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Sea Grant Law Fellow Marks International Maritime Court "First"

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professionals. By exporting our experiences, we strengthen our own capabilities as well as the knowledge-based economy in Rhode Island. It's a fantastic win-win," says Barry Costa-Pierce, Rhode Island Sea Grant director.

The discussions with stakeholders, workshops, and plan development will be completed by the end of the second year of funding. The remaining years' funding will identify issues to address, continue efforts to secure long-term funding for regional projects, and focus on technology transfer and training for managers and other users.

—Malia Schwartz

Sea Grant Law Fellow marks International Maritime Court "first"

My summer clerkship at the International Maritime Court (ITLOS) in Hamburg, Germany, was invigorating, inspirational, and introspective. While my work as a law clerk was merely to support the legal officers and 21 sitting judges, I was able to perform legal research and write analyses on current

Law of the Sea, international law, and maritime and admiralty issues—specifically those relating to the dispute and enforcement regulations in the United Nations Convention on the Law of the Sea (UNCLOS), international fisheries agreements, and environmental protection.

During my first year of law school, the curriculum prohibited me from taking elective courses related to the protection of the oceans, coasts, or the environment—areas of law of great interest to me. As the only representative of the United States at the ITLOS, however, I was reinvigorated from the moment I stepped into the courtroom and met with Chief Judge Rudiger Wolfrum. I soon learned about the need for the international community to protect our "global commons" for ours and future generations and that my position at the court would directly impact the judges, legal officers, and the international community at large.

I took on research and provided analyses on topics in which I had a keen interest, including whether or not a coastal state can require prior notification or authorization as a prerequisite to innocent passage by warships of a foreign country; a summary of supplemental jurisdiction in international courts—when a court decides matters not normally under its jurisdiction so it can give a judgment on the entire controversy—and an analysis of whether this could be used by the ITLOS; multilateral or regional agreements regarding the preservation of the marine environment; piracy and crimes at sea; the extension by a state of its coastal zones beyond the 200-nautical-mile Exclusive Economic Zone; and the debate and problems associated with the lack of an international legal system protecting the genetic resources of the deep seabed. This last issue is important to many businesses and governments because these resources are a valuable commodity that can currently be exploited without limit by those who have the money or capability. My paper on this subject articulated methods and processes that may or should be put into place to advance or implement protections for these resources. I have been invited by my colleagues at the ITLOS to an International Maritime Organization meeting on the environment to be held in London next March to present my findings.



Photo courtesy Roger Williams University.

Before I went to the court, I feared that, as the only American, I would be given less work or that my work would be given less weight. The other clerks were from nations that were signatories to UNCLOS and were at the court because their respective countries had nominated them. Though personally nominated by two sitting judges—a first for an American clerk—the United States could not nominate me, and my fear was that I would be an oddity. However, within days my workload was significantly heavier than any other clerk. As it turned out, the judges trusted my work and legal mind *because* I was American. Even though there was a palpable annoyance with the United States for not signing UNCLOS or other significant international environmental treaties, my colleagues told me that it is Americans like me—those that take hold of an issue and jump in with passion, soul, and hard work ethic—who give the world community hope that the entrance of the United States into these treaties will bring forth beneficial change to international environmental law. The judges told me that I was an ITLOS ambassador to the United States, and not the other way around as I had presumed upon arrival in Germany.

In my short three months at ITLOS, I gained a confidence in myself and a pride in what my nation can do. I hope to use this confidence to take myself off the shoreline, where I was content to let others protect the coasts and oceans, and be an ensign for those who think that something remarkable can be accomplished and a force to make that happen. I also hope to use the pride in my nation to press the United States into the action that the world seems to be waiting for.

—Tory Randall is a Rhode Island Sea Grant Law Fellow. For more information on the Rhode Island Sea Grant Legal Program and its law fellows, visit: seagrant.gso.uri.edu/law/index.html and click on "RWU Marine Affairs Institute."