

HARRY N. SCHEIBER

LAW OF THE SEA AND OCEANS POLICY PUBLICATIONS

**I. BOOKS, MONOGRAPHS, BOOKS EDITED**

"Pacific Ocean Resources, Science, and Law of the Sea: Wilbert Chapman and the Pacific Fisheries, 1935-1970," *ECOLOGY LAW QUARTERLY*, 13 (1986), 381-534.

"Origins of the 'Abstention' Doctrine in Ocean Law: Japanese-U.S. Relations and the Pacific Fisheries, 1937-52," *ECOLOGY LAW QUARTERLY*, 16 (1989), 23-99.

OCEAN GOVERNANCE: ISSUES AND CHALLENGES (Ocean Governance Study Group, 1993). Coedited with David D. Caron and Chris Carr.

EMERGING ISSUES IN NATIONAL OCEAN AND COASTAL POLICY (Ocean Governance Study Group, 1999). Editor and contr. author.

THE LAW OF THE SEA: THE COMMON HERITAGE AND EMERGING CHALLENGES. The Hague: Kluwer Law International, Publishers, 2000. Editor and contributing author.

INTER-ALLIED CONFLICTS AND OCEAN LAW, 1945-53: THE OCCUPATION COMMAND'S REVIVAL OF JAPANESE WHALING AND FISHERIES (Institute of European and American Studies, Academia Sinica, Taiwan, 2001).

BRINGING NEW LAW TO OCEAN WATERS (Co-editor with David D. Caron, and contributing author) The Hague: Kluwer-Brill Publishing, 2004

OCEANS IN THE NUCLEAR AGE (Co-editor with David D. Caron) (Nijhoff/Brill, 2010). Paperback revised edition, 2013.

REGIONS, INSTITUTIONS, AND LAW OF THE SEA (Co-editor with Judge Jinhyun Paik (Brill, 2011)

SECURING THE OCEAN FOR THE NEXT GENERATION (Co-editor with Moon Sang Kwon (Law of the Sea Institute Publications, 2013)

OCEAN LAW AND POLICY: 20 YEARS UNDER UNCLOS, ed. C. Espósito, James Kraska, Harry N. Scheiber, and Moon-Sang Kwon (Brill, 2017).

OCEAN LAW DEBATES: THE 50-YEAR LEGACY AND EMERGING ISSUES FOR THE YEARS AHEAD, ed. Harry N. Scheiber, Nilufer Oral, and Moon-Sang Kwon (Brill, 2018).

## **II. OTHER WORK SEPARATELY PUBLISHED**

OCEAN RESOURCES: INDUSTRIES AND RIVALRIES SINCE 1800 (UC Intercampus Economic History Program and California Sea Grant College Program) (UC Berkeley Center for the Study of Law and Society, 1991).  
Editor and contr. author.

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### **II-a. ON-LINE PUBLICATIONS**

“*Frontier Issues in Ocean Law*” (symposium organizer and co-editor) in ISSUES IN LEGAL SCHOLARSHIP, Vol. 8. (Berkeley Electronic Press, 2009)  
<http://www.bepress.com/ils/oceanresource/>

“*Law of the Sea Symposium*” (editor), PUBLICIST (A BERKELEY JOURNAL OF INTERNATIONAL LAW PUBLICATION), vol. 1 (2009)

“Introduction: Perspectives on the History of the United States Non-Ratification of the Law of the Sea Convention,” PUBLICIST, vol 1, 2009  
( <http://bjil.typepad.com/publicist/2009/03/publicist01-scheiber.html> )

“The United States and the 1982 Law of the Sea Treaty” (co-author David D. Caron) , AMERICAN SOCIETY FOR INTERNATIONAL LAW, INSIGHTS, vol. 11, issue 16 (June 11, 2007) . <http://www.asil.org/insights070611.cfm>

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## **III. CONTRIBUTIONS TO BOOKS**

“U.S. Pacific Ocean Research, The Revolution in Oceanography, and the Role of Wilbert Chapman, 1945-55,” in NATURE IN ITS GREATEST EXTENT: WESTERN SCIENCE IN THE PACIFIC, ed. Roy MacLeod and Philip Rehbock (University of Hawaii Press, 1988).

