

Rhode Island Sea Grant Legal Program increases outreach, hires research counsel

The Rhode Island Sea Grant Legal Program is poised to expand its ability to offer its legal research services to state and federal agencies, the environmental community, and the private sector thanks to the hiring of Megan Higgins as the program's research counsel.

Higgins will manage the outreach arm of the Legal Program and oversee the work of Sea Grant Law Fellows.

The Legal Program, located at the Marine Affairs Institute at the Roger Williams University (RWU) Ralph R. Papiitto School of Law, was founded in 2003 to provide analysis and research on marine law issues to foster innovative legal and policy approaches to coastal and fisheries management.

"Megan will play a major role in connecting program attorneys and law students with Sea Grant constituents. We're thrilled she has joined the program," says Kristen Fletcher, director of the RWU Marine Affairs Institute and the Legal Program.

Her new position offers something of a homecoming for Higgins, who completed the Marine Affairs Joint Degree Program, receiving her juris doctor from the RWU law school and her master of marine affairs from URI in 2001. Higgins served as a coastal policy analyst for the R.I. Coastal Resources Management Council (CRMC), overseeing the state's Coastal and Estuarine Habitat Restoration Program and Trust Fund. She also conducted research for policy issues affecting CRMC's mandate to protect and restore the state's coastal resources and has worked in a *pro bono* capacity with The Nature Conservancy and Conservation Law Foundation.

"My experience at CRMC gave me perspective on how coastal programs around the country protect, restore, and manage their coastal resources. I am very excited to return to my alma mater and apply all of these lessons learned," Higgins says.

—Monica Allard Cox



Photo courtesy Roger Williams University.

Northeast Sea Grant programs net funding for ecosystem-based management planning

What is a healthy ecosystem? What services are provided and should be sustained? Can ecosystem responses to disturbances be predicted? What information and tools are available or needed to support ecosystem-based management? Rhode Island Sea Grant, in collaboration with the six other Northeast Sea Grant programs, was awarded \$350,000 over the next four years to develop regional research, information planning, and coordination to address these questions about the Northeast ecosystem—New York to Canada—and determine its value to stakeholders.

The new Northeast Regional Ocean Science Advisory Council plans to develop an ecosystem-based management plan based on priority management concerns identified during roundtable discussions by a variety of stakeholders, including state and local government, industry, nongovernmental organizations (NGOs), academia, federal agencies, and other interested parties.

This approach comes in response to a growing awareness of the interconnectedness of ecosystems and human activities that has prompted new management approaches to ensure wise use and sustainability of resources and services, such as food, clean air and water, recreation, and waste disposal. "The term 'ecosystem-based management' implies a renewed commitment to balancing human activities with protection and conservation, and recognition that some activities are not

sustainable as they are currently practiced," wrote council members.

The new council is composed of Northeast Sea Grant directors, plus seven appointees to complement the background of the directors, and Canadian representation. Once management and policy priorities are established, a series of workshops will develop specific recommendations to address the issues. The council plans to prepare a science-based regional ocean implementation plan with specific goals and timelines to address the actions. The approach in the implementation plan will vary with the management issues but in general, it seeks to identify data and information needs, research, appropriate technologies, and a process for the technical transfer of knowledge to users. In addition, the council will strive to ensure long-term funding for regional needs.

Its work will complement the efforts of the Conference of New England Governors and Eastern Canadian Premiers—which coordinates regional policy programs for the Northeast and Atlantic Canada—and several Gulf of Maine groups that are addressing regional management issues, providing scientific data and information, and are dedicated to preserving and protecting Gulf of Maine resources and special areas.

"We're seeing the birth of new regional Sea Grant programs throughout the country. And, for the Northeast, we're connecting internationally to our friends in Atlantic Canada. I see our regional efforts as a growth opportunity for Rhode Island's world-class scientists and other ocean

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."