31-43
- □ J Martin et al., What is marine justice?, (2019) 9(2) *J Env Stud & Sci* 234-243
- □ GV Heathcote, Feminism and the Law of the Sea: A Preliminary Inquiry, in I Papanicolopulu, *Gender and the Law of the Sea* (2019), 83-105

#### **Seminar 14: News of the World and Taking stock (Friday April 24th, 12:15- 14h, Room S5)**

*In this seminar we will catch up on recent developments at the BBNJ negotiations and the International Seabed Authority; talk about other issues confronting the ocean that were not covered in the preceding lectures; review the approach taken in SDG 14, and – circling back to the first lecture – think collectively about ways of imagining oceanic futures. Any readings will be advertised closer to the date of the seminar.*