

LAW OF THE SEA INTEREST GROUP NEWSLETTER

Dear LOSIG members,

Happy 2022 to all of you! We hope your year has been off to a great start. We have a busy few months ahead of us preparing for the upcoming [ASIL Annual Meeting](#) in April, the theme of which is “Personalizing International Law.” LOSIG will be hosting a panel at the meeting titled “Uncharted Waters: Legal Considerations Involving Unmanned Vessels and Autonomy at Sea.” The panel will focus on recent technological developments related to unmanned vessels in both the public and private sectors, and how law of the sea principles and conventions may apply to their use. We will also consider the pros and cons of autonomy at sea, and how it may impact the future of commercial shipping, societal interests, state relations, and military engagements. More details will be forthcoming over the next few weeks.

LOSIG will also be holding an election this spring for one of its co-chair positions. Tracy is unfortunately leaving us after serving four years as our co-chair, but will be taking on a more prominent role on ASIL’s Executive Committee! We thank her for her service over the past few years, and look forward to continuing to work with her in her new capacity. Please consider running for co-chair for the upcoming term when ASIL sends the solicitation.

As always, we encourage your continued [contributions to the newsletter](#), and we hope that all of you will be able to join us for the LOSIG panel at ASIL’s Annual Meeting this year.

Warm regards,

Margaret Materna & Tracy Roosevelt, Co-Chairs

Recent Developments in the Law of the Sea:

- The 2021 United Nations Climate Change Conference, also called COP26, took place from October 31-November 13, 2021 in Glasgow, Scotland. The conference [focused on](#) establishing a work programme to define the global goal on adaptation; increasing financial support to developing countries; and strengthening efforts to reduce emissions, among other issues. The next conference, COP27, is scheduled to take place November 7-18, 2022, in Sharm-el-Sheikh, Egypt.
- The U.S. Department of State’s Office of Ocean and Polar Affairs and the Office of the Legal Adviser published a new *Limits in the Seas* study on the maritime claims of the People’s Republic of China in the South China Sea, [study no. 150](#), in January 2022. The *Limits in the Seas* series aims to examine coastal States’ maritime claims and assess their consistency with international law. Any questions regarding these studies can be directed to LimitsInTheSeas@state.gov.

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LAW OF THE SEA Interest Group

CO-CHAIRS

Margaret Materna
&
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Recent Developments in the Law of the Sea: —continued from page 1

- On February 4, 2022, the U.S. House of Representatives passed [H.R. 4521](#), the America COMPETES Act. The bill includes an [amendment](#), sponsored by Rep. Joe Courtney, expressing the sense of Congress that it is in the national interest for the U.S. to become a “full signatory” to the United Nations Convention on the Law of the Sea (UNCLOS). The House bill must now be reconciled with a Senate counterpart, which passed that chamber last year and did not include the UNCLOS amendment.

Opportunities:

- American Society of International Law, Washington, DC: [Program Officer](#)
- Arctic Council, Indigenous Peoples’ Secretariat, Tromsø, Norway: [Internship](#)
- International Foundation for Law of the Sea, Hamburg, Germany: [Summer Academy](#)
- ITLOS-Nippon Foundation, Hamburg, Germany: [Capacity-Building and Training Programme on Dispute Settlement under UNCLOS](#)
- Pacific Environment, Washington, DC: [Federal Policy Director or Manager](#)

Personal News:

- Professor [Irina Papanicolopulu](#) of the Università di Milano-Bicocca has been awarded a Jean Monnet Module Grant from the European Commission, for the “European and International Human Rights at Sea” (EHRAS) project. The project begins in March 2022 and will last three years. The grant will fund the first ever university course on human rights at sea, along with a series of seminars and a conference. Congratulations, Irini!

Recent ASIL Publications:

- *Symposium on Sarah McLaughlin Mitchell & Andrew P. Owsiak, “[Judicialization of the Sea: Bargaining in the Shadow of UNCLOS](#),”* AJIL Unbound, Vol. 115 (8 Nov 2021), pp. 368-403. The symposium includes the following essays:
 - * Donald R. Rothwell, “[The Law of the Sea, International Courts, and Judicialization](#)”
 - * Kriangsak Kittichaisaree, “[Judicialization of the Sea: A Judge’s View](#)”
 - * Benjamin J. Appel, “[Causal Inference, International Law, and Maritime Disputes](#)”
 - * Theresa Squatrito, “[International Judicial Performance and the Law of the Sea](#)”
- Thomas Burri & Jamie Trinidad, “[Dispute Concerning Delimitation of the Maritime Boundary between Mauritius and Maldives in the Indian Ocean, Preliminary Objections \(ITLOS\)](#),” International Legal Materials, Vol. 60, Issue 6 (Dec 2021), pp. 969-1037.

Other Reading of Interest:

- Timo Knäbe & Herve Yves Caniard, “[Public Security Revisited. Janus, Triton and Frontex: Operational Requirements and Freedom of Information in the European Union, Case Note Under Case T-31/18 Luisa Izuzquiza and Arne Semsrott v European Border and Coast Guard Agency \(Frontex\)](#),” European Journal of Migration and Law, Vol. 23, Issue 3, pp. 332-358 (10 Nov 2021).
- Douglas R. Burnett, “[Submarine Cable Security and International Law](#),” International Law Studies, Vol. 97, pp. 1659-1682 (2021).
- Matthew Waxman, “[U.S. State Department Picks Apart PRC’s South China Sea Customary Law Claim](#),” Lawfare (1 Feb 2022).
- Youri van Logchem, “[The Rights and Obligations of States in Disputed Maritime Areas](#),” Cambridge University Press (Oct 2021).
- Various Authors, [Current Developments in Arctic Law](#), University of Lapland, Vol. 9 (2021), pp. 1-138.



In Case You Missed It...



In a [video message](#) presented at the recent COP26 climate summit in November, the Minister for Justice, Communication & Foreign Affairs of Tuvalu, Simon Kofe, gave a speech standing knee-deep in seawater in his suit and tie. The speech was intended to show how the Pacific island nation

has been impacted by climate change and sea level rise, as Mr. Kofe was standing on a submerged concrete base that had been above water just a few years earlier. Mr. Kofe was successful in drawing attention to the problem, as the video quickly went viral around the world.