



# LAW OF THE SEA

## INTEREST GROUP NEWSLETTER

Dear LOSIG members,

We hope you are enjoying the cooler temperatures and taking advantage of the beautiful fall foliage. As one of the busiest times of year descends upon us, we wanted to update you about recent developments and publications that may be of interest to our community. In the coming weeks, we'll also be working to prepare for the upcoming ASIL Annual Meeting, which will hopefully be held in-person next year. As always, we welcome your ideas for engaging the law of the sea community, as well as input for future iterations of the newsletter.

Kind regards,

Margaret Materna & Tracy Roosevelt, Co-Chairs

### Seeking Your Input:

At the upcoming American Society of International Law Annual Meeting in April 2022, LOSIG will be hosting a session on a current law of the sea topic. While we have a few ideas of our own, we would welcome any thoughts from our current LOSIG members about timely issues for discussion. Proposals for session topics and speakers should be sent to [Margaret Materna](#) by November 12.

### Recent Developments in the Law of the Sea:

- Legislation Extending the "Customs Waters" of the United States: [S. 3055](#), a bipartisan bill, has been introduced on October 21, 2021 in the Senate to extend the zone of authority of U.S. Customs and Border Protection to conduct law enforcement activities, from 12 nautical miles (n.m.) to 24 n.m. Article 33 of the United Nations Convention on the Law of the Sea (UNCLOS) permits a coastal state to exercise control in a contiguous zone of up to 24 n.m. to prevent or punish infringement of certain laws and regulations "committed within its territory or territorial sea," which cannot exceed 12 n.m. The bill is not currently scheduled for consideration by the Senate Finance Committee.
- Maritime Delimitation in the Indian Ocean: On October 12, 2021, the International Court of Justice delivered its [final judgment](#) in the case concerning Maritime Delimitation in the Indian Ocean (*Somalia v. Kenya*). Somalia had instituted proceedings against Kenya in 2014 with regard to a dispute concerning the delimitation of maritime spaces claimed by both States. The Court ruled largely in Somalia's favor, delineating a single maritime boundary dividing all maritime areas pertaining to the two States in the Indian Ocean, including the extended continental shelf.
- Fifth Anniversary of The South China Sea Arbitration (*The Republic of Philippines v. The Republic of the People's Republic of China*): July 11, 2021 marked the fifth anniversary since the Arbitral Tribunal organized under UNCLOS rendered its decision rejecting certain maritime claims by the People's Republic of China to areas within the Exclusive Economic Zone of the Philippines. Secretary of State Antony Blinken [marked the anniversary](#) by reaffirming the [July 13, 2020 U.S. policy](#) toward maritime claims in the South China Sea, as well as its position that "an armed attack on Philippine armed forces, public vessels, or aircraft in the South China Sea would invoke U.S. mutual defense commitments under Article IV of the 1951 U.S.-Philippines Mutual Defense Treaty."

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### LAW OF THE SEA Interest Group

#### CO-CHAIRS

Margaret Materna

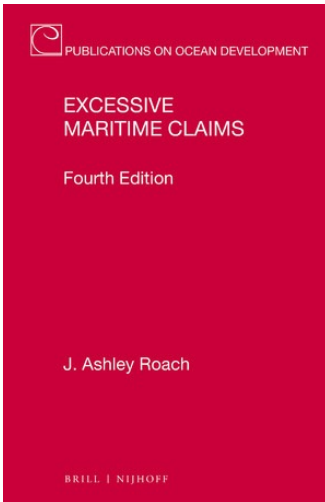
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Tracy Roosevelt

Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.



## New Book Announcement:



The Fourth Edition of "Excessive Maritime Claims," by J. Ashley Roach, was recently released by Brill | Nijhoff. In the latest edition of this well-known publication, Mr. Roach updated provisions relating to the balance of navigational rights and freedoms with the interests of coastal island states. There are also more detailed explanations of "freedom of navigation," expanded material on baselines and the practice of archipelagic states, and other

revisions. The book, which is dedicated to the late Dr. Robert Smith, marine geographer, is available at <https://www.brill.com/>.

## Recent ASIL Publications:

- Geraldine Giraudeau, "Is the Pacific Shaping the Future of Maritime Limits and Boundaries?" ASIL Insights, Vol. 25, Issue 23, 19 Oct 2021: <https://www.asil.org/insights/volume/25/issue/23>
- Sarah McLaughlin Mitchell & Andrew P. Owsiak, "Judicialization of the Sea: Bargaining in the Shadow of UNCLOS," American Journal of International Law, Vol. 115, Issue 4, Oct 2021, pp. 579-621: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/judicialization-of-the-sea-bargaining-in-the-shadow-of-unclos/1E7BDAEB4A62B1A43E5AB3456344B4F7>
- Cymie Payne, "Book Review: New Knowledge and Changing Circumstances in the Law of the Sea," American Journal of International Law, Vol. 115, Issue 4, Oct 2021, pp. 788-795: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/new-knowledge-and-changing-circumstances-in-the-law-of-the-sea-edited-by-tomas-heidar-leidenboston-brill-nijhoff-2020-pp-xxii-476/56263B3E9B69A545DB569121C28774F0>

## Job Opportunities:

- International Maritime Organization, Office of the Secretary-General, UK: [Senior Maritime Policy Advisor](#)
- International Tribunal for the Law of the Sea, Hamburg: [Junior Officer Programme](#)
- United Nations Environmental Programme, Athens: [Legal Officer](#)

## Other Reading of Interest:

- Mariano J. Aznar, "Maritime Claims and Underwater Archaeology: When History Meets Politics," Brill Research Perspectives in International Law, 25 Oct 2021: <https://brill.com/view/title/61432?rskey=gtBeFD&result=6> (paywall)
- Jerry Hendrix, "Sea Power Makes Great Powers," Foreign Policy Magazine, 10 Oct 2021: <https://foreignpolicy.com/2021/10/10/us-navy-sea-power-china-decline-military>
- Shayan Karbassi, "Legal Mechanisms of AUKUS Explained," Lawfare, 24 Sept 2021: <https://www.lawfareblog.com/legal-mechanisms-aucus-explained>
- 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," International Law Studies, Vol 97, pp. 803-832: <https://digital-commons.usnwc.edu/ils/vol97/iss1/34/>
- Keyouan Zou & Anastasia Telesetsky, "Marine Scientific Research, New Marine Technologies and the Law of the Sea," Brill | Nijhoff Maritime Cooperation in East Asia, Vol. 11, 27 Sep 2021: [https://brill.com/view/title/60819?rskey=gtB\\_eFD&result=8](https://brill.com/view/title/60819?rskey=gtB_eFD&result=8)