- "Postwar Fishery Regimes of the Pacific: Ocean Law, International Rivalry, and Japanese Economic Expansion After 1945," in OCEAN RESOURCES: INDUSTRIES AND RIVALRIES SINCE 1800, supra, 1991, pp. 66-81.
- "Occupation Policy and Economic Planning in Postwar Japan," ECONOMIC PLANNING IN THE POST-1945 PERIOD, eds. E. Aerts and A. Milward (University of Leuven Press, Belgium, 1990), pp. 100-109. Coauthor, A. Watanabe.
- "U.S. Pacific Fishery Studies, 1945 to 1970: Oceanography, Geopolitics, and Marine Fisheries Expansion," OCEAN SCIENCES: THEIR HISTORY AND RELATION TO MAN, ed. Walter Lenz and Margaret Deacon (Hamburg, Germany, 1990), 417-21.
- "Since the Stratton Commission Report: Policy Studies in Ocean Governance," in OCEAN GOVERNANCE: A NEW VISION, ed. B. Cicin-Sain (University of Delaware, 1992), 19-22.
- "Scientific Advising and Oceans Policy: The California Experience, 1945-75," in National Academy of Sciences/National Research Council, REPORT ON SCIENCE-POLICY INTERACTIONS IN OCEAN STUDIES. Washington, NAS Press. (Also available in Ocean Law and Policy Working Papers, UC Berkeley, 1992.)
- "Modern U.S. Pacific Oceanography and the Legacy of British and Northern European Science," in MAN AND THE MARINE ENVIRONMENT (EXETER MARITIME STUDIES, ed. Stephen Fisher, Vol. 9) (Exeter University Press, UK, 1994), 36-79.
- "The Magnuson Fisheries Conservation Act," MOVING AHEAD IN OCEAN GOVERNANCE (Ocean Governance Study Group, 1994). Coauthor, Chris Carr.
- "The Limited Entry Concept and Pre-History of the ITQ Movement in Fisheries Management," SOCIAL IMPLICATIONS OF QUOTA SYSTEMS IN FISHERIES, ed. Palsson and Petursdottir (Nordic Council of Ministers, 1997) 235-260. Co-au. Chris Carr.
- "The Stratton Commission: A Historical Perspective on Policy Studies in Ocean Governance, 1969 and 1998," in THE STRATTON COMMISSION: LOOKING BACK, LOOKING FORWARD – LESSONS FROM THE 1969 COMMISSION ON MARINE SCIENCES, ENGINEERING AND RESOURCES (NOAA and OGSF, 1998), 31-38.
- "The Biodiversity Convention and Access to Genetic Materials in Ocean Law," in ORDER FOR THE OCEANS AT THE TURN OF THE CENTURY, ed. Daore

Vidas and Willy Ostreng (The Hague: Kluwer Law International, 1999), 187-201.

“Ocean Law and the Constitution,” *ENCYCL. OF THE AMERICAN CONSTITUTION*, 2<sup>nd</sup> edition (New York, 2000).

“Bringing the Community Back In: The Next Step in Fisheries Management,” *MANAGING MARINE FISHERIES IN THE UNITED STATES* (Pew Oceans Commission, Workshop on Marine Fishery Management) (2002). 30-34.

“The Law of the Sea,” *ENCYCLOPEDIA OF INTERNATIONAL ENVIRONMENTAL LAW*, 2004.

“Dealing with a Resource Crisis: Globalization and the Management of the Marine Fisheries,” chapter in *THE DYNAMICS OF REGULATORY CHANGE: HOW GLOBALIZATION AFFECTS NATIONAL REGULATORY POLICIES* (University of California Press, 2003). Coauthor, Christopher Carr.

“U.S. Policy, the Pacific Tuna Economy, and Ocean Law Innovation: The Post-World War II Era, 1945-70,” in *BRINGING NEW LAW TO OCEAN WATERS* (Brill/Kluwer Law, 2004), pp. 29-53.

“Japanese Policies, Ocean Law, and the Tuna Fisheries,” Chapter 17 in Dale Squires et al., eds. *CONSERVATION AND MANAGEMENT OF INTERNATIONAL TUNA FISHERIES* (Wiley-Blackwell 2010), coauthors K. Mengerink, J. Song

“Economic Uses of the Oceans and the Impacts on Marine Environments: Past Trends and Challenges Ahead,” in *THE WORLD OCEAN IN GLOBALISATION*, ed. Davor Vidas and Peter Johan Schei (Brill, 2011)

“Legalism, Geopolitics, and Morality: Perspectives from Law and History on War Guilt in Relation to the Dokdo Controversy,” in *DOKDO: HISTORICAL APPRAISAL AND INTERNATIONAL JUSTICE*, ed. Seokwoo Lee and Hse Eun Lee (Nijhoff, 2011)

“Judge Choon-ho Park, the Law of the Sea Institute, and Modern Scholarship in Ocean Law,” in *GOVERNING OCEAN WATERS*, ed. J. Van Dyke, Sherry Broder et al. (Nijhoff/Brill, 2013)

“A Jurisprudence of Pragmatic Altruism: Jon Van Dyke’s Legacy to Legal Scholarship,” in *THE LIMITS OF MARITIME JURISDICTION*, ed. Clive Schofield et al. Brill, 2013).

“Post-Conflict Reconstruction: A Case Study of the Japanese Fisheries and Whaling Industries After World War II” (Coauthor, Benjamin Jones) chapter in “STRENGTHENING POST-CONFLICT PEACE-BUILDING THROUGH

NATURAL RESOURCES MANAGEMENT (United Nations Environmental Program Project joint project with the Environmental Law Institute) (in press, 2013).

“Reflections on the ‘Abstention Doctrine’ in the Diplomatic History of Modern Ocean Law,” in FROM GROTIUS TO THE ITLOS, ed. Lilian Castillo (2015).

“The Law of the Sea Institute: A New Forum for Debate of Ocean Law in the 1960s,” in OCEAN LAW DEBATES (2018), pp. 9-92. Also distributed separately.

“The ‘Commons’ Discourse on Marine Fisheries Resources and the Problematic of Hardin’s ‘Tragedy’ Concept,” in COMMON CURRENTS: EXAMINING HOW WE MANAGE THE OCEAN COMMONS, ed. H. Jordan Diamond, Holly Doremus, and Hee Cheol Yang (Nijhoff/Brill, 2022).

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## V. ARTICLES IN JOURNALS AND PROCEEDINGS:

"Scientists, Entrepreneurs, and the Policy Process: A Study of the Post-1945 California Sardine Depletion," *Journal of Economic History*, 44 (1984), 393-406 (coauthor A. McEvoy).

"Preface: Japan, the United States and Pacific Ocean Resources," *Ecology Law Quarterly*, 16 (1989), 1-6 (symposium introduction).

"Symposium on Global Change," contributor, *Calif. Cooperative Oceanic Fisheries Investigations Reports*, 31 (1990). Panel comment.

"California Marine Research and the Founding of Modern Fisheries Oceanography: CalCOFI's Early Years, 1947-64," *Calif. Cooperative Oceanic Fisheries Investigations, Reports*, 31 (1990), 63-83.

"Constitutionalism and the Territorial Sea: An Historical Study," *Territorial Sea Journal*, 2 (1992), 67-90. Co-author, Chris Carr.

"From Science to Law to Management: The Ecosystem Management Concept in Historical Perspective," *Ecology Law Quarterly*, 24: 631-52 (1997).

"Historical Memory, Cultural Claims, and Environmental Ethics in the Jurisprudence of Whaling Regulation," *Ocean and Coastal Management*, 38 (1998), pp. 5-40.

"From Extended Jurisdiction to Privatization: International Law, Biology and Economics in the Marine Fisheries Debates, 1937-1976," *Berkeley Journal of International Law*, 16 (1999) : 201-245. Co-author Chris Carr.

“Ocean Governance and the Marine Fisheries Crisis: Two Decades of Innovation -- and Frustration,” *Virginia Environmental Law Journal*, 20 (2001), 119-130.

“Dealing with a Resource Crisis: Globalization and the Management of the Marine Fisheries,” *Stanford Environmental Law Journal*, 21: 45-79 (2002).  
Coauthor Chris Carr. (Also in book, cited supra)

“Legal Norms, Technology, and Regulation,” *Hokkaido University Law Review*, Winter 2002. (In Japanese.)

“The 1953 International North Pacific Fisheries Convention: Half-Century Anniversary of a New Departure in Ocean Law,” *Sandbar: Legal Reporter for the National Sea Grant Program* 2 (2003). (Also in *San Diego International L. Jnl.*(2004): 5-10).

“Japan, the North Atlantic Triangle, and the Pacific Fisheries: A Perspective on the Origins of Modern Ocean Law,” *San Diego International Law Journal* (2004): 27-112.

“Taking Legal Realism Offshore: The Contributions of Joseph Walter Bingham to American Jurisprudence and to the Reform of Ocean Law,” *Law and History Review*, Vol. 26 (2008), pp. 649-677.

Revised as chapter in *Law, Society and History: Themes in Legal Sociology and Legal History*, ed. M. Horwitz and R. Gordon (Cambridge U. Press, 2012)